



# Standard Operating Procedures Manual

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Conversions, Construction of Public Facilities,  
Temporary Non-Conforming Use, Significant Change in  
Use/Intent, Obsolete Facilities, Sheltering New/Existing  
Facilities

## LEGAL PROTECTION FOR GRANT-ASSISTED RECREATION SITES

Section 6(f)(3) of the Land and Water Conservation Fund (LWCF) Act contains strong provisions to protect Federal investments and the quality of assisted resources. The law is firm but flexible. It recognizes the likelihood that changes in land use or development may make some assisted areas obsolete over time, particularly in rapidly changing urban areas. At the same time, the law discourages casual "discards" of park and recreation facilities by ensuring that changes or "conversions from recreation use" will bear a cost - a cost that assures taxpayers that investments in the "national recreation estate" will not be squandered. The LWCF Act contains a clear and common sense provision to protect grant-assisted areas from conversions.

**SEC. 6(f)(3)** No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

This "anti-conversion" requirement applies to all parks and other sites that have been the subject of Land and Water grants of any type, whether for acquisition of parkland, development or rehabilitation of facilities. In many cases, even a relatively small LWCF grant (e.g., for development of a picnic shelter) in a park of hundreds or even thousands of acres provides anti-conversion protection to the entire park site.

To ensure the continued effectiveness of Section 6(f)(3) protection, several management tools have been developed to monitor and correct changes in assisted sites from year to year. For example, the NPS requires on-site inspections of all grant-assisted areas and facilities at least once in every five years most of which are conducted by cooperating state agencies.

Another important tool to ensure good communication between grantors and grantees is the "6(f)(3) project boundary map." With each application, the grantee submits a dated project boundary map showing the park area to be covered by Section 6(f)(3) anti-conversion protections. This map need not be a formal survey document, but it contains enough site-specific information to serve several purposes:

- it ensures that both the grantee and the administering agency agree on the proper boundaries of the covered site at the time of project approval;
  - it provides location, size indicators and a picture of key facilities and landmarks to help later project inspectors better identify and evaluate the site.
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Sometimes the protective provisions of LWCF grants result in "win-win" solutions to the problems of changing parks and changing communities. An example of this is Shoreline Park in Long Beach, California.

After using a sizable LWCF grant for basic development of the 20 acre park, the community felt that the park was not meeting its full potential. It was decided to replace the park with a commercial aquarium, amphitheater and shopping mall, and to build a new community park elsewhere in the neighborhood. National Park Service and the State worked closely with Long Beach. Within a short time, a new 24 acre site was identified.

Shoreline Park never succeeded in meeting its usage goals, because of reduced population in the downtown areas. Thanks to common sense replacement provisions, the park site will effectively be relocated and Long Beach residents will be able to enjoy new recreation opportunities as well as a viable tourist and convention site that will aid downtown economic recovery.

The conversion was approved, with the result that the "anti-conversion" mandate of the law, instead of being a negative, helped bring business leaders and community park users together for an improved Science Center AND an entirely new public recreation opportunity in the form of the riverfront park.

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## **Request Process for Conversions, Construction of a Public Facility, Temporary Non-Conforming Use, Significant Change in Use/Intent, Obsolete Facilities, and Sheltering Existing/New Facilities**

The State of Tennessee requires all parklands assisted with Land, Water and Conservation Fund (LWCF), Local Parks & Recreation Fund (LPRF) and/or Recreational Trails Program (RTP) funds be protected under Section 6(f)(3) of the Land and Water Conservation Act of 1965, as amended. This means parkland assisted with LWCF/LPRF/RTP funding must be retained and used for public outdoor recreation and remain accessible to the general public including non-residents of assisted jurisdictions in perpetuity. Any property so acquired and/or developed with LWCF/LPRF/RTP grant funds shall be considered protected under Section 6(f)(3) with or without a Notice of Limitation of Use (NLU) recorded against the deed. LWCF/LPRF/RTP funded projects shall not be wholly or partly converted to other than public outdoor recreation uses and/or the purpose or use of the grant-assisted property/facility changed from the original application for federal assistance without the approval of Secretary of the Interior for LWCF/RTP funds, or the Recreation Educational Services (RES) Director for LPRF funds. The National Park Service (NPS) is the division within the Department of the Interior with the responsibility for approving conversions for both LWCF and RTP. Responsibility for compliance and enforcement of the requirements established in the Land and Water Conservation Act for all parks in the State of Tennessee is delegated to the Tennessee Department of Environment and Conservation (TDEC), RES Department with oversight by NPS.

This request process is designed to prevent the arbitrary disposal or change of federally assisted project sites that should be maintained for public outdoor recreation project funding and so that everyone involved - local, state and federal governments - will be held accountable for their actions.

The project sponsor (typically the local government agency who received grant funds) will provide specific documentation as outlined in this manual to RES in order for project changes to be considered. Requests for project changes do not receive automatic approval, but are given close scrutiny in order to protect the interests of the citizens being served by the project and to satisfy the requirements of the LWCF Act. This process will enable RES and the project sponsor to resolve these issues in a timely manner. RES must abide by policies in NPS's LWCF State Assistance Program Federal Financial Assistance Manual, Volume 69 when providing federal grant funds to local governments. NPS is the final authority on decisions related to LWCF/RTP funded projects, RES assists project sponsors in presenting their request to NPS which may involve rejection of a request that is known to not comply with NPS requirements. A majority of the information provided in this manual comes from NPS's manual located at <http://www.nps.gov/ncrc/programs/lwcf/manual/lwcf.pdf> and also includes state requirements as well. All requirements in this manual apply to LWCF, LPRF, and RTP grant projects.

## Determining Which Procedure to Use

Below is a brief explanation of each of the main sections in this manual to help you know which process to use to seek approval for different situations. See the individual section for more information and detailed instructions on how to complete the process.

### Conversions – Section A

Change to a grant funded project to other than public outdoor recreation use. Parkland acquired and/or developed with LWCF/LPRF/RTP grant funds that is no longer used as public outdoor recreation either in whole or in part whether by sale of the land or removal of grant funded amenities to cause the park to no longer provide the public with outdoor recreation.

### Construction of Public Facilities – Section B

Construction of public indoor facilities on Section 6(f)(3) land when it will encourage outdoor recreation and benefit the public with the outdoor recreational use being greater than the indoor recreational use. Examples include but are not limited to: community centers, veterans or other memorials, visitor's centers, auditoriums, gymnasiums, etc. Examples of uses which would not normally be approved: community recreation center that takes most or all of a small park site, clinics, police stations, fire stations, restaurants catering primarily to the general public, professional sports facilities or commercial resort or other facilities which are not accessible to the public, require memberships or exclude based on higher fees, or include offices, residential or elaborate lodging facilities.

### Temporary Non-Conforming Use – Section C

Parkland acquired/developed with LWCF/LPRF/RTP grant funds that is used for any temporary (less than 6 months) non-outdoor recreational use of parkland/facilities acquired/developed with LWCF/LPRF/RTP grant funds.

### Significant Change in Use/Intent – Section D

Change from one eligible use to another when the proposed use would significantly contravene the original plans or intent for the area as described in the original grant project. Example: changing from swimming pool to passive park.

### Obsolete Facilities – Section E

Discontinuing use of a grant funded park project beyond its useful life.

### Sheltering New/Existing Facilities – Section F

Enclosing a new or existing outdoor recreational facility without changing the recreational use to significantly increase recreational opportunity. Examples: enclosing a swimming pool or ice skating rink to allow year-round use.

## List of Acronyms

ASLO – Alternate State Liaison Officer

CE – Categorical Exclusion

CFR – Code of Federal Regulations

DNF – Description and Notification Form

EA – Environmental Assessment

EIS – Environmental Impact Statement

ESF – Environmental Screening Form

FONSI – Finding of No Significance

GCRC – Grant Compliance Review Committee

LPRF – Local Parks & Recreation Fund

LWCF – Land and Water Conservation Fund

NEPA – National Environmental Policy Act

NHPA – National Historic Preservation Act

NLU – Notice of Limitation of Use

NPS – National Park Service

PARTAS – Parks and Recreational Technical Assistance Service

PD/ESF – Proposal Description and Environmental Screening Form

RES – Recreation Educational Services

RTP – Recreational Trails Program

SCORP – State Comprehensive Outdoor Recreation Plan

SHPO – State Historic Preservation Office

SLO – State Liaison Officer

STREAM – State of Tennessee Real Estate Asset Management

TDEC – Tennessee Department of Environment and Conservation

THPO – Tribal Historic Preservation Office

## SECTION A: CONVERSIONS

### A-1: OVERVIEW

Property acquired and/or developed with LWCF/LPRF/RTP funds in the State of Tennessee requires said property be used for public outdoor recreation and remain accessible to the public in perpetuity. If a situation arises that causes the property to no longer be used for public outdoor recreation, a conversion is required. If a conversion is determined to be the best choice for public recreation, a conversion fee of \$10,000 will be required from said conversion project sponsor. Once the conversion fee is paid and the Recreation Educational Services Director notifies conversion project sponsor of the start of the conversion, the project sponsor will have one year to complete all required processes and supply all required documents for the State level review. In the event the State level review process is not completed within the allocated year, the conversion will be closed as incomplete and no refund will be issued. Conversions deadlines will not be extended and conversions will not be re-opened due to delays from project sponsor. A new conversion with a new fee would be required to address any incomplete conversion.

