

National Park Service, Interior

§ 72.2

Nonuse for a continued period of 2 years shall constitute abandonment.

PART 72—URBAN PARK AND RECREATION RECOVERY ACT OF 1978

Subpart A—General

Sec.

- 72.1 Purpose of regulations.
- 72.2 Legislative authority.
- 72.3 Definitions.
- 72.4–72.9 [Reserved]

Subpart B—Local Recovery Action Program

- 72.10 General requirements.
- 72.11 Action program components.
- 72.12 Assessment of needs, problems and issues.
- 72.13 Action plan.
- 72.14 [Reserved]
- 72.15 Preliminary Action Program.
- 72.16 Preliminary Action Program requirements.
- 72.17 Preliminary Action Program—commitments to be included.
- 72.18–72.29 [Reserved]

Subpart C—Grants for Recovery Action Program Development, Rehabilitation and Innovation

- 72.30 General requirements.
- 72.31 [Reserved]
- 72.32 Funding and matching share.
- 72.33 Timing and duration of projects.
- 72.34–72.35 [Reserved]
- 72.36 Land ownership, control and conversion.
- 72.37 Pass-through funding.
- 72.38–72.39 [Reserved]
- 72.40 Historic properties.
- 72.41 Demolition and replacement of existing recreation properties.
- 72.42 Expansion and new development.
- 72.43 Fundable elements: Recovery Action Program grants.
- 72.44 Fundable elements: Rehabilitation and Innovation grant common elements.
- 72.45 Fundable elements: Innovation grants.
- 72.46 Citizen participation requirements.
- 72.47 [Reserved]
- 72.48 Federal coordination.
- 72.49 [Reserved]

Subpart D—Grant Selection, Approval and Administration

- 72.50 Grant selection criteria.
- 72.51 A-95 clearinghouse requirements.
- 72.52 Recovery Action Program grant applications.

- 72.53 Preapplication process for Rehabilitation and Innovation grants.
- 72.54 Rehabilitation and Innovation grants—full application process.
- 72.55 [Reserved]
- 72.56 Grant program compliance requirements.
- 72.57–72.59 [Reserved]
- 72.60 Grant administrative procedures.
- 72.61 [Reserved]
- 72.62 Amendments to approved grants.
- 72.63 Grant payments.
- 72.64 [Reserved]
- 72.65 Other requirements.

Subpart E—Post-Completion Compliance Responsibilities

- 72.70 Applicability.
- 72.71 Information collection.
- 72.72 Conversion requirements.
- 72.73 Residency requirements.
- 72.74–72.75 [Reserved]

APPENDIX A TO PART 72—CRITERIA FOR ELIGIBILITY

APPENDIX B TO PART 72—LIST OF ELIGIBLE JURISDICTIONS

AUTHORITY: Title X, National Parks and Recreation Act of 1978, Pub. L. 95-625 (16 U.S.C. 2501-2514); sec. 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

Subpart A—General

SOURCE: 45 FR 71718, Oct. 29, 1980. Redesignated at 46 FR 34329, July 1, 1981, and correctly redesignated at 46 FR 43045, Aug. 26, 1981, unless otherwise noted.

§ 72.1 Purpose of regulations.

The purpose of this rule is to set forth guidelines for awarding and administering the three types of grants available through the UPARR program. The three types of grants available are: Rehabilitation, Innovation and Recovery Action Program. The objectives of this rule are to: (1) Explain the policies to be followed for awarding grants; (2) list the requirements and criteria to be met for each type of grant and discretionary eligibility; (3) discuss fundable uses and limitations; (4) explain how proposals will be selected and funded; and (5) describe the application process and administrative procedures for awarding grants.

§ 72.2 Legislative authority.

The policies and procedures of this rule are created to implement the Urban Park and Recreation Recovery

§ 72.3

36 CFR Ch. I (7-1-04 Edition)

Act of 1978, Title X of the National Parks and Recreation Act of 1978, Public Law 95-625, 16 U.S.C. 2501-2514. The Act provides Federal grants to economically hard-pressed communities specifically for the rehabilitation of critically needed recreation areas and facilities, and for the development of improved recreation services this program is authorized for a period of five years.

§ 72.3 Definitions.

As used in this part:

Applicant Jurisdiction: The general purpose local government making the actual funding request or in receipt of UPARR funding assistance. This term applies whether the unit is an eligible or discretionary applicant.

Appropriation: The yearly funding level made available by Congress to implement the UPARR Act.

Assistance: Funds made available by the Service to a grantee in support of a public recreation project.

Direct Expenditures or Direct Costs: Those expenditures or costs that can be associated with a specific project.

Director: The Director of the National Park Service Conservation and Recreation Service or any other officer or employee of the Service to whom is delegated the authority involved.

Discretionary Applicants: General purpose local governments in Standard Metropolitan Statistical Areas as defined by the Census but not included in the list of eligible applicants developed and published in accord with Sec. 1005 of the UPARR Act.

Federal Management Circular 74-4 (FMC 74-4): FMC 74-4 establishes principles and standards for determining (administrative) costs applicable to grants and contracts with State and local governments.

General Purpose Local Government: Any city, county, town, township, parish, village, or other general purpose political subdivision of a State, including the District of Columbia, and insular areas.

Grant: The act of providing a specific sum of money for the development of a specific project, consistent with the terms of a signed agreement; also the amount of money requested or awarded.

Grantee: The general purpose local government receiving a UPARR grant for its given use, or for authorized pass-through to another appropriate public or private non-profit agency.

NPS: National Park Service Conservation and Recreation Service.

Historic Property: Such a property is one listed in, or determined eligible to be listed in the National Register of Historic Places.

