

E

*Administrative Record***CONVERSION OF LWCF-ASSISTED SITE:
Macomb's Dam Park, New York, New York (#36-00776E)****LWCF Act Section 6(f)(3) and 36 CFR 59**

No property acquired or developed with assistance under this section shall, without the approval of the Secretary (delegated to the National Park Service), be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if s/he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as s/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.

Summary of Conversion Process:

March 2005: New York State Office of Parks, Recreation and Historic Preservation (NYS) contacted NPS to discuss New York City's proposal to convert a section of Macomb's Dam Park for the construction of a new Yankee Stadium. NYS was seeking early guidance on the LWCF conversion process, specifically how it would pertain to NYC's conversion proposal and what the State needed to require from the City in order to meet the pre-requisites for NPS consideration of the conversion. NPS was pleased that NYS was taking a proactive approach in ensuring that all federal requirements would be clearly communicated and explained to NYC at the beginning of the process in order to avoid any misunderstanding and unnecessary duplication of effort and resources. NYS made it clear at the beginning of the process that they would fulfill their LWCF responsibility by leading and coordinating the conversion process with NYC, and that they wanted to nurture a spirit of cooperation, partnership, and frequent communication among all parties to ensure that the LWCF requirements would be met in accordance with Section 6(f)(3) of the Act. On March 29, 2005, NYS met with NYC to discuss the LWCF conversion requirements, including NEPA compliance.

June 7, 2005: In response to our (NPS) request, NYS arranged a site visit and meeting among NPS, NYS and NYC so that NPS could see the site proposed for conversion and the proposed replacement sites. After the site visits, NYS conducted a meeting to once again review the conversion process and to discuss how the City/State environmental review process could also meet the NPS requirements for NEPA compliance. It was decided that the NYC Environmental Quality Review (CEQR) process would also include an environmental review of the LWCF Section 6(f) conversion for the purposes of meeting NPS/LWCF requirements for environmental assessments in accordance with NEPA. Michael Tiernan, DOI, Office of the Solicitor, Division of Parks and Wildlife, provided guidance during the meeting via phone.

As a result of this meeting, and with the continued leadership of NYS, the City proceeded to conduct activities in preparation of its formal request to NYS to convert Macomb's Dam Park. Throughout the development of that proposal, including the CEQRA process, NYS frequently consulted with NPS to ensure that the conversion process, including the required environmental review, met NPS conversion requirements. We (NPS) encouraged NYS to allow us to review draft documents prior to official submission to us so that any deficiencies could be addressed proactively.

July 7, 2006: NYS formally submitted its request to convert a section of Macomb's Dam Park in NYC. Prior to this formal submission, NYS was leading the process and responding to requests for information. Until NPS received the formal request, it was inappropriate to convey details of the proposal, for the State has the ability to change the details at any time. Our office (NPS) completed its formal review of the conversion proposal and forwarded approval documents to NPS managers for signature. The conversion was approved on July 17, 2006.

See attached conversion approval checklist for further details.

(paragraph "I" of attached NYS correspondence) *Accordance with Statewide Comprehensive Outdoor Recreation Plan:* The proposed conversion of the 10.67-acre section of Macomb's Dam Park is consistent with the Statewide Comprehensive Outdoor Recreation Plan (SCORP). The "Final Statewide Comprehensive Outdoor Recreation Plan and Final Environmental Impact Statement for New York State 2003" serves as the NY SCORP. The SCORP is intended to provide an overall framework for making decisions regarding the protection, management, and development of the State's natural, cultural, and recreation resources. The SCORP identified the goal to improve delivery of recreation services to particular sub-populations of New York, including urban residents, and to provide additional programs and resources for them. For Bronx County, the SCORP identified a high demand for field games and general park uses, which include relaxing in the park and picnicking. The conversion proposal includes replacing the 10.67-acre section of Macomb's Dam Park with replacement park areas totaling 16.44 acres. The replacement park areas will place the following public outdoor recreation areas containing these outdoor recreation facilities and amenities under LWCF Section 6(f) protection: new ball fields at Heritage Park with shade trees around the perimeter, and a passive park space with shade trees, benches, resting areas and pedestrian walkways at adjoining Ruppert Plaza; and 16 tennis courts, a pedestrian promenade, and landscaped areas with shade trees and benches along the Harlem River waterfront. The replacement recreation facilities are consistent with the goals of the SCORP to provide additional programs and resources for urban residents, meeting the demand for field games and general park uses, including relaxing and picnicking in parks.

(paragraph "B" of attached NYS correspondence) *Fair Market Value (FMV):* FMV of 6.42 acres (includes 1.37 acres of underwater land) of replacement property located along the Harlem River waterfront is \$7,260,000. FMV of 10.02 acres of replacement property consisting of the Land Beneath (the existing) Yankee Stadium and all of the street bed of Ruppert Place is \$18,680,000. Total FMV of the replacement properties (16.44 acres) is \$25,940,000.

FMV of 10.67 acres of converted property (LWCF-assisted section of Macomb's Dam Park) is \$21,000,000.

(paragraph "D" of attached NYS correspondence) *Replacement parcel eligibility:* The replacement parks to be developed as a result of the Section 6(f) conversion of the 10.67-acre section of Macomb's Dam Park meet the eligibility requirements for LWCF Section 6(f) replacement parks.

Existing Yankee Stadium site: The 8.9 acres will be developed into a new public ball park to be named "Heritage Park" and will consist of three natural turf ball fields for baseball, softball and little league, all of which are eligible LWCF facilities. The existing stadium site is currently owned by the City of New York and assigned to the New York Parks and Recreation Department for administration of the long-term lease with the New York Yankees. The site is not currently park land. As a result of this conversion, the 8.9 acres would be approved for use as a city park.