Situations that trigger a conversion include:

1. Property interests are conveyed for private use or non-public outdoor recreation uses.
2. Non-outdoor recreation uses (public or private) are made of the project area, or a portion thereof, including those occurring on pre-existing rights-of-way and easement, or by a lessor.
3. Unallowable indoor facilities are developed within the project area without NPS approval, such as unauthorized public facilities and sheltering of an outdoor facility.
4. Public outdoor recreation use of property acquired or developed with LWCF/LPRF/RTP assistance is terminated.

Not all conversions are negative, there are times when the citizens served will benefit by disposing of an existing park and building a new park in another location.

It is the responsibility of RES to ensure parkland is continually maintained in public recreational use unless NPS approves substitution property of reasonably equivalent usefulness and location and of at least equal fair market value.

#### Replacement Land

Replacement land must be identified that is reasonably equivalent in usefulness and location as that being converted and is *equal to or greater than the fair market value* of the land being converted as determined by a state-approved appraisal excluding the value of structures or facilities that will not directly enhance outdoor recreation utility. Proposed replacement land must meet LWCF requirements, your PARTAS Consultant (see Exhibit A - TN Counties and PARTAS map) must assist in selecting eligible replacement land prior to appraisals being ordered. The replacement acreage may be greater or less than the acreage lost. Land currently in public ownership, including that which is owned by another public agency that is not the project sponsor, may not be used as replacement land for parkland acquired or developed as part of a LWCF/LPRF/RTP project unless each of the following conditions is met:

- a. The proposed replacement land was not originally acquired by the

#### **Small Conversions**

Small conversions are composed of small portions of Section 6(f)(3) protected areas that amount to no more than 10 percent of the total protected area or 5 acres, whichever is less. Small conversions are less complex and typically automatically qualify for a NEPA Categorical Exclusion. Unlike normal conversions, replacement land must be contiguous to the original Section 6(f)(3) land.

project sponsor or selling public agency for recreation.

- b. The proposed replacement land has not been previously dedicated or managed for recreational purposes while in public ownership.
- c. No federal assistance was provided in the proposed replacement land's original acquisition unless the assistance was provided under a program expressly authorized to match or supplement LWCF assistance.
- d. Where the project sponsor acquires the proposed replacement land from another public agency, the selling agency must be required by law to receive payment of fair market value for same land so acquired. An exception may be made to this condition only in the case of development projects for which the project sponsor's match was not derived from the cost of the purchase or value of a donation of the land to be converted, but from the value of the development itself. In this case, public land that has not been previously dedicated or managed for recreation/conservation use may be used as replacement land even if this land is currently owned by the project sponsor or is transferred from one public agency to another without cost.

Excess fair market value of replacement land may be banked for future conversions for a period not to exceed five (5) years from the date of the initial conversion amendment. During this time, the same project sponsor may use the remaining value to make up the fair market value difference in cases where the subsequent proposed replacement property satisfies the equal usefulness criterion but its appraised fair market value falls short of the equal fair market value requirement.

## A-2: PROJECT SPONSOR RESPONSIBILITIES

A request packet must be sent to the PARTAS Consultant for review. The request packet must include:

1. **Cover Letter:** A letter from the mayor or appropriate official to the Director of RES stating the action desired and why it is necessary.
2. **Public Input:** Documentation that the public has had an opportunity to provide input pertaining to the proposed action. The documentation will include the results of public input to include survey results and minutes of public meetings. Attendance lists including names, addresses and telephone numbers should be provided. (If a simple majority (51%) of the public input is not in favor of the proposed action, the request may not be approved.) Copies of how the public was informed of the public hearings must be provided. The distribution process for survey instruments and flyers must be provided if used.
3. **Appraisals:** Please consult with your PARTAS Consultant before ordering appraisals to ensure the proposed replacement property meets the criteria as stated in the LWCF State Assistance Program Federal Financial Assistance Manual, Chapter 3 Section B. Criteria for Acquisition. Appraisals will need to be provided for both the proposed converted property and replacement property within the same time frame. The fair market value must be established by a State approved appraisal (prepared in accordance with uniform Federal appraisal standards) excluding the value of structures or facilities that will not directly enhance its outdoor recreation utility.

The State will conduct an independent review of the appraisals for each of the converted and proposed replacement parcels certifying that the appraisals meet the "Uniform Appraisal Standards for Federal Land Acquisitions."

4. **Narrative:** Provide a Word document addressing each of the following:
  - a. A detailed explanation of the need to convert the existing park including all efforts to consider other practical alternatives to this conversion, how they were evaluated, and the reasons they were not

pursued.

- b. An explanation of how the conversion is in accord with the SCORP located here: [http://www.tn.gov/environment/recreation/recreation\\_tennessee-2020-plan.shtml](http://www.tn.gov/environment/recreation/recreation_tennessee-2020-plan.shtml).
- c. For the park land proposed for conversion, a detailed description including the following:
  - Description of the specific geographic location on a map, 9-digit zip code and name of park or recreation area proposed for conversion.
  - Description of the area proposed for the conversion including the acreage to be converted and any acreage remaining. For determining the size of the conversion, consider not only the physical footprint of the activity precipitating the conversion, but how the precipitating activity will impact the entire Section 6(f) park area. In many cases the size of the converted area is larger than the physical footprint. Include a description of the recreation resources, facilities, and recreation opportunities that will be impacted, displaced or lost by the proposed conversion. If it is anticipated that the precipitating activities impact the remaining Section 6(f) area, the proposed area for the conversion should be expanded to encompass all impacted park land.
  - In the case of sites which are partially rather than wholly converted, explain how the impact of the converted portion on the remainder was considered. If such a conversion is approved, the unconverted area must remain recreationally viable or be replaced as well.
  - Description of the community and population served by the park, including users of the park and uses (current or past if no longer in use).
- d. For each proposed replacement site:
  - Description of the specific geographic location on a map, 9-digit zip code, and geographical relationship of converted and replacement sites.
  - Description of the site's physical characteristics and resource attributes with number and types of resources and features on the site, for example, 15 acres of wetland, 2,000 feet beachfront, 50 acres forest, scenic views, 75 acres riparian, vacant lot, special habitat, any unique or special features, structures, recreation amenities, historic/cultural resources, hazardous materials/contamination history, restrictions, institutional controls, easements, rights-of-way, overhead/underground utilities including overhead wires, towers, etc.
  - Identification of the owner of the replacement site and its recent history of use/function up to the present.
  - Detailed explanation of how the proposed replacement site is of reasonably equivalent usefulness and location as the property being converted, including a description of the recreation needs that will be met by the new replacement park, populations to be served, and new outdoor recreation resources, facilities, and opportunities to be provided.

Depending on the situation, and at the discretion of NPS, the proposed replacement property need not provide identical recreation experiences or be located at the same site provided it is in a reasonably equivalent location. Generally, the proposed replacement property should be administered by the same political jurisdiction as the converted property. The proposed replacement property must constitute or be part of a viable recreation area. Viability and recreational usefulness is dependent upon the proposed outdoor recreation development plan and timetable for the development of the replacement park(s). Equivalent usefulness and location will be determined based on the following criteria:

- a. Property to be converted must be evaluated in order to determine what recreation needs are being fulfilled by the facilities that exist and the types of outdoor recreation resources and opportunities available. The proposed replacement property must then be evaluated in a similar manner to determine if it will meet recreation needs which are at least like in magnitude and impact to the user community as the converted site. This criterion is applicable in the consideration of all conversion requests with the exception of those where wetlands are proposed as replacement property.

Wetland areas and interests therein shall be considered to be of reasonably equivalent usefulness as compared to the recreational usefulness of the property proposed for conversion if they have been identified in the wetlands provisions of the State Comprehensive Outdoor Recreation Plan (SCORP) in accordance with Section 6(f)(3) of the LWCF Act as amended (36 CFR 59.3) by Section 303 of the Emergency Wetlands Resources Act of 1986.

- b. Proposed replacement property need not necessarily be directly adjacent to or close by the converted site unless the conversion is being processed as a small conversion. Small conversions require the replacement property be contiguous to the original Section 6(f)(3) protected area. There is administrative flexibility to determine location recognizing that the property should meet existing public outdoor recreation needs. While generally this will involve selection of a replacement site serving the same community(ies) or area as the converted site, there may be exceptions. For example, if property being converted is in an area undergoing major demographic change and the area has no existing or anticipated future need for outdoor recreation, then the project sponsor should seek to locate the substitute area at another location within the jurisdiction.
- c. Acquisition of one parcel of land may be used in satisfaction of several approved conversions and vice versa.

- Identification of owner and manager of the new replacement park.
- Name of the new replacement park. If the replacement park is added to an existing public park area, will the existing area be included within the Section 6(f) boundary? What is the name of the existing public park area?
- Timeframe for completing the new outdoor recreation area(s) to replace the recreation opportunity lost per the terms of conversion approval and the date replacement park(s) will be open to the public. If full development of the replacement site(s) will be delayed beyond three years from the date of the conversion approval, the conversion request packet must include an explanation of why this is necessary.
- For proposed replacement property with a history of contamination, address the nature of the contamination, how the contaminated area has been or will be remediated, how the area will be developed into a safe, public outdoor recreation area and how provisions will be put in place to monitor the new replacement parkland to ensure public health and safety in perpetuity. Certain contaminated areas may not meet the equal or greater recreational usefulness prerequisite for replacement land.
- All known outstanding rights and interests in the area held by others. Known easements, deed/lease restrictions, reversionary interests, etc. are to be documented, including any area(s) under lease, name(s) of lessor and lessee, and term remaining on the lease(s).

5. **NEPA environmental review**, including NHPA Section 106 review, for both the converted and replacement sites in the same document to analyze how the converted park land and recreational usefulness

will be replaced. Conversions require an Environmental Assessment unless it is a small conversion.