In-kind Contributions: In-kind contributions represent the value of non-cash contributions provided by: (1) the grantee, (2) other public agencies and institutions, and (3) private organizations and individuals. In-kind contributions may consist of the value of donated or loaned equipment or supplies, or contributed services directly benefiting and specifically identifiable to the project, and can be used as part of the grantee's non-Federal matching share.

Innovation Grants: Matching grants to local governments to cover costs of personnel, facilities, equipment, supplies, or services designed to demonstrate innovative, and cost-effective or service-effective ways to augment park and recreation opportunities at the neighborhood level; and to address common problems related to facility operations and improved delivery of recreation service, excluding routine operation and maintenance activities.

Insular Areas: Guam, the Virgin Islands, American Samoa and the Northern Mariana Islands.

Maintenance: All commonly accepted practices necessary to keep recreation areas and facilities operating in a state of good repair, and to protect them from deterioration resulting from normal wear and tear.

OMB Circular A-95 (A-95): Establishes procedures for the evaluation, review and coordination of Federal and federally assisted programs and projects. This circular defines project notification and review procedures governing Federal grant agencies, State, metropolitan and areawide clearinghouses.

OMB Circular A-102 (A-102): Circular A-102 provides the standard for establishing consistency and uniformity among Federal agencies in the administration of grants to States, localities and federally recognized Indian tribes.

National Park Service, Interior

§ 72.10

Participant: The grantee, or other agency or organization requesting and/or receiving assistance.

Pass-through: The transfer of funds at the discretion of the applicant jurisdiction, to independent, general or special purpose local governments, private non-profit agencies (including incorporated community or neighborhood groups), or county or regional park authorities, who offer recreation opportunities to the general population within the jurisdictional boundaries of the applicant jurisdiction.

Pass-through recipient: Synonymous with subgrantee.

Private Non-profit Agency: A reputable community-based, non-profit organization, corporation, or association organized for purposes of providing recreation, conservation, education or other community services directly to urban residents; on a neighborhood or communitywide basis, through voluntary donations, voluntary labor, or public or private grants.

Project: A single site-specific area or service-specific program proposed or approved for funding.

Project Costs: All necessary charges made by a grantee in accomplishing the objectives of a project, during the grant period.

Property: Site and/or facility.

Proposal: An application for UPARR assistance which may contain one or more projects.

Recovery Action Program: A local park and recreation Recovery Action Program (plan) required under section 1007 of the UPARR Act, which contains expressions of continuing local commitment to objectives, priorities and implementation strategies for overall park and recreation system planning, rehabilitation, service, operation and maintenance.

Recreation Areas and Facilities: Parks, buildings, sites, or other indoor or outdoor facilities which are dedicated to recreation purposes and administered by public or private non-profit agencies to serve the recreation needs of community residents. These facilities must be open to the public and readily accessible to residential neighborhoods. They may include multiple-use community centers which have recreation as one of their primary purposes, but

major sports areas, exhibition areas, and conference halls used primarily for commercial sports, spectator, or display activities are excluded from UPARR assistance.

Rehabilitation Grants: Matching capital grants to local governments for the purpose of rebuilding, remodeling, expanding, or developing existing outdoor or indoor recreation areas and facilities; including improvements in park landscapes, buildings, and support facilities; excluding routine maintenance and upkeep activities.

Secretary: The Secretary of the Interior.

SMSA: Standard Metropolitan Statistical Area as defined by the Bureau of the Census.

Special Purpose Local Government: Any local or regional special district, public-purpose corporation or other limited political subdivision of a State: including but not limited to, park authorities; park, conservation, water or sanitary districts; and school districts.

Sponsor: See Participant.

State: Any State of the United States, or any instrumentality of a State approved by the Governor; the Commonwealth of Puerto Rico, and insular areas.

Statewide Comprehensive Outdoor Recreation Plan (SCORP): A State recreation plan required by the Land and Water Conservation Fund Act.

Subgrantee: A general or special purpose local government, private non-profit agency, county or regional park authority requesting or in receipt of UPARR funding under an applicant jurisdiction.

UPARR: Urban Park and Recreation Recovery Act of 1978 or Program.

§§ 72.4–72.9 [Reserved]

Subpart B—Local Recovery Action Programs

SOURCE: 45 FR 15457, Mar. 10, 1980. Redesignated at 46 FR 34329, July 1, 1981, and correctly redesignated at 46 FR 43045, Aug. 26, 1981, unless otherwise noted.

§ 72.10 General requirements.

Any eligible jurisdiction or discretionary applicant desiring to apply for a grant must develop, submit and have

§ 72.11

approved a local Action Program. The Action Program must be submitted to the appropriate National Park Service Regional Office where it will be evaluated and approved. This is a necessary requirement which must precede the awarding of any rehabilitation or innovation grant. Until January 1, 1981, this requirement may be satisfied with an approved Preliminary Action Program. The Preliminary Action Program must include a firm commitment by the local government to complete and adopt a full Action Program within one year of approval of the Preliminary Action Program. After January 1, 1981, no rehabilitation or innovation grant will be awarded without an approved Recovery Action Program on file with the appropriate Regional Office. Communities are required to submit four (4) copies of the Action Program. Regional Offices and their States are:

Northeast Region

Federal Office Bldg. Room 9310, 600 Arch Street, Philadelphia, Pennsylvania 19106. Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

Southeast Region

75 Spring Street, Atlanta, Georgia 30303. Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, and the Virgin Islands.

Lake Central Region

Federal Building, Ann Arbor, Michigan 48107. Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.

Mid-Continent Region

Denver Federal Center, P.O. Box 25387, Denver, Colorado 80225. Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.

Pacific Southwest Region

450 Golden Gate Avenue, San Francisco, California 94102. American Samoa, Arizona, California, Guam, Hawaii, and Nevada.

Northwest Region

Federal Building, 914 Second Avenue, Seattle, Washington 98174. Idaho, Oregon and Washington.