Existing Ruppert Place: Currently a city street, the 1.12 acres adjoining "Heritage Park" will become city park land as a result of this conversion and will be renamed "Ruppert Plaza." The area will be developed into a passive park with significant landscaping including shade trees, benches and pedestrian walkways, all of which are eligible LWCF facilities.

Vacant land along the Harlem River waterfront: This 5.05-acre area, once used as a parking area for delivery trucks for the Bronx Terminal Market, will be developed into a waterfront park consisting of sixteen tennis courts and a pedestrian promenade with shade trees, lawn areas and pathways along the waterfront, all of which are eligible LWCF facilities. The tennis courts will be operated by a city-managed concession in a fashion similar to other public recreation concessions in New York City. A bubble-like structure will cover the tennis courts during the cold season months to extend their use and is consistent with LWCF requirements. The proposed tennis fees also meet LWCF requirements.

(paragraph "C" of attached NYS correspondence) Reasonably equivalent usefulness and location: New York City is replacing the Section 6(f) conversion park land with park areas that, in sum, are of reasonably equivalent usefulness and location. Even though the LWCF requirements do not require that the exact recreation opportunities displaced during a conversion be replaced, New York City will be able to replace all of the displaced public recreation facilities in parks that will serve the same affected community. Some of the facilities will be replaced in non-Section 6(f) parks and some of the replacement will occur in the new Section 6(f) replacement parks.

The park land to be converted consists of a little league ball field, a softball field, a 400-meter track with soccer/football field within its interior and surrounded by bleachers. The ground is covered with mowed turf, and shade trees surround the site. The new Section 6(f) replacement areas will provide three new natural turf public ball fields for baseball, softball and little league, sixteen tennis courts to be covered by a bubble-like structure in the winter to extend the playing season, a pedestrian promenade along the Harlem River to provide views of the water and public access to the waters edge; many shade trees, pedestrian walkways, benches, and extensive landscaping. One of the replacement park areas is located directly across the street from the converted park land, and the other site is 1/2-mile away.

* This Checklist corresponds to the transmittal letter (attached) from the state, & the attached Administrative Record.

Conversion Checklist
3/31/2005

L&WCF Section 6(f) Conversion Review Checklist

Project Name: Macomber's Dam Park

Date: 7/7/06

Project Number: 36-00776 E

TRANSMITTAL LETTER

SECTION: A

All practical alternatives to the conversion have been evaluated by the state.

C

Letter from SLO to NPS requesting conversion has been submitted. Includes a statement from state regarding whether replacement land is of equivalent recreation usefulness and location. SEE PARAGRAPH "C" OF ATTACHED NYS CORRESPONDENCE.

N/A

For Streamlined Conversions only:

- Little/no impact on remaining park site
- Replacement property is contiguous
- Conversion is not controversial
- NEPA Categorical Exclusion
- Converted property is no more than 10% of the original 6(f) area or five acres, whichever is less.
- SLO has submitted certification in accordance with memo of 6/24/98

B

Supersede paragraph "B" of attached NYS letter for details. SLO certified that all appraisals have been prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisition. Replacement Property has greater FMV than converted parcel. Replacement FMV = \$25,940,000; Converted FMV = \$21,000,000. Information as to whether replacement land contains parcel(s) of wetlands.

E

SEE PARAGRAPH "D" OF ATTACHED NYS CORRESPONDENCE. Property proposed for replacement meets eligibility requirements for L&WCF assistance. Must constitute, or be part of, a viable recreation unit and comply with 670.3.4K. Replacement land must have legal access.

D

No

N/A (CASE OF REAL PROPERTY PURCHASED FROM OTHER PUBLIC AGENCIES)
Is replacement land contiguous to remaining Section 6(f) boundary?

N/A

Partial conversions - will unconverted area remain recreationally viable or should it be replaced as well?

No

Is the sponsor using banked excess fair market value from a previous conversion?
 Original conversion must be less than five years ago
 Usefulness criterion must be met either by original replacement land or new replacement land.

F

Coordination with other Federal agencies has been satisfactorily accomplished (Section 4(f), etc.) Corps of Engineers agreed that NPS should be the lead in 106 process.

Section of transmittal letter from State (attached)

Conversion Checklist
3/31/2005

G

Environmental information has been submitted for both conversion and replacement properties. Either a categorical exclusion or environmental assessment/FONSI has been signed or EIS/ROD has been prepared.

H N/A

Intergovernmental Review System (EO12372) procedures, if appropriate, have been adhered to for both conversion and replacement properties.

I

The proposed conversion and replacement properties are in accord with the SCORP. *See administrative record, letter "I" (attached) "accordance with SCORP"*

J

SHPO review of both the converted and replacement properties for determination of "No Effect" or Advisory Clearance (MOU or MOA) *(Signed MOA for demolition of 2 historic buildings at Bronx Terminal Market.)*

K

An amendment has been submitted to adjust acreage

L

Section 6(f) maps of ~~remaining~~ ** to* ~~remaining~~ *LA WCF area (conversion) and replacement property* have been signed, dated, and submitted with conversion documentation.

** total parcel to be converted / no 6(f) map of remaining property required*

Memo documenting findings and recommendations has been prepared for the file.

Letter prepared for final approval by the Manager, Conservation Assistance Group.

10 VP

Make an imaging folder and put revised 6(f) maps and location maps into folder. Place a note on the Imaging folder to remind Project Control to include the signed grant amendment and place the imaging folder into the imaging drawer.

COMMENTS:

PROJECT Jean E. Sokolowski
Program Manager/Reviewer