Both the converted property and replacement property environmental review must be contained in the same EA document, the required format for the EA is included in Appendix A. Small conversions (small portions of Section 6(f)(3) protected areas that amount to no more than 10% of the protected area or five acres, whichever is less) will automatically qualify for a CE. An Environmental Screening Form (ESF) must be completed, one for each of the converted and replacement sites. This form can be found in Appendix A.

The environmental review process must analyze not only the land to be converted, but also the development of the proposed replacement land. The purpose and scope of the environmental review must focus on the impacts on the “human environment” resulting from the loss of the land to be converted, impacts on any remaining land for partial conversions, and the development of the proposed replacement land. The scope of the environmental review should not include impacts of the action precipitating the conversion on resources beyond the boundary of the land to be converted, such as impacts of a new housing development or a school on the neighborhood.

The environmental analysis must be conducted in a neutral and factual manner and result in statements that reflect this same neutrality so the interested and affected public can focus on and understand the details of the proposed federal action of converting parkland including the replacement of new parkland according to 36 CFR 59. The environmental analysis documents should not include statements that promote or justify the action precipitating the conversion, such as proclaiming that the subject parkland is the best location for a new fire station.

For detailed guidance on NEPA and how to conduct environmental reviews for conversions, see Appendix A of this manual and consult Chapter 4 of the LWCF State Assistance Program Manual.

## 6. Maps:

- a. Boundary maps of the proposed conversion site and substitution site. These boundary maps and/or attachments as appropriate shall depict the following:
  - Official park/site name, location
  - Sufficient detail as to legally identify the lands protected or to be protected under Section 6(f)(3) of the LWCF Act. The following methods of identification are acceptable:

Deed references; adjoining ownerships; adjoining easements and rights-of-way; public streets; adjoining water bodies or other natural landmarks; metes and bounds; and surveys.

    - Location of all easements or rights-of-way are to be shown on map.
    - Approximate total acreage of the area.
    - North arrow
    - Up to 11 inch x 17 inch format preferred. Avoid use of color as the only means to delineate areas.
- b. Map showing specific geographical relationship of converted and replacement sites. If replacement site will be added to an existing public park/outdoor recreation area, indicate on map.
- c. For partial conversions, a revised Section 6(f) map clearly indicating both the portion that is being converted and the portion remaining intact under Section 6(f).

When all items are received and approved by the PARTAS Consultant, the project sponsor will be invited to present their proposal to the GCRC, a state review committee who will approve/deny the proposal depending on meeting NPS requirements. See Appendix B for information on the GCRC. Failure of the project sponsor to submit all required documentation will result in disapproval of the request.

NOTE: The project sponsor must have a representative present for the GCRC meeting. Failure to have a

representative at this meeting will result in postponement of key decisions and/or disapproval of the request.

If the GCRC approves the conversion, RES staff will compile the review packet to send to NPS. Upon receipt of the decision rendered by NPS, the SLO or ASLO will inform the project sponsor of the action taken by NPS. If the request is not approved, the project sponsor must abide by the decision. If a conversion request is approved by NPS, the project sponsor must complete the following steps in order to have the conversion process finalized:

1. The property that is converted cannot be sold for less than the fair market value as determined by a State approved appraisal. Notarized documentation of the sale price must be provided to the PARTAS Consultant.
2. The project sponsor cannot pay less than the fair market value for the replacement property as determined by a State approved appraisal. Notarized documentation of the acquisition and/or development cost of the replacement property must be provided to the PARTAS Consultant.
3. Once the conversion has been approved, the replacement property should be immediately acquired. Exceptions to this rule would occur only when it is not possible for replacement property to be identified prior to the State's request for a conversion. In such cases, an express commitment to satisfy Section 6(f)(3) substitution requirements within a specified period, normally not to exceed one year following conversion approval, must be received from the project sponsor to be submitted to NPS by the State. Such proposals are not routine and must include sufficient evidence to justify why such a delay is necessary.
4. A NLU must be recorded against the deed of the acquired replacement property. A copy of the NLU with the deed and/or survey showing what acreage the NLU was recorded against must be provided to the PARTAS Consultant. The NLU only needs to be recorded against the acreage required, not the entire parcel if applicable. See example calculation below.

Example: Converted property was appraised at \$5,000/acre with 3 acres being converted.  
Replacement property was appraised at \$7,000/acre.

Converted property value to be replaced:  $\$5,000 \times 3 \text{ acres} = \$15,000$

Replacement property needed:  $\$15,000 \div \$7,000/\text{acre} = 2.14 \text{ acres minimum}$

Purchased replacement property: 10 acres

Required acreage to record NLU: 2.14 acres

Remaining 7.86 acres are available to use for future grant match

5. Should a local project sponsor be unable to replace converted property, eligibility for future grants will be rescinded until the conversion situation is resolved.

### A-3: STATE RESPONSIBILITIES

*Prior to appraisals:*

1. RES staff will consult with NPS to gain concurrence on the following prior to submitting a conversion packet to NPS:
  - a. State and NPS have agreed to the original 6(f)(3) boundary.
  - b. State and NPS have agreed to the footprint of the conversion.
  - c. State and NPS have conceptually agreed to replacement parcel.
  - d. State and NPS have agreed to the development required at replacement site.
  - e. NPS has agreed, based on current information, that an EIS is not likely to be needed.

2. The PARTAS Consultant will work with the project sponsor to ensure the proposed replacement property meets the criteria as stated in the LWCF State Assistance Program Manual, Chapter 3 Section B. Criteria for Acquisition.

*After review packet is received:*

3. The PARTAS Consultant will pass the review packet to RES staff for review to confirm all required items are present. The PARTAS Consultant or RES staff will contact the project sponsor for any missing items. All required documents must be submitted prior to project sponsor appearing before the GCRC.
4. RES staff will conduct a review of appraisals for both the land to be converted and the proposed replacement site. RES staff will send one copy of the appraisal of the proposed replacement site to the STREAM. A State Appraisal/Waiver Valuation Review form will be signed by the SLO or ASLO to be included in the review packet to be sent to NPS.
5. RES staff will review the boundary maps of the site to be converted and the boundary maps of the site considered for replacement. The boundary maps of both sites must be signed and dated by the SLO or ASLO. The following information is to be typed on a mailing label and affixed to the maps. This is just an example:

<p>Anytown City Park LWCF Boundary Map <u>David Salyers</u> February 8, 2019 David Salyers, Commissioner, SLO</p>
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6. After approval by the GCRC, RES staff will prepare the request packet to send to NPS to include:
  - Transmittal letter briefly describing the conversion proposal and requesting NPS review and approval
  - Conversion Summary
  - Standard Form 424 for amendments
  - Completed DNF
  - LWCF Amendment to Project Agreement identifying changes to the original Section 6(f)(3) boundary caused by the conversion and to establish a new Section 6(f) boundary around the replacement site(s)
  - Signed and dated Section 6(f)(3) boundary map for any remaining parkland resulting from a partial conversion, and for the replacement site(s)
  - Completed PD/ESF with required narratives and attachments for Sections 3B, 5, 6, and 7.
  - Appraisals

Upon receipt of the decision rendered by NPS, the SLO/ASLO will inform the project sponsor of the action taken by NPS. RES staff will draft a letter for SLO/ASLO signature to be mailed to the project sponsor. If the request was not approved, the project sponsor must abide by the decision. If a conversion request was approved by NPS, RES staff will ensure the following documentation is received from the project sponsor:

1. Notarized documentation of sale price of converted property.
2. Notarized documentation of the acquisition and/or development cost of the replacement property.
3. Recorded NLU on replacement property.

4. An “as-built” site plan.

Should a local project sponsor be unable to replace converted property, eligibility for future grants will be rescinded until the conversion situation is resolved. The State is responsible for monitoring this situation and submitting an annual report, on June 30 of each year, regarding conversions that have not been resolved.

## SECTION B: CONSTRUCTION OF PUBLIC FACILITY

### B-1: OVERVIEW

Public facility requests will only be approved if the public facility clearly results in a net gain in outdoor recreation benefits or enhances the outdoor recreation use of the entire park, and the facility is compatible with and significantly supportive of the outdoor recreation resources and opportunities of the Section 6(f)(3) protected area. NPS will consider requests to construct sponsor-funded public facilities when the following criteria have been met:

1. Uses of the facility will be compatible with and significantly supportive of outdoor recreation resources and uses at the rest of the site and outdoor recreation use remains the overall primary function of the site. The proposed public facility will include a recreation component and will encourage outdoor recreation use of the remaining Section 6(f)(3) area.
2. All design and location alternatives have been adequately considered, documented and rejected on a sound basis.
3. The proposed structure is compatible and significantly supportive of the outdoor recreation resources of the site, whether existing or planned. The park's outdoor recreation use must continue to be greater than that expected for any indoor uses, unless the site is a single use facility, such as a swimming pool building, which virtually occupies the entire site.

Examples of uses which would not ordinarily be approved include, but are not limited to, a community recreation center which takes up all or most of a small park site, clinics, police stations, restaurants catering primarily to the general public, fire stations, professional sports facilities or commercial resort or other facilities which: (1) are not accessible to the general public; or (2) require memberships; or, (3) which, because of high user fees, have the effect of excluding elements of the public; or, (4) which include office, residential or elaborate lodging facilities.

Restaurant-type establishments with indoor dining/seating that primarily cater to the outdoor recreating public must be reviewed under this public facility policy. Other park food service operations such as snack bars, carry-out food service, and concession stands with outdoor dining including pavilions and protected patios are allowable without further NPS review if the primary purpose is to serve the outdoor recreating public.