36 CFR Ch. I (7-1-04 Edition)

South Central Region

5000 Marble Avenue, N.E., Albuquerque, New Mexico 87110. Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

Alaska Area Office

1011 East Tudor, Suite 297, Anchorage, Alaska 99503.

(Sec. 1007(a) and (b) of Title X National Parks and Recreation Act of 1978, Pub. L. 95-625, (16 U.S.C. 2506); sec. 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262))

[45 FR 54335, Aug. 15, 1980. Redesignated at 46 FR 34329, July 1, 1981; and correctly redesignated at 46 FR 43045, Aug. 26, 1981]

§ 72.11 Action program components.

The local government will submit an Action Program which documents the recreation needs of the community together with action plans to meet those identified needs. This Action Program will indicate how the park and recreation system will be revitalized and maintained. While the emphasis of the Action Program will be placed on the rehabilitation of deteriorating facilities, it also will describe how the rehabilitation effort is linked to the overall goals, priorities and strategies of the park and recreation system. The local government must develop the Action Program consistent with and linked to the objectives, needs, plans, and institutional arrangements of the community. The Action Program must present evidence of its consistency with the community's long-range goals and plans as expressed in its comprehensive plans and other documents. The Action Program consists of two sections which are the Assessment and the Action Plan.

§ 72.12 Assessment of needs, problems and issues.

The Action Program should begin with an Assessment describing the existing park and recreation system; issues and problems; goals and objectives. The Assessment should summarize the entire system including: Operation and maintenance; employment and training; programs and services; rehabilitation of existing facilities; and the need for new facilities. The Assessment should also describe how the park and recreation system relates to other

National Park Service, Interior

§ 72.12

public and private services. The Assessment consists of six parts which are as follows:

(a) *Context*. The context should provide:

(1) A short description of the local jurisdiction including: population; economy; geographical location; type of government; how the park department fits into the government structure; how the planning for parks and recreation is achieved; and the relationship to the community's comprehensive planning effort.

(2) A brief descriptive overview of the park and recreation system which includes a discussion of: The populations being served both within and outside of the jurisdiction; the types of services being provided; the degree to which the system is available and accessible to the populations intended to be served; and projected changes in system use.

(3) A discussion of the elements of planning, financing, programming, operation and maintenance, acquisition and development, and other factors common to park and recreation systems and other community services and prospects for future coordination.

(4) A discussion of the approaches and mechanisms used for citizen participation.

(b) *Physical Issues*. Summary information should be provided on existing facilities including:

(1) Types of facilities and the distribution of acreage and uses at different locations;

(2) Intergration of park and recreation planning and facility use with other service agencies such as schools, transportation and housing;

(3) Special facilities for the handicapped or elderly as well as facilities which work to mainstream special populations;

(4) Heavily used non-public or quasi-public facilities;

(5) Facilities of historical and architectural significance which provide recreation and are managed by the park system;

(6) Dependence upon nearby recreation resources outside the local jurisdictions, including public and private resources;

(7) Deficiencies and existing facilities and the needs of the community for

new facility development, expansion and/or closure of facilities and the effects of such activities.

(c) *Rehabilitation Issues*. Summary information should be provided on the need for rehabilitation of facilities. This should include:

(1) Geographic areas needing rehabilitation;

(2) Types of sites and properties for rehabilitation;

(3) Importance of rehabilitation in specific geographic areas; and

(4) Value of rehabilitation over replacement through new facility development.

(d) *Service Issues*. Summary information on existing services should outline activities and needs in the following areas:

(1) The type, extent and intended beneficiaries of recreation services;

(2) Special programs for the handicapped, elderly, minorities and mainstreaming programs for special populations;

(3) Relationship between and coordination with public and significant non-public programs and private sector groups;

(4) Extent to which park and recreation services relate to other community services including joint programs with schools, social service organizations, historic preservation groups, libraries, or community education facilities;

(5) Coordination with Federal, State (SCORP), regional, county and other jurisdictional plans and activities having direct and indirect impacts on parks and recreation.

(e) *Management Issues*. Management issues deal with operation of the park and recreation system. Information should summarize the needs and issues of:

(1) Process for developing procedures and policies;

(2) Staffing levels including full-time, seasonal and service personnel, and use of volunteers;

(3) Use of contractual services for recreation programming;

(4) Equipment maintenance and replacement policies; and

(5) Budgeting process, funding cycles and budgets for the past three years

and methods of budgeting (such as zero based or performance budgeting).

(f) *Conclusions, Implications and Issues.* This section should state major conclusions of the discussions in previous sections, summarize the major problems and highlight the implications for actions needed to address the problems which have been outlined in the issues sections.

§ 72.13 Action plan.

The purpose of the Assessment is to provide background and justification for an Action Plan. The Action Plan, which is the essential core of the Action Program, must be a clear statement of the community's specific objectives, priorities and implementation strategies in relation to the intent of the Urban Park and Recreation Recovery Program and the local government's overall recreation system goals. The Action Plan should be carefully tailored to the comprehensive community goals and directly responsive to the needs and problems identified in § 72.12. Citizen involvement in the development of the Action Plan is required and may include surveys, hearings, meetings, and/or consultation as appropriate. This involvement is essential in the development of goals, objectives and the setting of project priorities.

(a) *Goals for the System.* This section should set forth the overall goals and specific objectives for the system. Goals will clearly relate to the needs and issues identified in the Assessment and must be projected for at least the five-year life of the Action Program. The goals should be consistent with and, where appropriate, included in the general planning goals of the local government. Where local governments have developed, adopted and are utilizing an overall park and recreation plan, the goals of that plan may be appropriate for this requirement. Goals should be the basis for priorities, schedules and implementation strategies stated in the plan.

