



### **6.3.7 Recommended Determination Findings for Public Parks and Recreational Areas**

A direct use of and temporary use of 2.5 acres of Elm Fork Greenbelt (750 square feet of actual ground space with the balance of the occupancy being air rights) is required for implementation of the proposed project. However, there is no feasible and prudent alternative to the use of the parkland and a process to incorporate all possible planning to minimize harm has been established.

### **6.4 HISTORIC SITES**

No historic sites were identified in the project area. Historic sites include architectural and archaeological resources. In accordance with FTA regulations, Section 4(f) requirements are applicable only to significant historic sites (i.e., those sites on or eligible for the **National Register of Historic Places** [NRHP] or sites otherwise determined significant by the FTA administrator) (23 CFR Section 771.135[e]).

#### **Description of Historic Sites**

No historic sites have been identified within the project area. Please refer to FEIS Section 5.13 for details on cultural resources.

#### **Impacts to Historic Sites**

No historic sites have been identified within the project area.

#### **Coordination Process**

Consultation with the State Historic Preservation Officer (SHPO) and other cultural resources stakeholders has been conducted and is described in Section 5.13, Cultural Resources, and in the Section 106 documentation. In response dated May 31, 2006, SHPO has concurred with the finding that the project will have no effect on historic properties. A copy of all SHPO correspondence is included in FEIS Appendix D.

### **6.5 LAND AND WATER CONSERVATION FUND ACT SECTION 6(f)(3) CONSIDERATIONS**

Section 6(f)(3) of the **Land and Water Conservation Fund Act** (LWCF Act) (16 USC Section 4601-4) contains provisions to protect federal investments in park and recreation resources and the quality of those assisted resources. The law recognizes the likelihood that changes in land use or development may make park use of some areas purchased with LWCF funds obsolete over time, particularly in rapidly changing urban areas, and provides for conversion to other use pursuant to certain specific conditions.

Section 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 requirement applies to all parks and other sites that have been the subject of LWCF grants of any type, and includes acquisition of park land and development or rehabilitation of park facilities. A review of the LWCF grants database and consultation with Texas Parks and Wildlife Department (TPWD) and City of Dallas staff members indicate that in the vicinity of the proposed project at LWCF grant funds were used to acquire the park land.

#### **1971/72 – Trinity River Greenbelt; 232.958 acres; grant #48-00134**

Formal consultation with the TPWD and the City of Dallas has been initiated to obtain information regarding the LWCF-assisted property in the Elm Fork Greenbelt that is subject to Section 6(f)(3) restrictions. Initial telephone communication and e-mail correspondence was directed to TPWD on