4. Potential and future benefits to the total park's outdoor recreation utility must be identified in the proposal. Any costs or detriments should be documented and a net recreation benefit must result.
5. The proposed facility must be under the control and tenure of the public agency that sponsors and administers the original park area.
6. The proposal has been analyzed pursuant to NEPA, including providing the public an opportunity to review and comment on the proposal if required as part of the NEPA review.
7. All applicable federal requirements for approval are met.
8. The proposal has been adequately reviewed at the state level and has been recommended by the SLO/ASLO.

## B-2: PROJECT SPONSOR RESPONSIBILITIES

A request packet must be sent to the PARTAS Consultant for the project sponsor (see TN Counties and PARTAS map). The request packet must include:

1. A letter from the mayor or appropriate official stating the action desired and why it is necessary.
2. Provide a narrative that includes the following:
  - a. Describe the purpose and all proposed uses of the public facility such as types of programming, recreation activities, and special events including the intended users of the facility and any agency, organization, or other party to occupy the facility.
  - b. Describe the interior and exterior of the facility, such as office space, meeting rooms, food/beverage area, residential/lodging area, classrooms, gyms, etc.
  - c. Explain how the facility will be compatible with the outdoor recreation area.
  - d. Explain how the facility and associated uses will significantly support and enhance existing and planned outdoor recreation and uses of the site, and how outdoor recreation use will remain the primary function of the site. (The public's outdoor recreation use must continue to be greater than that expected for any indoor use, unless the site is a single facility, such as a swimming pool, which virtually occupies the entire site.)
  - e. Explain the design and location alternatives considered for the public facility and why they were not pursued.
  - f. Explain who will own and/or operate and maintain the facility. Provide copies of any 3<sup>rd</sup> party leases and operation and maintenance agreements.
  - g. Explain when the facility will be open to the public.
  - h. Explain if the public facility will ever be used for private function and closed to the public.
  - i. Explain any user or other fees that will be instituted for use of the public facility, including a fee structure.
3. Provide a map showing the entire protected park area indicating the exact location of the proposed public facility and associated activities.
4. Provide a proposed site plan and preliminary drawings of the proposed facility.
5. The ESF and selection of the appropriate NEPA pathway. If the proposal is not eligible for a CE, the State/project sponsor must produce an EA and make it available for public comment per the LWCF NEPA process.

When all items are received and approved by the PARTAS Consultant, the project sponsor will present their proposal to the GCRC, a state review committee who will approve/deny the proposal depending on meeting NPS requirements. See Appendix B for information on the GCRC. Failure of the project sponsor to submit all required documentation will result in disapproval of the request.

NOTE: The project sponsor must have a representative present for the GCRC. Failure to have a representative at the review meeting will result in postponement of key decisions and/or disapproval of the request.

RES staff is responsible for compiling the review packet and sending to NPS. Upon receipt of the decision rendered by NPS, the SLO or ASLO will inform the project sponsor of the action taken by NPS. If the request was not approved, the project sponsor must abide by the decision. If a request was approved, the project sponsor should check with their PARTAS Consultant for next steps.

## B-3: STATE RESPONSIBILITIES

The PARTAS Consultant will pass the review packet to RES staff for review to confirm all required items are present. The PARTAS Consultant or RES staff will contact the project sponsor for any missing items. All required documents must be submitted prior to project sponsor appearing before the GCRC.

After approval by the GCRC, prepare proposal to send to NPS. Proposal must include:

1. A letter of transmittal from the SLO recommending proposal
2. Standard Form 424 for amendments
3. Completed DNF
4. Amendment to Project Agreement
5. Completed PD/ESF with required narratives and attachments for Sections 3C, 5, 6, and 7.

Upon receipt of the decision rendered by NPS, the SLO or ASLO will inform the project sponsor of the action taken by NPS. RES staff will draft letter for SLO/ASLO signature and mail to project sponsor.

## SECTION C: TEMPORARY NON-CONFORMING USE

### C-1: OVERVIEW

All requests for temporary uses for purposes that do not conform to the public outdoor recreation requirement must be submitted to and reviewed by the State. The State, in turn, will submit a formal request to NPS describing the temporary non-conforming use proposal.

Continued non-conforming use beyond six months will not be considered temporary, but will result in a conversion of use and will require the State/project sponsor to provide replacement property pursuant to Section 6(f)(3) of the LWCF Act.

Criteria used to evaluate proposal:

1. The size of the parkland area affected by any temporary non-recreation use shall not result in a significant impact on public outdoor recreation use. This means that the site of the temporary activity should be sufficiently small to restrict its impacts on other areas of a fund-assisted park.
2. A temporary use shall not result in permanent damage to the park site, and appropriate mitigating measures will be taken to ensure no residual impacts on the site once the temporary use is concluded.
3. No practical alternatives to the proposed temporary use exist.
4. All applicable federal requirements for approval have been met.
5. The proposal has been adequately reviewed at the state level and has been recommended by the SLO or ASLO.

### C-2: PROJECT SPONSOR RESPONSIBILITIES

A request packet must be sent to the PARTAS Consultant for the project sponsor (see TN Counties and PARTAS map). The request packet must include:

1. A letter from the mayor or appropriate official stating the action desired and why it is necessary.
2. Provide a narrative that includes the following:

- a. Describe in detail the proposed temporary non-conforming use and all associated activities and why it is needed.
  - b. Explain all alternative locations considered and why they were not pursued.
  - c. Explain the length of time needed for the temporary non-conforming use and why.
  - d. Describe the size of the Section 6(f) area affected by the temporary non-conforming use activities and expected impacts to public outdoor recreation areas, facilities and opportunities. Explain efforts to keep the size of the area to a minimum.
  - e. Describe any anticipated temporary/permanent impacts to the protected park area and how these impacts will be mitigated during and after non-conforming use ceases.
3. Provide a map showing the entire protected park area indicating the exact location of the non-conforming use and associated activities.
  4. The ESF and selection of the appropriate NEPA pathway. If the proposal is not eligible for a CE, the State/project sponsor must produce an EA and make it available for public comment per the LWCF NEPA process.

When all items are received and approved by the PARTAS Consultant, the project sponsor will present their proposal to the GCRC a state review committee who will approve/deny the proposal depending on meeting NPS requirements. See Appendix B for information on the GCRC. Failure of the project sponsor to submit all required documentation will result in disapproval of the request.

NOTE: The project sponsor must have a representative present for the GCRC. Failure to have a representative at the review meeting will result in postponement of key decisions and/or disapproval of the request.

RES staff is responsible for compiling the review packet and sending to NPS. Upon receipt of the decision rendered by NPS, the SLO or ASLO will inform the project sponsor of the action taken by NPS. If the request was not approved, the project sponsor must abide by the decision. If a request was approved, the project sponsor should check with their PARTAS Consultant for next steps.

### C-3: STATE RESPONSIBILITIES

The PARTAS Consultant will pass the review packet to RES staff for review to confirm all required items are present. The PARTAS Consultant or RES staff will contact the project sponsor for any missing items. All required documents must be submitted prior to project sponsor appearing before the GCRC.

After approval by the GCRC, prepare proposal to send to NPS. Proposal must include:

1. A letter of transmittal from the SLO recommending proposal including an acknowledgement by the SLO that a full conversion will result if the temporary use has not ceased after the maximum six month period.
2. Standard Form 424 for amendments
3. Completed DNF
4. Amendment to Project Agreement
5. Completed PD/ESF with required narratives and attachments for Sections 4A, 5, 6, and 7.

Upon receipt of the decision rendered by NPS, the SLO or ASLO will inform the project sponsor of the action taken by NPS. RES staff will draft letter for SLO/ASLO signature and mail to project sponsor.

## SECTION D: SIGNIFICANT CHANGE IN USE/INTENT

### D-1: OVERVIEW

Section 6(f)(3) of the LWCF Act requires project sponsors maintain the entire area defined in the project agreement in some form of public outdoor recreation use. NPS approval must be obtained prior to any change from one eligible use to another when the proposed use would significantly contravene the original plans or intent for the area as described in the original grant project(s).

NPS approval is not required, however, for each and every facility use change. Uses within a Section 6(f)(3) protected area should be viewed in the context of overall use and should be monitored in this context. A change from a swimming pool with substantial recreational development to a less intense area of limited development such as a passive park, or vice versa, would, for example, require NPS approval.

States shall notify NPS in writing of proposals to significantly change the use of Section 6(f)(3) areas in advance of their occurrence. NPS will expedite a determination of whether a formal review and approval process will be required. A primary NPS consideration in the review will be the consistency of the proposal with the SCORP.

If the change in use proposal requires formal review and decision by NPS, the State shall complete the PD/ESF.

Changes to other than public outdoor recreation use constitutes a conversion and will require NPS approval and the substitution of replacement land in accordance with Section 6(f)(3) of the LWCF Act.

### D-2: PROJECT SPONSOR RESPONSIBILITIES

A request packet must be sent to the PARTAS Consultant for the project sponsor (see TN Counties and PARTAS map). The request packet must include:

1. A letter from the mayor or appropriate official stating the action desired and why it is necessary.
2. Provide a narrative that includes the following:
  - a. Describe the proposed changes and how they significantly contravene the plans or intent of the original grant project.
  - b. Explain the need for the change of use and how the change is consistent with local plans and the SCORP.
  - c. Provide a map and/or site plan, both if appropriate, showing the proposed change of use.
3. The ESF and selection of the appropriate NEPA pathway. If the proposal is not eligible for a CE, the State/project sponsor must produce an EA and make it available for public comment per the LWCF NEPA process.