(b) *Strategies to Address National and Local Concerns.* This section should include a description of local strategies for recreation system recovery. A "strategy" defines the total approach to remedying system deficiencies and pro-

vides a rationale for priorities reflected in implementation schedules. Strategies should be devised which address the following national concerns:

(1) Ways in which park and recreation plans contribute to, and will be interrelated with, the local government's community development and urban revitalization efforts;

(2) The degree to which park and recreation plans serve citizens who reside in economically-distressed areas of the community and will improve access to park and recreation facilities and programs for minority groups, low- and moderate-income populations, and the handicapped;

(3) The extent to which the Action Program and its plan component will relate employment opportunities for minorities, youth and low- and moderate-income residents;

(4) How the plan seeks to obtain the widest range of beneficial uses of the natural environment and enhances and protects the natural environment;

(5) How park and recreation resources will be targeted in neighborhoods where other neighborhood revitalization efforts are occurring;

(6) How the plan seeks to restore outstanding or unique structures, landscapes, or similar features in parks of historical or architectural significance;

(7) Local commitments to innovative and cost-effective programs and projects on the neighborhood level which augment recovery of park and recreation systems;

(8) How the plan will be intergrated with other Federally assisted projects to maximize recreation opportunities;

(9) How the plan will convert for recreation use, derelict and other public lands not designated for recreation; and

(10) Inducements to encourage the private sector to provide neighborhood park and recreation facilities and programs.

(11) How the plan will seek to preserve, restore and develop waterfront areas for recreation and open space.

If any of the above concerns are not of significance within a locality preparing the Recovery Action Program due to lack of the physical attributes described in the above eleven (11) items, the Action Plan should indicate why

such strategies are not appropriate. Most communities will also have their own special concerns and should develop strategies to address them. These should accompany the strategies discussed above and provide a focus for specific recommendations.

(c) *Recommendations.* Recommendations for improvement of the park and recreation system should be discussed. Each recommendation or group of recommendations should be accompanied by a discussion of the techniques the local government will use to implement the recommendations. Reference should be made to how the recommendations relate to deficiencies, needs, and opportunities identified in previous sections of the Action Program. A brief physical development plan for the entire park and recreation system should be included. This can be accomplished with a map which indicates where existing facilities and activities occur as well as where future developments are to occur. Particular reference shall be made to populations served and indicated deficiencies.

(d) *Program Priorities and Implementation Schedule.* A statement of system priorities and a schedule for implementation shall be included. These priorities, together with justifying objectives and strategies for implementation shall be presented. Priorities presented will be an important factor in the evaluation and approval of requests for UPARR funding. Active and continued citizen participation is necessary throughout the process. Specific projects to be undertaken and the programs to be improved, expanded, introduced, or eliminated through rehabilitation, physical, service, management, and coordination actions should be discussed. A clear assignment of agency responsibility and an estimate of the costs of implementation should accompany these priorities.

(e) *Evaluation and Updating of Action Program.* This section should outline a specific program for annual monitoring, evaluating, and updating of the complete Action Program, including both improvements needed in the Assessment and the Action Plan. Citizen involvement is essential in the evaluation and monitoring of the Action Program. Copies of approved Action Pro-

grams must be readily available to the public to insure adequate opportunities for citizen review and comment.

§ 72.14 [Reserved]

§ 72.15 Preliminary Action Program.

During an initial interim period, the Action Program requirements, as described in §§ 72.11, 72.12 and 72.13 may be satisfied by local governments' submission of a Preliminary Action Program. The initial interim period shall end on January 1, 1981. Communities are required to submit four (4) copies of the Preliminary Action Program.

(Sec. 1007(a) and (b) of Title X National Parks and Recreation Act of 1978, Pub. L. 95-625, (16 U.S.C. 2506); sec. 2 of Reorganization Plan No. 3 of 1950 (34 Stat. 1262))

[45 FR 54335, Aug. 15, 1980. Redesignated at 46 FR 34329, July 1, 1981, and correctly redesignated at 46 FR 43045, Aug. 26, 1981]

§ 72.16 Preliminary Action Program requirements.

The following information must be submitted:

(a) *Evidence of physical deficiencies.* A general description of the problems confronted by the local government in bringing its facilities up to an adequate level of quality, the basis for the determination that certain facilities are deficient, and the general level of deficient facilities found within the jurisdictions. Maps and other graphics should be used to indicate where the deficiencies are located, particularly in reference to the populations to be served.

(b) *Level of resource support.* A summary of the public funds, including State and Federal, being spent by the jurisdiction on parks and recreation. A generalized description of the level of non-governmental support (neighborhood, voluntary and business) shall also be given.

(c) *Adoption of goals.* The existing park and recreation goals adopted by the governing body of the jurisdiction are to be included. Emphasis should be placed on what the local government is seeking to achieve in its parks and recreation systems, including the population it is attempting to serve, the facilities and services offered, and the

§ 72.17

providers (public agency or private sector).

(d) *Statement of priorities and implementation strategies.* Description of the priorities set by the local government as related to the deficiencies outlined above, and the strategies used to allocate available resources over time. Included should be a brief discussion of the relationship of the Preliminary Action Program to other related community development, historic preservation and urban revitalization efforts underway in the jurisdiction.

(e) *Evidence of public participation.* A description of the means by which citizens and public officials will be included early in the decision process for project selection, the setting of priorities and schedules, and the development of implementation strategies. Existing public participation efforts within the jurisdiction should be used.

§ 72.17 Preliminary Action Program—commitments to be included.

