

FAQ on 6(f)(3) Conversion of Recreation Land Encumbered by Federal Restrictions
Waterloo Recreation Area Conversion
September 27, 2010

1. **Why convert the 72.44 acres of State-owned land in the first place?** DNRE believes the acquisition of 324 mitigation parcel, coupled with the restoration plan, to be completed on both the conversion and mitigation parcels, will enhance the conservation purposes and achieve the following objectives:
- A restoration plan that replicates natural topography with perched wetlands and ridges.
 - A re-vegetation program using native genotype grasses, shrubs, and trees.
 - Phasing of the reclamation concomitant with mining to ensure that there is no net loss of open-space available for recreation over the life of the project.
 - Significant increase (a ratio of 9:1) in the amount of land for public recreation at this location near major Michigan population centers.

The reclamation plan exceeds standards applied by local jurisdictions and will restore both the conversion and mitigation parcels (396.44 acres total) to native habitat well suited to the outdoor recreation and conservation objectives of the DNRE. These restoration requirements are benefits in addition to the net gain of land to be obtained by the State for use and enjoyment of the public.

The conversion supports the conservation and recreation objectives intended in the original 1943 transfer of the land from the United States Government to the State of Michigan.

2. **What is a 6(f)(3) conversion?** When federal Land and Water Conservation Fund (LWCF) dollars are used to acquire land or develop recreational facilities on public land, use restrictions are applied to the land involved in the project. These "encumbrances" ensure the land will remain available to the public for outdoor recreation uses. When lands encumbered with these restrictions (conversion parcel) are converted to another use, the land owner (DNRE) must find substitution property (mitigation parcel) and make it available for public outdoor recreation to replace the loss of the conversion parcel. The process for selecting substitution property and completing the conversion process is detailed under Section 6(f)(3) of the LWCF Act.
3. **What part of the project area is encumbered with federal restrictions and what are the restrictions?** Because thirteen LWCF projects have been completed at Waterloo Recreation Area, all of the 21,000 acres are encumbered with LWCF use restrictions. The conversion parcel consists of 72.44 acres which represents just one third of one percent of the total area dedicated to public outdoor recreation at Waterloo. A 21± acre portion of the conversion parcel was gifted by National Park Service on February 14, 1943 under the Recreation Demonstration Area program. The actual encumbrance in the deed from the NPS to the State of Michigan (Liber 419 Page 312) for this 21 acres reads, "*...the State of Michigan shall use the said property exclusively for public park, recreational, and conservation purposes, and the further express condition that the United States of America assumes no obligation for the maintenance or operation of the said property after the acceptance of this deed*" The NPS has directed the DNRE to comply with the 6(f)(3) conversion process to ensure the encumbrances are placed on a suitable mitigation parcel.
4. **What is required for approval of the proposed conversion?** The NPS will approve the conversion only if it is in accord with the Statewide Comprehensive Outdoor recreation Plan (SCORP) and results in a substitution of other recreation land of at least equal fair market value and of reasonably equivalent usefulness and location.

The DNRE will obtain a fully documented narrative appraisal conforming to the Uniform Appraisal Standards for Federal Land Acquisition (Yellow Book) to determine the fair market value of the conversion and mitigation parcels.

The location and reasonable equivalence in value of the mitigation parcel in comparison to the conversion parcel will be addressed in the project description, SCORP analysis and environmental assessment portions of the DNRE's conversion.

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- 5. Is an environmental assessment required for completing a 6(f)(3) conversion?** Yes. The environmental assessment (EA) will focus on the impact to public outdoor recreation park land and recreational usefulness, and how these impacts will be addressed through the mitigation parcel. The EA must 1) focus on "resource impacts" including the potential loss of public park land and recreation opportunities, and 2) the impacts of creating new replacement park land and replacement recreation opportunities. The DNRE is in the process of completing an EA for submission to the NPS.
- 6. What will be submitted in the DNRE's conversion proposal for NPS review and approval?** The completed conversion proposal will contain, but not be limited to, the following:
1. A letter of transmittal.
 2. An explanation of the need to convert the Section 6(f) parkland including all efforts to consider other practical alternatives to this conversion, how they were evaluated, and the reasons they were not pursued.
 3. An explanation of how the conversion is in accord with the SCORP.
 4. Completed State Appraisal/Waiver Valuation Review form for the converted and mitigation parcels certifying that the appraisals meet the Uniform Appraisal Standards for Federal Land Acquisition.
 5. For the conversion parcel, a detailed description including a) specific location map, b) description of the area proposed for conversion, c) description of the community.
 6. For the proposed mitigation parcel, a description including a) specific location map, b) description of the site's physical characteristics and resource attributes, c) identification of the mitigation site owner, d) explanation of how the mitigation parcel is reasonably equivalent in usefulness and location as the property being converted, e) identification of the owner and manager of the new replacement park (post conversion manager of the mitigation parcel), f) name of the replacement park, g) timeframe, h) new Section 6(f) map.
 7. NEPA environmental review, including NHPA Section 106 review, for both the conversion and mitigation sites to analyze how the converted park land and recreational usefulness will be replaced.
- 7. Who do I contact if I have further questions or desire more information on the Status of the 6(f)(3) conversion process and the DNRE's conversion procedures?** Based on the nature of your enquiry, contact the following persons for assistance. We look forward to hearing from you!
- **Park planning, programming and land use issues.**

Paul Yauk, Planning Section, Recreation Division
517-335-4824
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 - **Status of the 6(f)(3) conversion process and the DNRE's conversion.**

Shamika T. Askew-Storay, Grants Management, Administration Division
(517) 241-3128
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 - **Real estate valuation, deed restrictions or conveyance of rights in land.**

Rob Corbett, Real Estate Services, Administration Division
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