When all items are received and approved by the PARTAS Consultant, the project sponsor will present their proposal to the GCRC, a state review committee who will approve/deny the proposal depending on meeting NPS requirements. See Appendix B for information on GCRC. Failure of the project sponsor to submit all required documentation will result in disapproval of the request.

NOTE: The project sponsor must have a representative present for the GCRC. Failure to have a representative at the review meeting will result in postponement of key decisions and/or disapproval of the request.

RES staff is responsible for compiling the review packet and sending to NPS. Upon receipt of the decision rendered by NPS, the SLO or ASLO will inform the project sponsor of the action taken by NPS. If the request

was not approved, the project sponsor must abide by the decision. If the request was approved, the project sponsor should check with their PARTAS Consultant for any next steps.

### D-3: STATE RESPONSIBILITIES

The PARTAS Consultant will pass the review packet to RES staff for review to confirm all required items are present. The PARTAS Consultant or RES staff will contact the project sponsor for any missing items. All required documents must be submitted prior to project sponsor appearing before the GCRC.

After approval by the GCRC, prepare proposal to send to NPS. Proposal must include:

1. A letter of transmittal from the SLO recommending proposal.
2. Standard Form 424 for amendments
3. Completed DNF
4. Amendment to Project Agreement
5. Completed PD/ESF with required narratives and attachments for Sections 4B, 5, 6, and 7.

Upon receipt of the decision rendered by NPS, the SLO or ASLO will inform the project sponsor of the action taken by NPS. RES staff will draft letter for SLO/ASLO signature and mail to project sponsor.

## SECTION E: OBSOLETE FACILITIES

### E-1: OVERVIEW

Project sponsors are not required to continue operation of a particular recreation area or facility beyond its useful life. However, Section 6(f)(3) of the LWCF Act requires project sponsors maintain the entire area within the Section 6(f)(3) boundary in some form of public outdoor recreation use. Failure to do so is considered to be a conversion.

Not notwithstanding neglect or inadequate maintenance on the part of the project sponsor, a recreation area or facility may be determined to be obsolete if any of the following apply:

1. Reasonable maintenance and repairs are not sufficient to keep the recreation area or facility operating.
2. Changing recreation needs dictate a change in the type of facilities provided.
3. Park operating practices dictate a change in the type of facilities required.
4. The recreation area or facility is destroyed by fire, natural disaster, or vandalism.
5. Twenty five (25) years have passed since the last grant funding was used on recreation area or facility to be deemed obsolete.

The State may determine a facility is obsolete and permit its use to be discontinued or allow a particular type of recreation use of the federally assisted area to be changed provided that the project record maintained by the State is documented by the sponsor with a justification statement for determining obsolescence and the State concurs in the change. However, NPS approval must be obtained prior to any change from one allowable use to another when the proposed use would significantly contravene the original plans for the area. See Significant Change of Use section for further guidance.

If, in the judgment of the State, the facility is needed and was lost through neglect or inadequate maintenance, then the replacement facilities must be provided at the current value of the original investment.

Post-completion inspection reports shall be completed for those projects in which the facilities have been deemed obsolete. The report should include certification by the SLO that the facility is obsolete and that such obsolescence is not a result of neglect or inadequate maintenance on the part of the project sponsor.

## E-2: PROJECT SPONSOR RESPONSIBILITIES

A request packet must be sent to the PARTAS Consultant for the project sponsor (see TN Counties and PARTAS map). The request packet must include:

1. A letter from the mayor or appropriate official stating the action desired and why it is necessary.
2. Provide a narrative that includes the following:
  - a. An explanation of what has caused the recreation facility to become obsolete.
  - b. Describe efforts to maintain the facility.
  - c. Describe any plans to replace the facility if deemed obsolete.
  - d. Explain how the entire area within the Section 6(f)(3) area will be used in some form of public outdoor recreation use.
3. Provide a map of the Section 6(f)(3) area clearly marking the facility to be declared obsolete and any other recreational components in the protected area.

When all items are received and approved by the PARTAS Consultant, the request will be taken before the GCRC who will make the final decision. Failure of the project sponsor to submit all required documentation will result in disapproval of the request. If the request is not approved, the project sponsor must abide by the decision. If the request is approved, the project sponsor should check with their PARTAS Consultant for any next steps.

## E-3: STATE RESPONSIBILITIES

The PARTAS Consultant will pass the review packet to RES staff for review to confirm all required items are present. The PARTAS Consultant or RES staff will contact the project sponsor for any missing items. All required documents must be submitted prior to review by the GCRC. NPS does not approve requests for obsolete facilities, however, the State must consult with NPS prior to declaring a facility obsolete to ensure the proposed change does not significantly change the use of the area. It is the responsibility of RES to maintain adequate documentation for approval of the obsolete facility.

After approval by the GCRC, RES staff will draft letter for the SLO or ASLO signature and mail to project sponsor.

# SECTION F: SHELTERING EXISTING/NEW FACILITIES

## F-1: OVERVIEW

NPS approval is required to shelter an existing facility located within a Section 6(f)(3) protected areas. Any facility assisted from or eligible for assistance from the LWCF and with a Section 6(f)(3) boundary may be sheltered or enclosed at the expense of the project sponsor. New sheltered facilities may also be constructed at the project sponsor's expense, with NPS approval regardless of prevailing climatic conditions.

## F-2: PROJECT SPONSOR RESPONSIBILITIES

A request packet must be sent to the PARTAS Consultant for the project sponsor (see TN Counties and PARTAS map). The request packet must include:

1. A letter from the mayor or appropriate official stating the action desired and why it is necessary.
2. Provide a narrative that includes the following:
  - a. Describe the proposed sheltered facility, how it would operate, how the sheltered facility will include recreation uses that could typically occur outdoors, and how the primary purpose of the sheltered facility is recreation.
  - b. Explain how the sheltered facility would not substantially diminish the outdoor recreation values of the site including how the sheltered facility will be compatible and significantly supportive of the outdoor recreation resources present and/or planned
  - c. Explain how the sheltered facility will benefit the total park's outdoor recreation use.
  - d. Describe efforts provided to the public to review the proposal to shelter the facility and has local support.
  - e. Document that the sheltered facility will be under the control and tenure of the public agency which sponsors and administers the original park area. In the event the operation of such facilities will be carried out by a contractor or concessionaire, document how sufficient controls will be maintained by the sponsoring agency (e.g. through a management contract or concession agreement) to ensure the maintenance of public recreation values and access by the general public.
3. Provide a proposed site plan and preliminary drawings of the proposed facility.
4. The ESF and selection of the appropriate NEPA pathway. If the proposal is not eligible for a CE, the State/project sponsor must produce an EA and make it available for public comment per the LWCF NEPA process.

When all items are received and approved by the PARTAS Consultant, the project sponsor will present their proposal to the GCRC, a state review committee who will approve/deny the proposal depending on meeting NPS requirements. See Appendix B for information on the GCRC. Failure of the project sponsor to submit all required documentation will result in disapproval of the request.

NOTE: The project sponsor must have a representative present for the GCRC. Failure to have a representative at the review meeting will result in postponement of key decisions and/or disapproval of the request.

RES staff is responsible for compiling the review packet and sending to NPS. Upon receipt of the decision rendered by NPS, the SLO or ASLO will inform the project sponsor of the action taken by NPS. If the request was not approved, the project sponsor must abide by the decision. If a request was approved, the project sponsor should check with their PARTAS Consultant for next steps.

## F-3: STATE RESPONSIBILITIES

The PARTAS Consultant will pass the review packet to RES staff for review to confirm all required items are present. The PARTAS Consultant or RES staff will contact the project sponsor for any missing items. All required documents must be submitted prior to project sponsor appearing before the GCRC.

After approval by the GCRC, prepare proposal to send to NPS. Proposal must include:

1. A letter of transmittal from the SLO recommending proposal.
2. Standard Form 424 for amendments

3. Completed DNF
4. Amendment to Project Agreement
5. Completed PD/ESF with required narratives and attachments for Sections 4C, 5, 6, and 7.

Upon receipt of the decision rendered by NPS, the SLO or ASLO will inform the project sponsor of the action taken by NPS. RES staff will draft letter for SLO/ASLO signature and mail to project sponsor.