Local governments may submit a Preliminary Action Program during the initial interim period in lieu of a full Action Program. The Preliminary Action Program must include a firm commitment by the local government to complete and adopt a full Action Program by October 1, 1980. This commitment must include a schedule for the development of the full Recovery Action Program. The schedule should outline the activities which will be undertaken, the anticipated time frame for the development and completion of these activities, and the resources of people, money and support services necessary for the development and completion of the Recovery Action Program. Notwithstanding the foregoing provisions concerning the use of the Preliminary Action Program, local governments are encouraged to prepare, adopt and submit as soon as possible a full Action Program which complies with the provisions of §§ 72.11, 72.12, and 72.13. Local governments which have already made a commitment to park and recreation systems by establishing ongoing planning, rehabilitation, service, operation and maintenance programs may use these as a starting point for meeting Action Program requirements.

36 CFR Ch. I (7-1-04 Edition)

§§ 72.18-72.29 [Reserved]

Subpart C—Grants for Recovery Action Program Development, Rehabilitation and Innovation

SOURCE: 45 FR 71719, Oct. 29, 1980. Redesignated at 46 FR 34329, July 1, 1981, and correctly redesignated at 46 FR 43045, Aug. 26, 1981, unless otherwise noted.

§ 72.30 General requirements.

Applicants must have an approved Recovery Action Program on file with the appropriate NPS Regional Office prior to applying for Rehabilitation or Innovation grants. Rehabilitation and Innovation proposals must be based on priorities identified in the applicant jurisdiction's Recovery Action Program. Once NPS has indicated that a Rehabilitation or Innovation proposal is fundable, the applicant must meet all documentation requirements imposed by OMB Circulars A-102, A-95 and FMC 74-4. Regional offices of NPS will provide technical assistance to grantees in complying with these requirements.

§ 72.31 [Reserved]

§ 72.32 Funding and matching share.

(a) *Recovery Action Program Grant Matching.* Up to 50 percent matching grants are authorized for the preparation of Recovery Action Programs (RAP). State, local and private in-kind donations of assistance (salaries, supplies, printing, etc.) for the preparation of a RAP may be used as all or part of the 50 percent local match. Such in-kind contributions for the UPARR Program may not be used as the matching share for other federally-assisted programs. In addition, Section 1009 of the Act provides that reasonable local costs of Recovery Action Program development may be used as part of a local match for Innovation or Rehabilitation grants only when the applicant has not received a Recovery Action Program grant. Reasonable costs means costs for supplies, salaries, etc., which are not excessive in relation to the normal market value within a geographic area. These costs must be well documented and included in the preapplication for the proposal in

which they are to be used as a match. The match can only be used once, and allowed only after the RAP Has been approved by the respective NPS Regional Office.

(b) *Rehabilitation and Innovation grant matching.* The program provides for a 70 percent Federal match for rehabilitating existing recreation facilities and areas. Seventy percent matching funds are also authorized to local governments for innovation grants which will address systemwide coordination, management and community resource problems through innovative and cost-effective approaches.

(c) *Sources of Matching Share*—(1) *State Incentive.* As an incentive for State involvement in the recovery or urban recreation systems, the Federal government will match, dollar for dollar, State contributions to the local share of an Innovation or Rehabilitation grant; up to 15 percent of the approved grant. The Federal share will not exceed 85 percent of the approved grant. The Director shall also encourage States and private interests to contribute to the non-Federal share of project costs. State and local government shares may be derived from any State or local government source of revenue.

(2) *Cash.* State, local and private funds may be used as the non-Federal share of project costs. In addition, two types of Federal funds may be used as part of a local match: General Revenue Sharing (Treasury Department) and Community Development Block Grant (CDBG) program funds (Department of Housing and Urban Development) [See also §72.56(b)]. Section 1009 of the UPARR Act prohibits use of any other type of Federal grant to match UPARR grants.

(3) *Non-Cash*—(i) *Material goods.* NPS encourages in-kind contributions including real property, buildings or building materials, and equipment to applicants by the State, other public agencies, private organizations or individuals. The value of the contributions may be used as all or part of the matching share of project costs, but must be appraised and approved by the Service prior to grant approval. Details regarding these types of donations are covered in OMB Circular A-102. In-kind

contributions for the UPARR Program may not be used as the matching share for other Federally-assisted programs.

(ii) *Services.* Any type of service or assistance which relates directly to a grant and the provision of a recreation opportunity, can be used as a matching share; e.g., technical and planning services, construction labor, playground supervision or management services.

§ 72.33 Timing and duration of projects.

(a) Construction components of projects must be initiated during the first full construction season following grant approval. The time for completing construction components of either Rehabilitation or Innovation proposals will be limited to three years or three construction seasons, whichever is greater, unless in the opinion of the Director an extension of time not to exceed a designated period will assure that completion of the grant objectives will be cost-effective within funding currently available, in accord with established goals of the UPARR Program, and of benefit to the federal government. Any component of an Innovation proposal which is to provide services or programs, must be started within one year from grant approval. The grant project term and expiration date for Rehabilitation and Innovation proposals will be established by NPS at the time of grant approval.

(b) When an applicant wishes to complete a project in a number of stages, the applicant may request UPARR assistance for all the stages in a single application or proposal. In such cases, the three year limit on construction still applies. If an applicant wishes to request funding for only a single stage at time, each stage must be structured in such a manner that it will increase the recreation utility of the property, or provide direct recreation opportunities, independent of subsequent stages. Funding of one stage of a multi-staged proposal in no way implies that subsequent stages will also be funded.

§§ 72.34–72.35

(c) Supplemental grants to existing innovation grants may be approved by the Director.

[45 FR 71719, Oct. 29, 1980. Redesignated at 46 FR 34329, July 1, 1981, and correctly redesignated at 46 FR 43045, Aug. 26, 1981, and amended at 47 FR 15137, Apr. 8, 1982; 48 FR 3971, Jan. 28, 1983]

§§ 72.34–72.35 [Reserved]

§ 72.36 Land ownership, control and conversion.

