

## 6(f) Conversion of Use Procedures

### 7 Steps

1. Consult with the State Land and Water Conservation Fund Grant Coordinator to discuss and clarify the potential conversion.
2. Compose a formal letter stating what the sponsor is planning to do and the reasons why. The sponsor is responsible for filling out the project amendment form from the state (Proposal Description and Environmental Screening Form, PD-ESF)
3. Provide a boundary map of the property that you want to convert and a boundary map of the replacement property. Both maps must contain meets and bounds and the total acreage for each property.
4. Provide a location map showing the proximity of the converted property and the replacement property to each other.
5. Provide a completed appraisal of both the converted property and the replacement property. The properties must be appraised using the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA, or Yellow Book) by a state certified appraiser. The properties are to be appraised as raw land at the highest and best economic use without any improvements. Examples of highest and best use are *commercial, residential and agricultural*. Examples of non-highest or best economic use are *open space and recreational*.

The replacement property must qualify as a “stand alone” park if it is purchased on its own. If the replacement property is adjacent to an existing park, then it doesn’t have to be classified as a “stand alone” park. It can be added to the existing recreational utility of the adjacent park. The replacement park must also be of equal or greater value and recreational utility. The acreage of the replacement property does not have to equal that of the converted property, but huge discrepancies may be disallowed.

An additional certified appraiser must review all appraisals and appraisals are only valid for six months from the time of completion. The conversion must be processed by the state before the six month period is up.

6. Provide a completed PD-ESF Form with an Environmental Assessment of the newly designated 6(f)(3) replacement property and the converted property. **(See below for more EA information)**
7. The Appraisals, Appraisal Reviews, and Environmental Assessment are to be paid for by the grant sponsor.

## 650.2.7.A-E Environmental Assessment

A. An EA should cover the points listed in 650.2.7B below in sufficient detail to resolve the test of “major and significant” (see CEQ Regulations, Section 1508.18 and 1508.27) (Attachment 650.2C) and provide a basis for deciding whether to prepare an EIS on the project. Such assessments generally need 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 that decision and a Finding of No Significant Impact (FONSI) (Attachment 650.2B) will be made part of the record.

An EA should not be prepared if the need for an EIS is self-evident.

B. 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 involved should be given--number of trees to be removed, cubic yards of debris to be removed, cubic yards of fill to be required, etc. For projects with property rights outstanding, the environmental information must also explain how the State plans to assure that the environment will not be affected significantly.

An EA will cover the following four points at a minimum:

### (1) 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.

### (2) Alternatives to the Proposed Action.

**(This is the requirement a lot of EA's leave out)**

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)**

### (3) Environmental Impacts of Proposed Action.

Succinctly describe those environmental elements which would be affected. Discuss anticipated 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.

### (4) A Listing of Agencies and Persons Consulted.

C. Public Notice. Public notice should be provided in accordance with 40 CFR 1506.6 (Attachment 650.2C) 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 (see Chapter 650.8).

D. Adoption. In accordance with 40 CFR 1506.3 (Attachment 650.2C), an EA prepared for a Federal grant program not administered by NPS may be submitted if adequate to meet environmental documentation requirements of proposed L&LWCF actions.

### E. Points to Keep in Mind:

(1) Environmental documentation should be free of project justification and personal bias. The project should be justified elsewhere in the grant application.

- (2) Do not rely on generalities. Specific facts are essential. All statements and conclusions should be supported, and quantified where possible.
- (3) Use graphics to help explain the project.
- (4) Be concise, clear and to the point.
- (5) Adverse impacts should be addressed as fairly as beneficial impacts.

### **(More EA Details)**

#### **Scope of environmental review.**

Early in the conceptual development of an LWCF proposal, the State shall encourage LWCF project sponsors to document their planning and analysis process, including all efforts to reach out to the interested and affected public and agencies. The public and agencies should be invited to provide input early in the planning process and before any environmental analysis formally begins so the sponsor can clearly communicate the purpose and need for the project and give the public and agencies an opportunity to provide any information that could be useful for scoping out the LWCF proposal and considering its potential impact on resources. This scoping step in the planning process will yield information for use in defining the scope of the LWCF proposal and possible associated environmental impacts.