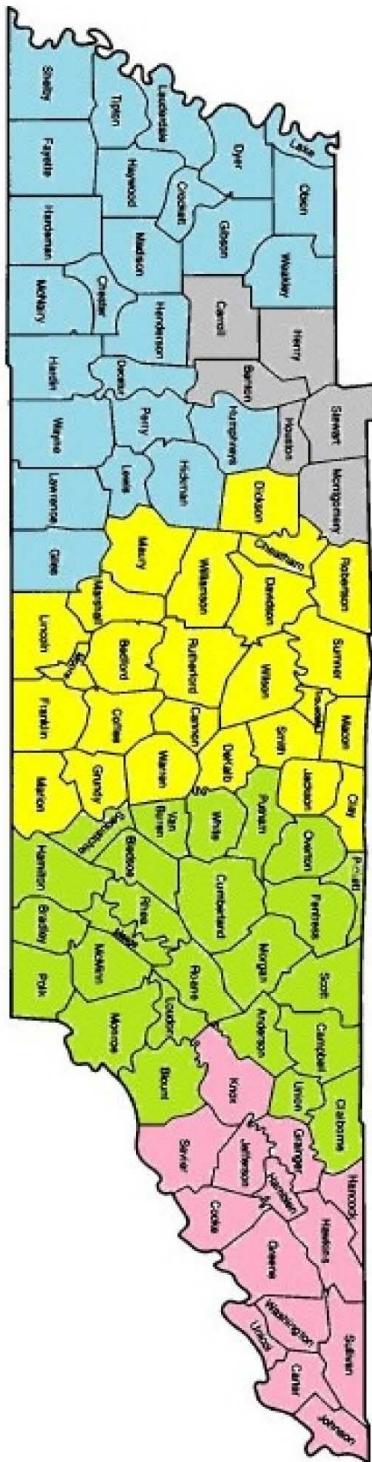
APPROVED BY: \_\_\_\_\_

Director, Recreation Educational Services

Date

## TN Counties and PARTAS Map

### PARTAS Areas Map



**Gerald Parish**  
**Gerald.Parish@tn.gov**  
**731-695-1545**  
**(counties in gray)**

**George Brogdon**  
**George.Brogdon@tn.gov**  
**731-412-8704**  
**(counties in blue)**

**Daniel Jackson**  
**Daniel.Jackson@tn.gov**  
**615-499-1235**  
**(counties in yellow)**

**Jameson Siger**  
**Jameson.Siger@tn.gov**  
**865-469-0555**  
**(counties in green)**

**April Johnson**  
**April.Johnson@tn.gov**  
**865-292-5656**  
**(counties in pink)**

**Lane Polansky**  
**Lane.Polansky@tn.gov**  
**615-456-3843**  
**(RTP Statewide and TSP statewide)**

**Benton**  
**Carroll**  
**Henry**  
**Houston**  
**Montgomery**  
**Stewart**

**Chester**  
**Crockett**  
**Decatur**  
**Dyer**  
**Fayette**  
**Gibson**

**Giles**  
**Hardeman**  
**Hardin**  
**Haywood**  
**Henderson**  
**Hickman**  
**Humphreys**

**Washington**

## APPENDIX A – NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) REQUIREMENTS

The National Environmental Policy Act (NEPA) of 1969, as amended, is landmark environmental protection legislation establishing as a goal for federal decision-making a balance between use and preservation of natural and cultural resources. NEPA requires all federal agencies to: 1) prepare in-depth studies of the impacts of and alternatives to proposed “major federal actions;” and 2) use the information contained in such studies in deciding whether to proceed with the actions; and 3) diligently attempt to involve the interested and affected public before any decision affecting the environment is made.

Federal actions are defined as projects, activities or programs funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those carried out on behalf of a federal agency; those carried out with federal financial assistance; those requiring a federal permit, license, or approval; and those subject to state or local regulation administered pursuant to a delegation or approval by a federal agency.

States are responsible for ensuring, on the behalf of NPS, that any projects funded with federal dollars conform to the NEPA process. To facilitate and document the compliance with applicable federal, state, and local environmental requirements, the State must complete a Proposal Description and Environmental Screen Form (PD/ESF) that accompanies any decisions made on federally funded projects. The ESF (environmental screening form) portion of the PD/ESF serves as part of the federal administrative record required by NEPA and its implementing regulations which supports a chosen NEPA “pathway” which must be completed before final action can be taken by NPS. The ESF portion of the PD/ESF will administratively document 1) a Categorical Exclusion recommendation or 2) the necessity of further environmental review through an Environmental Assessment (EA) or Environmental Impact Statement (EIS) as necessary. These three “pathways” will be explained in greater detail in this appendix.

The first step in the NEPA process is completing the ESF included in this appendix. This will determine what level of environmental review is needed. The three options are below:

Categorical Exclusion. A Categorical Exclusion (CE) is for projects that are not considered major actions and have the potential for minor or no measurable impacts on the human environment. Sufficient documentation is needed to support the CE from various state and federal agencies (contact list included in this appendix). A CE is not applicable if the ESF indicates the project may result in more than minor impacts on resources. A small conversion automatically qualifies as a CE.

Environmental Assessment. An Environmental Assessment (EA) is required when 1) the significance of impacts on any resource is unknown, or 2) the proposed project does not meet the criteria for a CE and is not included in the list of actions that normally require an EIS, or 3) the proposed project needs several CE categories to fully describe the action, which involve more than one CE criteria exception, or would involve unresolved conflicts concerning the use of resources. All Section 6(f)(3) conversions require an EA except for small conversions. The format for an EA is included in this appendix, see Completing and Environmental Assessment.

Environmental Impact Statement. An Environmental Impact Statement (EIS) is required when the potential for significant impact to the human environment exists is indicated by an EA or through the ESF.

The Section 106 process should be conducted simultaneously with the NEPA process. Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires projects take into account the effects on historic properties and provide State Historic Preservation Office (SHPO) and the Tribal Historic Preservation Office (THPO) the opportunity to comment on the project. The goal of the consultation with SHPO and THPO is to identify historic or tribal properties potentially affected by the project, assess its affects and seek ways to avoid, minimize, or mitigate any adverse effects on historic or tribal properties. For conversions, the Section

106 consultation process must be performed for both the Section 6(f)(3) protected area to be converted as well as the acquisition/development of the replacement parkland.

### Completing an Environmental Assessment

An EA should cover the points listed below in sufficient detail to resolve the test of “major and significant” and provide a basis for deciding whether to prepare an Environmental Impact Statement (EIS) on the project. Such assessments generally need to be no more than two or three pages in length, except when complex projects are involved. If NPS decides that no EIS is required, the EA supporting the decision and a Finding of No Significant Impact (FONSI) will be made part of the records. An EA should not be prepared if the need for an EIS is self-evident.

- a. Format and Content: Pertinent information of sufficient scope and depth must be provided in an EA to allow NPS to accurately ascertain the impact of the project and to determine whether an EIS is needed. Whenever possible, an environmental impact should be quantified. In all cases the level of activities should be given – number of trees removed, cubic yards of debris removed, cubic yards of fill to be required, etc. For projects with property rights outstanding, the environmental information must also explain how the project sponsor plans to assure that the environment will not be affected significantly.
- b. An EA will cover the following four points at minimum:
  - i. The Proposed Action: Include a description of the proposed action, a statement regarding the need for it, a description of what the action is designed to accomplish, location of the project, its scope, the level of impact-causing activities associated with the project, when the action is to take place, and, if applicable, its relation to other federal, state or local projects and proposals.
  - ii. Alternatives to the Proposed Action: This section will include a brief description of alternatives as required by NEPA Section 102(2)(E), which states, “Study, develop, and describe appropriate alternatives to recommend courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.” The environmental impacts of the proposal and the alternatives should be presented in comparative form and should define the issues, pros and cons of a reasonable range of alternatives, and provide a clear basis for choice between them by NPS and the public. The “No Action Alternative” should always be listed as an alternative.
  - iii. Environmental Impacts of Proposed Action: Describe those environmental elements that would be affected. Discuss anticipated impacts on the following elements and any means to mitigate adverse environmental impacts on the following elements and any means to mitigate adverse environmental impacts:
    - Land use (project site and surrounding area)
    - Fish and wildlife
    - Vegetation
    - Geology and soils
    - Mineral resources
    - Air and water quality
    - Water resources/hydrology
    - Historic/archeological resources
    - Transportation/access
    - Consumption of energy resources
    - Socio-economic effects

“Impacts” are defined as causing direct or indirect changes in the existing environment, whether beneficial or adverse, which are anticipated as a result of the proposed action or related future actions. To the extent appropriate, the document will discuss impacts of the action, including environmental damage which could be caused by users, upon the physical and biological environment as well as upon cultural, aesthetic, and socio-economic conditions. Elements of impacts which are unknown or only partially understood should be indicated.

Any off-site impacts, such as increased traffic on neighborhood roads or increased noise levels in surrounding areas, should be described.

- iv. A Listing of Agencies and Persons Consulted.
- c. Public Notice. Public notice should be provided in accordance with 40 CFR 1506.6 and, where appropriate, the public should be involved in the environmental assessment process. In many instances, the State’s Intergovernmental Review System established under E.O. 12372 may be one acceptable method for meeting this requirement.
- d. Adoption. In accordance with 40 CFR 1506.3, an EA prepared for a federal grant program not administered by NPS may be submitted if adequate to meet environmental documentation requirements of proposed LWCF actions.
- e. Points to Keep in Mind:
  - i. Environmental documentation should be free of project justification and personal bias.
  - ii. Do not rely on generalities. Specific facts are essential. All statements and conclusions should be supported and quantified where possible.
  - iii. Use graphics to help explain the project.
  - iv. Be concise, clear and to the point.
  - v. Adverse impacts should be addressed as fairly as beneficial impacts.

# Environmental Assessment

Project Title (e.g. Smalltown Fire Station #23 Construction at City Park)

A conversion of land protected under Section 6(f)3 of the Land and Water Conservation Fund Act, Public Law 108-198

DATE

For Information Contact:  
Grant Sponsor

Submitted to:  
State Agency

For:

National Park Service  
Southeast Regional Office  
100 Alabama Street, SW  
Atlanta, GA 30303

Room here for whatever standard language your agency requires on official documents.

The Land and Water Conservation Fund (LWCF), Stateside Assistance grant program, provides funds to states, and through states to local agencies, for the acquisition and development of outdoor recreation resources. Lands that have received funding through LWCF are protected by section 6(f)3 of the Act unless a conversion is approved by the Secretary of the Interior as delegated to the National Park Service.

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#### **Environmental Impact**

PARK A

PARK B

#### **Coordination and Consultation**

#### Appendix #

Environmental Screening Form PARK A

Environmental Screening Form PARK B

# SUMMARY

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The GRANT SPONSOR proposes to remove federal protection from all or a portion of PARK A to allow for XYZ. The GRANT SPONSOR proposes to mitigate this impact with acquisition and development of PARK B.