Section 1010 of the Act provides that no property improved or developed with assistance through the program shall, without the approval of the Director, be converted to other than public recreation use. Therefore, any applicant or sub-grantee must demonstrate, at the time of grant approval, that it has adequate tenure and control of the land or facilities for which UPARR assistance is proposed, either through outright ownership or lease.

(a) Lands or facilities that are not under adequate tenure or control will not be considered for UPARR assistance. If the land is not owned by the applicant or sub-grantee, then a non-revocable lease of at least 25 years, or a non-revocable lease providing ample time to amortize the total costs of the proposed activity, must be in effect at the time of grant approval. The lease cannot be revocable at will be the lessor. The costs of acquisition or leasing of land or facilities are not eligible for assistance under the provisions of the Act, section 1014.

(b) The conversion or replacement of properties assisted through UPARR to non-recreation use must be in accord with the current local Recovery Action Program, and approved by the Director. Requests for permission to convert UPARR-assisted properties must be submitted to the Director in writing. The replacement property must assure the provision of adequate recreation properties and opportunities of reasonable equivalent location and recreation usefulness. For leased property which is developed or improved with UPARR funds, the grantee, as a condition of the receipt of these funds, must specify in a manner agreed to by the Director, in advance of the conversion, how the

36 CFR Ch. I (7–1–04 Edition)

converted property will be replaced once the lease expires.

(c) UPARR Program funds may be used to rehabilitate facilities built or develop with LWCF assistance only after a determination is made by NPS that the facility has been maintained in accordance with the LWCF Program.

(d) Applicants must certify that any property acquired after January 2, 1971, and to be improved or enhanced by UPARR assistance, was acquired in conformance with Pub. L. 91-646, the Uniform Relocation and Land Acquisition Policies Act (See 41 CFR parts 114-50).

§ 72.37 Pass-through funding.

Section 1006(a)(1) of the Act states that at the discretion of the applicant jurisdiction, and if consistent with an approved application, Rehabilitation and Innovation grants may be transferred in whole or in part to independent special purpose local governments, private non-profit agencies (including incorporated community or neighborhood groups) or city, county, or regional park authorities, provided that assisted recreation areas owned or managed by them offer recreation opportunities to the general public within the boundaries of the applicant's jurisdiction. No UPARR funds may be passed through for Recovery Action Program grants. The decision on whether or not to pass money through to non-profit organizations or governmental units is made by the applicant jurisdiction which is responsible for the grant; not NPS. Organizations, agencies or governmental units seeking funding assistance on a pass-through basis must work with an applicant jurisdiction in the preparation of the UPARR application, and the applicant jurisdiction will be responsible for the submission of the application. The applicant jurisdiction has full responsibility and liability for funds passed through to subgrantees. In the event of default by the pass-through recipient, the applicant jurisdiction must assume responsibility for ensuring that all provisions of the grant agreement are carried out, including the continued delivery of recreation services resulting from the grant. The pass-through of funds may constitute the entire grant

proposal submitted by an applicant jurisdiction, or may be only a portion of it.

(a) *Applicant responsibilities.* The applicant jurisdiction possesses full responsibility and liability for funds passed-through to subgrantees. It should take precautions to ensure that pass-through agencies can reasonably be expected to comply with grant requirements.

(1) *Application requirements.* The applicant jurisdiction is responsible for actual preparation and submission of both the pre- and final grant applications. Organizations, agencies or governmental units seeking funding assistance on a pass-through basis must work with the applicant jurisdiction. The applicant jurisdiction may request any or all of the necessary documentation from the subgrantee. It is essential that applicants take precautions to pass-through grants only to reliable and capable agencies or organizations that can reasonably be expected to comply with grant and project requirements.

(2) *Recommended pass-through recipient standards.* Because the grantee has full responsibility for the pass-through grant, the grantee should ensure that subgrantees meet the following minimum standards.

(i) Demonstrate a history of providing recreation services to the distressed community. The history of providing recreation services must be commensurate with the amount of UPARR assistance requested. A pass-through subgrantee may be a non-profit or neighborhood organization which has provided other social services to the community, or a newly formed, but reliable and capable group which can reasonably be expected to comply with grant and project requirements.

(ii) Take responsibility for the same application, administration and compliance responsibilities as that of the applicant jurisdiction.

(iii) Certify that property improved or developed with UPARR funds will remain dedicated to public recreation use.

(iv) Work through and with the applicant jurisdiction.

(v) Demonstrate that the existing, or soon to be developed, recreation prop-

erty which it owns or operates is accessible to residents of targeted distressed areas.

(vi) Demonstrate adequate tenure and control of the property to be rehabilitated or used for innovation, through lease or ownership.

(vii) Establish a contractual agreement with the applicant jurisdiction which is binding and enforceable to assure that the applicant jurisdiction can adequately meet its contractual obligations under the grant.

(viii) Be empowered to contract or otherwise conduct the activities to be supported as a result of the grant.

(ix) Not discriminate on the basis of residence except in reasonable fee differentials.

(x) Be generally recognized as a provider of service to urban residents.

(xi) Have adequate financial resources, the necessary experience, organization, technical qualifications and facilities; or a firm commitment, arrangement, or ability to obtain such.

(xii) Have an adequate financial management system which provides efficient and effective accountability and control of all property, funds, and assets sufficient to meet grantee needs and grantee audit requirements.

(xiii) Private non-profit agencies or corporations should also be properly incorporated as a non-profit organization with an elected and autonomous board which meets regularly.

(b) *Pass-through property and fee limitations.* Rehabilitation or Innovation assistance on property not in public ownership, operated by a private non-profit organization through a pass-through grant, will be limited to that portion of the property which directly provides recreation services. Such recreation services must be available to the public on a non-membership, non-fee, or reasonable fee basis, and during reasonable prime time. If a fee is charged or is required for the services resulting through the Rehabilitation or Innovation grant, the fee should be comparable to prevailing local rates for similar services. Charges for recreation services will only be permitted if they do not unfairly jeopardize participation in the recreation service by the disadvantaged population.

