March 13, 2015

Mr. Christopher Setti  
Assistant City Manager  
City of Peoria  
419 Fulton, Suite 207  
Peoria, IL 61602

Re: Land & Water Conservation Fund  
Project 17-00769  
Riverfront Park

Dear Mr. Setti:

Per your recent phone call and emails about the City’s request to change the use of part of a grant assisted site, the following comments are provided concerning requirements on land acquired or developed with funding assistance from the federal Land & Water Conservation Fund (LWCF) grant program. Such land may not, in whole or part, be converted to something other than public outdoor recreation use unless such action is approved by both the state Department of Natural Resources (IDNR) and the National Park Service (acting on behalf of the Secretary of the Interior).

In situations where a conversion of LWCF-assisted land cannot be avoided, the only manner by which such action can be approved is by the local project sponsor (City of Peoria) obtaining suitable replacement land having comparable monetary value, size and recreational usefulness as mitigation for the conversion. Repayment of grant funds cannot be made to mitigate/resolve a conversion.

In order for the Department to consider and approve a proposed LWCF land conversion, the following steps must be taken:

1. All practical alternatives to the proposed conversion must have been evaluated and rejected on a sound basis. Documentation of such an evaluation must be provided to the IDNR for review. Additionally, a public hearing must be held specific to the proposed conversion. Such a hearing is required to ensure adequate public input on the proposal and to address potential concerns from your constituents. A copy of the minutes from that public hearing must be provided to IDNR.

2. Suitable replacement land must be proposed (identified) by the local agency. Pursuant to the LWCF program guidelines, property already in public ownership typically is not eligible as replacement land. The land should be in private ownership. A plat map of both the replacement site(s) and land to be converted must be submitted to the Department for review, along with a location map (street map) showing both sites.
3. If the proposed replacement site is tentatively approved, appraisals must be prepared according to Department guidelines (instructions enclosed) to determine the market value of both the park land being converted and the proposed replacement land. **The proposed replacement land must be equal to or higher in value than the converted property.**

4. An Environmental Screening Form (ESF) (instructions enclosed) must be prepared to assess the impact of the proposed conversion on the property being converted as well as the property proposed for replacement land. The ESF should focus on the resource impacts, including loss of public park land and recreation opportunities for the site being converted. For the proposed replacement property, the ESF must describe the physical characteristics and development potential of the proposed site as well as what impact planned recreation development will have on the site.

5. An Environmental Assessment Study is required for both the converted parcel and the replacement parcel.

6. A Comprehensive Environmental Review Program (CERP) form must be completed for all sites (enclosed). This is a state review of endangered species, wetland and cultural resource impacts.

7. After the above information is reviewed, the Department may arrange for an on-site inspection of the properties to assess whether the proposed replacement land provides at least equal recreational values,

8. The Conversion Information Form (enclosed) must be completed.

9. Once it has been determined at the state level that the replacement land is of comparable value, size and recreational usefulness, a recommendation for conversion approval is forwarded to the National Park Service for final action.

I hope this adequately outlines requirements for handling a conversion of LWCF-assisted land. Should you have any further questions, please feel free to contact me at 217/782-7607 or jan.nation@illinois.gov.

Sincerely,

Jan Nation
Senior Grant Administrator
Division of Grant Administration

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Enclosures
- ESF
- CERP
- Appraisal Documents
- Conversion Information Form