The LWCF PD/ESF shall be used by all potential LWCF project sponsors and for any LWCF proposal requiring federal action. The PD/ESF is designed for use as a tool during project scoping, planning, and proposal development to document environmental information and consider the LWCF proposal's possible environmental impacts at the time it is discussed, presented, or discovered in the field rather than as a "compliance exercise" after a decision is made and the application for federal assistance is being prepared. As a result of early project scoping and planning, the State/sponsor develops a final proposal for possible federal assistance or action, including a completed ESF. The scope of the environmental review under NEPA, i.e., the extent of resources that may be affected by the project, depends on the type of LWCF proposal under consideration as follows:

- a. New acquisition projects. The scope of the environmental review shall include the lands to be acquired and the proposed public outdoor recreation uses intended for the property to be completed within three years from the date of acquisition.
- b. Development projects. The scope of the environmental review shall be the proposal to provide or improve facilities for public outdoor recreation use and associated activities resulting from these improvements.
- c. Section 6(f)(3) Conversions. Pursuant to 36 CFR 59.3, the scope of the environmental review for Section 6(f)(3) conversions is the entire Section 6(f)(3) park proposed for conversion, including for partial conversions, and lands proposed for replacement including the proposed development for public outdoor recreation use and associated activities. Resources beyond the existing Section 6(f)(3) area are not subject to review unless required by other federal compliance programs.

d. Other LWCF proposals. To determine the scope of the environmental review for other types of LWCF proposals, consult your NPS Regional Office LWCF Program Manager. The scope of the environmental review determines the resources that must be screened for possible environmental impacts resulting from the LWCF proposal.

6. NEPA pathway options. The completed PD/ESF will guide the state/project sponsor along the appropriate NEPA pathway to produce the level of environmental analysis and documentation required for the proposed undertaking. The PD/ESF will document and support the NEPA analysis pathway option chosen for the proposal. States are required to include the completed PD/ESF with its formal LWCF proposal submission to the NPS.

The NEPA analysis pathway options available to States are:

a. Categorical Exclusion for which a record is needed. These Categorical Exclusions (CE) are for federal actions that, under normal circumstances, are not considered major federal actions and have the potential for minor or no measurable impacts on the human environment. Prior to submitting a proposal to the NPS for federal review and decision, it is the State's responsibility to review the LWCF proposal to determine if the project meets the criteria for a CE determination. If the LWCF proposal meets the criteria for a CE, the State provides sufficient documentation on the PD/ESF to support the CE by indicating that all potential impacts will be minor or less, and NPS agrees with the CE selection, NPS will sign its own CE form signifying the proposal is categorically excluded from further NEPA analysis.

A CE is not applicable if the ESF indicates that the proposal may result in more than minor impacts on resources.

Note in addition to the CE criteria, the State must also consult the list of exceptions to the CE criteria listed in the PD/ESF. These exceptions describe additional circumstances that may be relevant for the proposal and could result in adverse impacts on the human environment and, therefore, preparation of an EA would be required.

b. Environmental Assessment. An Environmental Assessment (EA) is required when 1) the significance of impacts on any resource is unknown, or 2) the proposed action does not meet the criteria for CE and is not included in the list of actions that normally require an EIS, or 3) the proposed action needs several CE categories to fully describe the action, would involve one or more CE criteria exceptions, or would involve unresolved conflicts concerning the use of resources.

All Section 6(f)(3) conversions require an EA except for the "small conversions" that qualify as a categorical exclusion as specifically defined in Chapter 8.

(1) EA format: The following basic format for a LWCF EA is recommended. The content of each chapter will vary depending on the type of LWCF proposal under analysis such as new acquisition and development projects, Section 6(f)(3) conversions, and other LWCF proposals described in the PD/ESF. In cases where the State/local sponsor chooses to combine environmental review efforts to meet state and federal requirements (see Section 2 above), the following information must be included in the document in a way that allows the LWCF proposal to be readily discernable, such as in a separate section in the larger, more comprehensive

document. The EA must be factual and written in an objective manner and with a neutral tone. The EA should not promote a particular alternative or make a case for the approval of the proposal. The information must be presented without technical jargon and so it can be understood by the interested and affected public.

*Chapter 1 – Purpose, Need, Background.* This chapter describes the purpose of the EA so that the interested and affected public, including other agencies and decision makers, understand the type and nature of the proposal that needs a federal LWCF decision. This chapter needs to explain the EA will provide a framework for the NPS to evaluate the environmental consequences of the proposed action on the human environment, and must also include any information to help the interested and affected public and decision-makers understand the context for the proposed action, including a clear explanation of the role of the LWCF Act Section 6(f)(3) in the proposal and the scope of the environmental review (see Item 5 above).

*Chapter 2 - Description of Alternatives.* This chapter must provide enough information for the interested and affected public and decision-makers to understand the proposed alternative (federal approval of the LWCF proposal) and the no action alternative. This chapter should lead off with an evaluation of all alternatives considered and the reasons for selecting the proposed alternative and rejecting the other alternatives.

At a minimum, the proposed alternative should be described in detail along with the public outdoor recreation resources and opportunities provided by the proposal including maps clearly depicting the creation of or changes in the LWCF Section 6(f) boundary. New and/or existing Section 6(f) parkland must be described in detail. This chapter must include an explanation and status of any other approvals, permits or other factors needed to implement the proposal.