§§ 72.38–72.39 [Reserved]

§ 72.40 **Historic properties.**

Properties listed in or determined eligible for listing in the National Register of Historic Places must be treated in accordance with the Advisory Council on Historic Preservation procedures described in 36 CFR 800, “Protection of Historic and Cultural Properties.” Applicants must identify such properties in the preapplication if they are situated at a UPARR grant site.

§ 72.41 **Demolition and replacement of existing recreation properties.**

Demolition will only be supported when rehabilitation is not feasible or prudent. In the case of demolition, the demolition costs should not exceed 75% of the proposed cost for replacement. The applicant must present a cost analysis (well documented case) for demolition and replacement versus rehabilitation. When assistance for demolition is requested, the applicant must also indicate how the replacement will increase the site’s recreation utility, and how the useable life of the property will be increased.

§ 72.42 **Expansion and new development.**

(a) *Expansion.* Because the UPARR Program is targeted to distressed areas, every assurance should be made that if any expansion takes place, existing recreation facilities are up to building standards and the following general requirements are met.

(1) The general category of sites/facilities or programs involved must be an identified priority in the jurisdiction’s Recovery Action Program.

(2) The results of the expansion must not substantially increase the personnel or maintenance costs of the applicant jurisdiction’s overall recreation system unless expansion of the system has been addressed as a priority in the jurisdiction’s Recovery Action Program, and the RAP strategies specifying how the funds for increased personnel or maintenance costs associated with the expansion will be obtained. The preapplication narrative must describe the extent of increased personnel and maintenance for the project(s) in-

cluded in the proposal, if any, and methods of financing them.

(3) The expansion must increase the extent, volume, scope, or quality of recreation opportunities to residents of distressed neighborhoods.

(b) *New development.* For purposes of this program, new development is defined as the developing for changing of relatively unimproved property which has not previously been developed for recreation. This includes the creation of new parks and facilities.

(1) *Rehabilitation.* New development will not be assisted under a rehabilitation grant.

(2) *Innovation.* New development may be allowed under an Innovation grant when it is directly related to a specific innovative idea or technique, increases the utility of a property and/or service program, and increases recreation opportunities for users in the target area.

§ 72.43 **Fundable elements: Recovery Action Program grants.**

Reasonable and documented costs necessary for preparing a Recovery Action Program may be reimbursed by UPARR funds from a 50 percent matching grant. These costs may include expenses for professional services; local public meetings; data collection and analysis; preparation, editing and printing of appropriate reports, plans, maps, charts and other documents forming a part of the plan; and supporting costs, supplies and other approved costs. Costs incurred prior to the approval of a Recovery Action Program grant will not be eligible for reimbursement or cost sharing.

§ 72.44 **Fundable elements: Rehabilitation and Innovation grant common elements.**

(a) All Rehabilitation and Innovation proposals must be based on priorities identified in the applicant jurisdiction’s local Recovery Action Program. An applicant may apply for UPARR assistance only in an amount which, together with other available public and private resources, is adequate to complete the work approved by the grant agreement. The applicant must document the availability and source of these resources at the time of

preapplication for UPARR assistance. Fundable elements in both Rehabilitation and Innovation proposals may include: materials and labor, site planning, architectural and engineering fees, and other costs for activities necessary to complete the approved project. Reasonable architectural and engineering fees essential to the preparation of a proposal application, incurred within a period 9 months prior to preapplication submission to NPS, are reimbursable. Architectural and engineering fees prior to the 9 month period will not be eligible for reimbursement or cost sharing. Other costs incurred prior to approval of any UPARR grant, and fees to consultants for preparation of UPARR grant applications are not reimbursable. No more than 5 percent of the total grant cost may be used by the grantee or pass-through sub-grantee for grant administrative costs. The remaining funds must be made available for projects. Any costs incurred for travel outside the local applicant jurisdiction will not be reimbursable without prior approval from NPS.

(1) *Local intent.* Rehabilitation and Innovation proposals which provide recreation to residents within a distressed local neighborhood area will be given higher priority. Proposals which have a primary intent to attract or to provide recreation for visitors from outside the applicant jurisdiction, or proposals whose primary objective is the enhancement of the area's economy through the attraction of visitors to the jurisdiction, will not be considered. Innovation proposals which transport residents from distressed neighborhoods to recreation opportunities outside the local jurisdiction, may be considered eligible for funding.

(2) *Conservation and energy.* Proposals which foster the conservation of energy and natural resources are encouraged; e.g. improvements in accessibility which reduce the need of automobile transportation, efficient use of electrical or other power sources, and water conservation.

(3) *Multiple site requests.* Rehabilitation and Innovation proposals may request funding for neighborhood-oriented recreation facilities or services which affect the entire recreation sys-

tem of the applicant jurisdiction, several specific sites or areas, or a single site or area. Innovation proposals which affect multiple facilities or services must be oriented to a single purpose, or one basic innovative category or approach.

(4) *Support facilities.* The rehabilitation of support facilities for any grant project will be eligible for funding only when such facilities are well defined, are included as part of an overall rehabilitation effort, and provide direct recreation opportunities and benefits to the population being served. Rehabilitation grants may cover costs of remodeling, expanding or developing (see § 72.42) existing outdoor or indoor recreation areas and facilities, including improvements in park landscapes and buildings. Assistance for the rehabilitation of multi-service facilities must be prorated to those elements within the proposal necessary for the provision of recreation opportunities.

(5) *Elements excluded from funding.* The Act excludes UPARR assistance for major sport arenas, exhibition areas and conference halls used primarily for commercial sports, spectator, or display activities; routine maintenance and upkeep supplies or activities; and for the acquisition of land or interests in land.