PARK A is located (See Figure #)

PARK B is located (See Figure #)

This action is needed because WHY.

In addition to the proposed action, the GRANT SPONSOR also evaluated the following alternatives:

Based upon the effects of the alternatives, the GRANT SPONSOR is requesting that STATE AGENCY forward a recommendation to the National Park Service (NPS) to approve the proposed conversion and replacement.

# INTRODUCTION

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In YEAR, GRANT SPONSOR received a LWCF grant(s) for the WHAT at PARK A, thereby protecting it for public outdoor recreation under section 6(f)3 of the LWCF Act.

Section 6(f)3 requires that protected parkland that is converted to a use other than outdoor recreation be replaced with property that is of at least equal fair market value and equivalent recreation utility as the property that was converted. The replacement property must constitute a viable recreation unit, or be acquired as an addition to an existing recreation unit. Development of the replacement property may be required to ensure that a level of recreation utility is achieved similar to what was lost at the converted site.

The currently protected portion of PARK A is depicted in Figure #, which also shows the outline of the proposed conversion. Figure # depicts the boundary of PARK A that will remain protected by 6(f)3 if the conversion is approved (if applicable).

# Purpose, Need and Background

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The purpose of this project is to remove federal protection from ACRES of PARK A to allow for WHAT. This action is needed, because WHY.

The GRANT sponsor proposes to convert PARK A and replace it with PARK B. Development at PARK B will include XYZ to be completed by DATE. Figure # depicts the existing boundary of PARK B in color (if applicable), with the replacement property in color. Figure # depicts the proposed site development plan for PARK B.

This Environmental Assessment is required to help the National Park Service evaluate the environmental consequences of the proposed action on the human environment and allow the affected public to understand the context for the proposed action.

# DESCRIPTION OF ALTERNATIVES

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## No Action

Under the No Action alternative, what would happen?

Figure # of existing conditions.

Proposed Alternative

The proposed action is what?

Include figures to show this –

Brief descriptions, since you'll get into more detail in the next section.

### Description of PARK A

A description of the park proposed for whole or partial conversion. Include a discussion of the outdoor recreation opportunities that will be lost and the outdoor recreation amenities that will remain.

What is the acreage lost? What is left?

What is fair market value of what's lost?

What is the recreation utility of what's lost?

Describe any public involvement in the proposal to date.

1) For the park site proposed for conversion:

- a) A location map of the proposed conversion site
- b) A map of the existing 6(f) boundary with an overlay of the proposed conversion area. When determining the size of the conversion, consider not only the physical footprint of the activity precipitating the conversion, but how the precipitating activity will impact the entire 6(f) park area. In many cases the size of the converted area is larger than the physical footprint.
- c) A description of the recreation resources, facilities, and recreation opportunities that will be impacted, displaced or lost by the proposed conversion. For proposals to partially convert a Section 6(f) park area, the remaining 6(f) park land must remain recreationally viable and not be impacted by the activities that are precipitating the conversion. If it is anticipated that the precipitating activities impact the remaining Section 6(f) area, the proposed area for the conversion should be expanded to encompass all impacted park land.
- d) Description of the community and population served by the park, including users of the park and uses.
- e) For partial conversions, a new final 6(f) map.

## Description of PARK B

A description of the replacement park including a description of the planned development, new recreation opportunities to be provided, and a timetable for completion.

What is the acreage gained?

What is the fair market value of the acreage gained?

What is the new recreation utility?

Discuss any public involvement in determining the proposed park design. How does this fit in with your park master plan? How does this comply with SCORP?

2) For each proposed replacement site:

- a) A location map
- b) A new 6(f) map for the replacement parcel. If the site will be added to an existing public park/outdoor recreation area, indicate on map.
- c) Description of the site's physical characteristics and resource attributes with number and types of resources and features on the site, for example, 15 acres wetland, 2,000 feet beachfront, 50 acres forest, scenic views, 75 acres riparian, vacant lot, special habitat, any unique or special features, structures, recreation amenities, historic/cultural resources, hazardous materials/contamination history, restrictions, institutional controls, easements, rights-of-way, overhead/underground utilities including overhead wires, towers, etc.
- d) Identification of the owner of the replacement site and its recent history of use/function up to the present.
- e) Detailed explanation of how the proposed replacement site is of reasonably equivalent usefulness and location as the property being converted, including a description of the recreation needs that will be met by the new replacement parks, populations to be served, and new outdoor recreation resources, facilities, and opportunities to be provided.
- f) Identification of owner and manager of the new replacement park
- g) Timeframe for completing the new construction required to replace the recreation opportunity lost per the terms of conversion approval and the date the replacement park(s) will be open to the public.

## Other Alternatives

36 CFR Ch1, Part 59 requires that all practical alternatives to the conversion have been considered. Discuss why you couldn't avoid park impacts here.

# Affected Environment

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Using the NPS environmental screening form (see appendix #), WHO assessed PARK A and PARK B to determine the resources on site likely to be negatively impacted and describe them as they currently exist here. Impacts to these resources will be described in the next section.

## PARK A

- Geological resources: soils, bedrock, slopes, streambeds, landforms, etc.
- Air quality
- Sound (noise impacts)
- Water quality/quantity
- Stream flow characteristics
- Marine/estuarine
- Floodplains/wetlands
- Land use/ownership patterns; property values; community livability
- Circulation, transportation
- Plant/animal/fish species of special concern and habitat; state/ federal listed or proposed for listing
- Unique ecosystems, such as biosphere reserves, World Heritage sites, old growth forests, etc.
- Unique or important wildlife/ wildlife habitat
- Unique or important fish/habitat
- Introduce or promote invasive species (plant or animal)
- Recreation resources, land, parks, open space, conservation areas, rec. trails, facilities, services, opportunities, public access, etc. Most conversions exceed minor impacts. See Step 3.B
- Accessibility for populations with disabilities
- Overall aesthetics, special characteristics/features
- Historical/cultural resources, including landscapes, ethnographic, archeological, structures, etc. Attach SHPO/THPO determination.
- Socioeconomics, including employment, occupation, income changes, tax base, infrastructure
- Minority and low-income populations
- Energy resources (geothermal, fossil fuels, etc.)
- Other agency or tribal land use plans or policies
- Land/structures with history of contamination/hazardous materials even if remediated
- Other important environmental resources to address.

## PARK B

- Geological resources: soils, bedrock, slopes, streambeds, landforms, etc.
- Air quality
- Sound (noise impacts)
- Water quality/quantity
- Stream flow characteristics
- Marine/estuarine
- Floodplains/wetlands
- Land use/ownership patterns; property values; community livability
- Circulation, transportation
- Plant/animal/fish species of special concern and habitat; state/federal listed or proposed for listing
- Unique ecosystems, such as biosphere reserves, World Heritage sites, old growth forests, etc.
- Unique or important wildlife/ wildlife habitat
- Unique or important fish/habitat
- Introduce or promote invasive species (plant or animal)
- Recreation resources, land, parks, open space, conservation areas, rec. trails, facilities, services, opportunities, public access, etc. Most conversions exceed minor impacts. See Step 3.B
- Accessibility for populations with disabilities
- Overall aesthetics, special characteristics/features
- Historical/cultural resources, including landscapes, ethnographic, archeological, structures, etc. Attach SHPO/THPO determination.
- Socioeconomics, including employment, occupation, income changes, tax base, infrastructure
- Minority and low-income populations
- Energy resources (geothermal, fossil fuels, etc.)
- Other agency or tribal land use plans or policies
- Land/structures with history of contamination/hazardous materials even if remediated
- Other important environmental resources to address.

# Environmental Impact

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For the conversion site, do not get into the impacts associated with activities that may or may not occur after the site is converted. Focus on the impacts of this action, that is, removal of the land from the public recreation estate. Discuss loss to recreation. Remember that removal of protection from any cultural resources eligible for inclusion in the Register is an adverse effect and should be discussed here in depth.

Describe both beneficial and adverse impacts. This should not read like an argument in favor of your alternative, but a statement of the facts.

## PARK A

- Geological resources: soils, bedrock, slopes, streambeds, landforms, etc.
- Air quality
- Sound (noise impacts)
- Water quality/quantity
- Stream flow characteristics
- Marine/estuarine
- Floodplains/wetlands
- Land use/ownership patterns; property values; community livability
- Circulation, transportation
- Plant/animal/fish species of special concern and habitat; state/
- federal listed or proposed for listing
- Unique ecosystems, such as biosphere reserves, World Heritage sites, old growth forests, etc.
- Unique or important wildlife/ wildlife habitat
- Unique or important fish/habitat
- Introduce or promote invasive species (plant or animal)
- Recreation resources, land, parks, open space, conservation areas, rec. trails, facilities, services, opportunities, public access, etc. Most conversions exceed minor impacts. See Step 3.B
- Accessibility for populations with disabilities
- Overall aesthetics, special characteristics/features
- Historical/cultural resources, including landscapes, ethnographic, archeological, structures, etc. Attach SHPO/THPO determination.
- Socioeconomics, including employment, occupation, income changes, tax base, infrastructure
- Minority and low-income populations
- Energy resources (geothermal, fossil fuels, etc.)
- Other agency or tribal land use plans or policies
- Land/structures with history of contamination/hazardous materials even if remediated
- Other important environmental resources to address.