For Section 6(f)(3) conversions, this chapter must include:

- a description of the Section 6(f)(3) parkland proposed for whole or partial conversion, including associated outdoor recreation facilities and opportunities;
- any Section 6(f)(3) parkland remaining from partial conversions and remaining outdoor recreation facilities and opportunities; and
- a description of the replacement parkland, including a description of the planned development for public outdoor recreation use and new outdoor recreation opportunities to be provided and timetable for completion.

*Chapter 3 - Affected Environment.* The affected environment is a detailed description of the current state of resources expected to experience environmental impacts. Using the resource impact information documented on the environmental screening form (ESF) and other means of collecting information about affected resources, delineate an analysis area boundary for each resource and describe its existing status (location, nature, condition, scope, size, etc.). The existing status of

these resources will serve as baseline information upon which impacts will be compared in the next EA chapter.

This includes detailed description of any existing public outdoor recreation resources and opportunities at the affected site(s) including a clear depiction any existing Section 6(f) boundary.

This chapter must also describe the park/recreation area's population service area and demographics, including information about minority and low income populations pursuant to Executive Order 12898, Environmental Justice in Minority and Low-Income Populations.

Also, this chapter must include a description of any existing easements, right-of ways, leases, and any other agreements about use of the Section 6(f)(3) area. If the proposal includes land with a history of contamination, this chapter should describe the contamination and current condition/remediation status.

For Section 6(f)(3) conversions, this chapter must include a description of the existing resources associated with the Section 6(f)(3) parkland proposed for whole or partial conversion, including associated outdoor recreation facilities and opportunities and a description of the existing resources at the replacement site(s). The description must include a detailed description of existing outdoor recreation resources, facilities and opportunities for all affected areas as well as the existing population served by the converted park and the existing population to be served by the new replacement parks.

For conversions, resources beyond the existing and proposed Section 6(f)(3) areas are not subject to review unless required by other federal compliance programs.

Any resources and issues to be dismissed from further analysis must be described in this chapter.

*Chapter 4 - Environmental Impacts.* This chapter analyzes the degree to which the resources described in Chapter 3 (above) will be impacted by the proposal. The analysis should be presented for the interested and affected public, agencies, and decision-makers to understand the potential for impacts, both beneficial and adverse, and should include qualitative and quantitative data that considers the context, intensity, duration, and timing of the potential impacts. The presentation of data must be presented objectively, accurately, and factually. Resource impacts within the proposed Section 6(f)(3) boundary must be described including any future easements, right of ways, leases and agreements about the use of the Section 6(f)(3) area.

This chapter must also include a detailed discussion of the proposed impacts, both beneficial and adverse, on the provision of public outdoor recreation for the populations served by the proposal including impacts to minority and low income populations pursuant to Executive Order 12898, Environmental Justice in Minority and Low-Income Populations, and a clear depiction of any Section 6(f) boundary changes, especially for expansion of existing Section 6(f) areas and conversions, including a description of any easements, rights-of-way, leases, and any other

agreements about the use of the Section 6(f)(3) area as a result of the proposal. If Chapter 3 (above) includes information that any of the land resources in the proposal has a history of contamination, this chapter must include information on the impacts of the proposal on this land considering its status including the land's suitability to support healthy and safe public outdoor recreation activities in perpetuity.

For Section 6(f)(3) conversions, an analysis of impacts to the affected resources described in Chapter 4 must be presented in this chapter. Resources beyond the existing and proposed Section 6(f)(3) areas are not subject to review unless required by other federal compliance programs.

*Chapter 5 - Coordination and Consultation.* This chapter must list persons, organizations and agencies contacted for information and for identifying important issues, developing alternatives, or analyzing impacts. Any scoping or other public involvement efforts should also be detailed. A list of preparers and their qualifications should be included as well.

(2) Opportunity for public review and comment. At a minimum, States are required to ensure the interested and affected public has had an opportunity to review and provide written comments on completed environmental assessments for LWCF proposals. This public comment period shall be no less than 30 days. The notice an EA is available for review shall be published in the local newspapers and community notices, posted on the sponsoring agency's web site, and made broadly known to the public in such a way that the interested and affected public has ample notice of the public comment period. The State/project sponsor is responsible for reviewing the public comments. These comments and the responses that address all substantive comments are to be included in the proposal's submission to NPS.

If the proposal is revised in response to substantive public comments or for any other reason, States should consult with NPS to determine if the public needs another opportunity to review the revised EA.

c. Environmental Impact Statement. An Environmental Impact State (EIS) is required when the potential for significant impact to the human environment exists is indicated by an EA or through the PD/ESF. The State should contact NPS for further guidance as soon as there is an indication that an EIS may be required.