## PARK B

- Geological resources: soils, bedrock, slopes, streambeds, landforms, etc.
- Air quality
- Sound (noise impacts)
- Water quality/quantity
- Stream flow characteristics
- Marine/estuarine
- Floodplains/wetlands
- Land use/ownership patterns; property values; community livability
- Circulation, transportation
- Plant/animal/fish species of special concern and habitat; state/ federal listed or proposed for listing
- Unique ecosystems, such as biosphere reserves, World Heritage sites, old growth forests, etc.
- Unique or important wildlife/ wildlife habitat
- Unique or important fish/habitat
- Introduce or promote invasive species (plant or animal)
- Recreation resources, land, parks, open space, conservation areas, rec. trails, facilities, services, opportunities, public access, etc. Most conversions exceed minor impacts. See Step 3.B
- Accessibility for populations with disabilities
- Overall aesthetics, special characteristics/features
- Historical/cultural resources, including landscapes, ethnographic, archeological, structures, etc. Attach SHPO/THPO determination.
- Socioeconomics, including employment, occupation, income changes, tax base, infrastructure
- Minority and low-income populations
- Energy resources (geothermal, fossil fuels, etc.)
- Other agency or tribal land use plans or policies
- Land/structures with history of contamination/hazardous materials even if remediated
- Other important environmental resources to address.

# Coordination and Consultation

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Who worked on this. List persons, organizations and agencies contacted for information and for identifying important issues, developing alternatives or analyzing impacts. Any scoping or other public involvement should be detailed. A list of prepared and their qualifications should be included here.

Also, how was intergovernmental review handled? Does the State have Clearinghouse process? If yes, has the LWCF Program been selected for review under the State Clearinghouse process? If yes, was this proposal reviewed by the appropriate State, metropolitan, regional and local agencies, and if so, attach any information and comments received about this proposal. If proposal was not reviewed, explain why not.

Public comment periods (how long, when in the process, who was invited to comment) and agency response.

Any formal decision and supporting reasons regarding degree of potential impacts to the human environment.

Was this proposal part of any other federal action? If so, what was analyzed and what impacts were identified? Provide specific environmental review document references.

# Environmental Screening Form PARK A

<b>A. ENVIRONMENTAL RESOURCES</b> Indicate potential for adverse impacts. Use a separate sheet to clarify responses per instructions for Part A on page 9.		<b>Not Applicable-</b> Resource does not exist	<b>No/Negligible Impacts-</b> Exists but no or negligible impacts	<b>Minor Impacts</b>	<b>Impacts Exceed Minor EA/EIS required</b>	<b>More Data Needed to Determine Degree of Impact EA/EIS required</b>
1. Geological resources: soils, bedrock, slopes, streambeds, landforms, etc.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Air quality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Sound (noise impacts)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Water quality/quantity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Stream flow characteristics	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Marine/estuarine	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Floodplains/wetlands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Land use/ownership patterns; property values; community livability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Circulation, transportation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Plant/animal/fish species of special concern and habitat; state/federal listed or proposed for listing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Unique ecosystems, such as biosphere reserves, World Heritage sites, old growth forests, etc.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Unique or important wildlife/wildlife habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Unique or important fish/habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Introduce or promote invasive species (plant or animal)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Recreation resources, land, parks, open space, conservation areas, rec. trails, facilities, services, opportunities, public access, etc. <u>Most conversions exceed minor impacts.</u> <u>See Step 3.B</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Accessibility for populations with disabilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Overall aesthetics, special characteristics/features	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Historical/cultural resources, including landscapes, ethnographic, archeological, structures, etc. Attach SHPO/THPO determination.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. Socioeconomics, including employment, occupation, income changes, tax base, infrastructure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Minority and low-income populations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. Energy resources (geothermal, fossil fuels, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. Other agency or tribal land use plans or policies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23. Land/structures with history of contamination/hazardous materials even if remediated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24. Other important environmental resources to address.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>B. MANDATORY CRITERIA</b> <b>If your LWCF proposal is approved, would it...</b>	<b>Yes</b>	<b>No</b>	<b>To be determined</b>
1. Have significant impacts on public health or safety?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands, wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (E.O. 11990); floodplains (E.O 11988); and other ecologically significant or critical areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places, as determined by either the bureau or office.(Attach SHPO/THPO Comments)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Violate a federal law, or a state, local, or tribal law or requirement imposed for the protection of the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Limit access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Environmental Reviewers

**The following individual(s) provided input in the completion of the environmental screening form. List all reviewers including name, title, agency, field of expertise. Keep all environmental review records and data on this proposal in state compliance file for any future program review and/or audit. The ESF may be completed as part of a LWCF pre-award site inspection if conducted in time to contribute to the environmental review process for the proposal.**

- 1.
- 2.
- 3.

**The following individuals conducted a site inspection to verify field conditions.**

*List name of inspector(s), title, agency, and date(s) of inspection.*

- 1.
- 2.
- 3.

# Environmental Screening Form PARK B

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<b>A. ENVIRONMENTAL RESOURCES</b> Indicate potential for adverse impacts. Use a separate sheet to clarify responses per instructions for Part A on page 9.	<b>Not Applicable-</b> Resource does not exist	<b>No/Negligible Impacts-</b> Exists but no or negligible impacts	<b>Minor Impacts</b>	<b>Impacts Exceed Minor</b> EA/EIS required	<b>More Data Needed to Determine Degree of Impact</b> EA/EIS required
1. Geological resources: soils, bedrock, slopes, streambeds, landforms, etc.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Air quality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Sound (noise impacts)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Water quality/quantity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Stream flow characteristics	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Marine/estuarine	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Floodplains/wetlands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Land use/ownership patterns; property values; community livability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Circulation, transportation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Plant/animal/fish species of special concern and habitat; state/federal listed or proposed for listing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Unique ecosystems, such as biosphere reserves, World Heritage sites, old growth forests, etc.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Unique or important wildlife/ wildlife habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Unique or important fish/habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Introduce or promote invasive species (plant or animal)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Recreation resources, land, parks, open space, conservation areas, rec. trails, facilities, services, opportunities, public access, etc. <u>Most conversions exceed minor impacts. See Step 3.B</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Accessibility for populations with disabilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Overall aesthetics, special characteristics/features	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Historical/cultural resources, including landscapes, ethnographic, archeological, structures, etc. Attach SHPO/THPO determination.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. Socioeconomics, including employment, occupation, income changes, tax base, infrastructure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Minority and low-income populations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. Energy resources (geothermal, fossil fuels, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. Other agency or tribal land use plans or policies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23. Land/structures with history of contamination/hazardous materials even if remediated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24. Other important environmental resources to address.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>B. MANDATORY CRITERIA</b> <b>If your LWCF proposal is approved, would it...</b>	<b>Yes</b>	<b>No</b>	<b>To be determined</b>
1. Have significant impacts on public health or safety?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands, wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (E.O. 11990); floodplains (E.O 11988); and other ecologically significant or critical areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places, as determined by either the bureau or office.(Attach SHPO/THPO Comments)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Violate a federal law, or a state, local, or tribal law or requirement imposed for the protection of the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Limit access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Environmental Reviewers

**The following individual(s) provided input in the completion of the environmental screening form. List all reviewers including name, title, agency, field of expertise. Keep all environmental review records and data on this proposal in state compliance file for any future program review and/or audit. The ESF may be completed as part of a LWCF pre-award site inspection if conducted in time to contribute to the environmental review process for the proposal.**

- 1.
- 2.
- 3.

**The following individuals conducted a site inspection to verify field conditions.**

*List name of inspector(s), title, agency, and date(s) of inspection.*

- 1.
- 2.
- 3.

# Appendix #

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## **ENVIRONMENTAL CLEARANCE CONTACT LIST**

Letters of clearance or compliance with Federal environmental laws must be obtained from each of the applicable agencies below. State-funded LPRF projects do not need to send review packets to Tennessee Historical Commission, U.S. Fish & Wildlife Service and U.S. Army Corps of Engineers. Emailing review packet in single email to all agencies is acceptable as long as all documents in the packet are legible and in color. Please contact RES and request a current environmental clearance contact list.

## **APPENDIX B – GRANT COMPLIANCE REVIEW COMMITTEE (GCRC)**

The TDEC Grant Compliance Review Committee (GCRC) meets on an as-needed basis to review proposals for Conversions, Construction of a Public Facility, Temporary Non-Conforming Use, Significant Change in Use/Intent, and Sheltering Existing/New Facilities.

The GCRC will meet with the project sponsor to review the request. The following representatives will be asked to sit on the committee (depending on type of project and project sponsor):

- A. PARTAS Consultant(s) (non-voting)
- B. Director of RES (voting)
- C. Recreation Planning Manager (voting)
- D. GIS/Land Acquisition Manager (voting)
- D. Grants Analyst (voting)
- E. Office of General Counsel (staff attorney) (non-voting)
- F. State Parks - Deputy Commissioner designee (voting)

The meeting will be recorded and summary minutes prepared with action steps. Minutes of the meeting will be kept on file and provided upon request. The meeting agenda will be as follows:

- A. Pre-Community Review meeting
  - 1. Call to order by the review committee chair
  - 2. The review committee chair reviews the request
  - 3. Discussion by the members
  - 4. Request for project sponsor to enter the meeting
- B. Community Review Meeting
  - 1. Project sponsor presentation
  - 2. Regional PARTAS Consultant - information and comments
  - 3. Concluding comments/questions
  - 4. Project sponsor exits meeting
- C. Final Comments/decisions
  - 1. Additional discussion by committee members
  - 2. Vote by the committee members
  - 3. Task assignments (letter preparer, additional research, etc.)
  - 4. Move to next community project or adjourn

The SLO or ASLO will send a letter to the project sponsor to inform them of the decision made by the review committee.