§ 72.45 Fundable elements: Innovation grants.

(a) Innovation grants may cover costs related to improved delivery of recreation services (including personnel, training, facilities, recreation equipment and supplies), except those which pertain to routine operation and maintenance not directly related to the provision of recreation opportunities. All equipment and supply requests in Innovation proposals will be reviewed to assure that they will substantially contribute to the recreation services intended under the specific grant. The intent of Innovation grants is to test new ideas, concepts and approaches aimed at improving facility design, operations or programming in the delivery of neighborhood recreation services. They should also contribute to a systems approach to recreation by linking recreation services

with other critical community programs; such as transportation, housing, and health programs. The UPARR Program will competitively choose the best quality Innovation proposals with nationwide demonstration potential, and which serve people who most need the new recreation services. An innovative community recreation project may be a service, a process, an organizational arrangement or a technique. The innovation should demonstrate a concept that is untried, unique, and/or advances the state of the art for recreation. Ideas from successful Innovation proposals will be disseminated nationwide through annual progress reports to Congress, as required in section 1015(b) of the Act, and through the ongoing technical assistance efforts of NPS. Information seminars, workshops and other techniques may also be used to provide the greatest possible exposure of these ideas for use in other communities. Because the legislation limits the yearly funds available for Innovation grants (not more than 10% of funds authorized), the majority of Innovation grants should ideally be monetarily smaller awards aimed at leveraging public and private community support and providing activities with high demonstration value, rather than large-scale development or expansion projects. The long-range intent of funding innovative proposals is to support and demonstrate a great variety of ideas during the five year implementation of the UPARR Program. For this reason, only one or two proposals having a similar emphasis or approach will be funded. Proposed Innovation projects which have been demonstrated before or are currently being operated in other cities, may be considered for UPARR assistance if the application identifies and addresses the question of the special nature or circumstances surrounding the new project.

(1) *Program services.* Innovation grant costs may include those costs which relate to: demonstrations of the improved multiple-use of public buildings e.g., schools, community centers, libraries; unique program expansions or increases in services; purchase of recreation services on a contractual basis; increased access to recreation areas;

and cost-effective management techniques.

(2) *Adaptive reuse.* In addition to providing services for areas or facilities already in recreation use, Innovation grants may provide funding for the adaptive reuse of areas or facilities not currently in recreation use, or those where mixed community use occurs. Physical rehabilitation of facilities not currently in recreation use (whether public or private) may be funded as part of an Innovation proposal, and would be classified as adaptive reuse. An example would be conversion of an abandoned building to a unique community recreation center. When only a portion of the area or facility will be used for recreation, only that portion will be eligible for UPARR funding.

(3) *Supplies.* Funds may be used to purchase expendable supplies and equipment which relate directly to an Innovation proposal, such as sports equipment, arts and crafts supplies, chairs and tables if needed for an activity, and essential emergency or safety equipment. General office supplies and furniture not used exclusively to provide recreation services as a part of the proposal, or not an inherent component of the proposal, will not be reimbursable.

(4) *Coordination.* Local costs incurred for coordinating any grant proposal activities and programs with other public, non-profit or private community services may be reimbursable.

(5) *Personnel.* Eligible personnel costs for Innovation proposals will be limited to salaries and benefits of those employees directly engaged in the provision of recreation services or formulation of new techniques. Volunteer services may be furnished by professional and technical personnel, consultants, and other skilled and unskilled labor. Each hour of committed volunteer service may be counted toward the local matching share of funds, if the service provided is an integral part of an approved proposal.

(6) *Special populations.* A proposal which will provide recreation opportunities primarily for a specific demographic group, such as the elderly, youth or handicapped, may be funded. However, the recreation provided must be open to the public, incorporate some

National Park Service, Interior

§ 72.48

activities for the general population, and address needs as identified in the local Recovery Action Program. Services for special populations, such as transportation to recreation facilities, may also be funded.

(b) *Basic types of Innovation proposals.* Types of Innovation proposals which can be funded are suggested by, but not limited to, the following types:

(1) The unique integration of recreation with other community services; such as transportation, public housing and public safety; either to expand or update current services, or to link programs within the social service structure of a neighborhood, or between neighborhoods.

(2) New management and cost-saving or service-efficient approaches for improving the delivery of recreation services should be fundamental to all Innovation and Rehabilitation proposals, and may also be the prime focus of an Innovation proposal. Extending hours of operation, increasing the variety of recreation programs, contracting with commercial or private non-profit agencies to supply specific recreation services, or assisting citizens in designing and operating their own programs, are examples of management approaches.

(3) New approaches to facility design which emphasize user needs and preferences and promote efficient operation and energy conservation.

(4) New fiscal techniques to generate revenue for continuing operation and maintenance, such as tax credits.

(5) Techniques for improving transportation and access to recreation opportunities.

(6) Techniques to facilitate private, non-profit, and community involvement in providing recreation opportunities.

(7) Improved use of land resources; such as utilizing abandoned railroads and highway rights-of-way, waterfronts, street spaces, or derelict land for recreation.

(8) Adaptive reuse or multiple use of public or private facilities and areas. (Private areas or facilities utilized must be opened to the public.)

(9) Techniques to prevent or reduce crime, abuse and vandalism; such as better design, non-destructible build-

ing materials, or use of community volunteers to supervise areas.

(10) Communications and public awareness of recreation opportunities, including education in leisure services; but excluding research.

§ 72.46 Citizen participation requirements.

(a) *Recovery Action Program Grants.* Citizen participation is required for developing and implementing a Recovery Action Program (§72, Subpart B), but is not required in the process of preparing a local Recovery Action Program grant application.

(b) *Rehabilitation and Innovation grant.* The applicant shall provide citizens with an adequate opportunity to participate in the development of a Rehabilitation and/or Innovation proposal and in implementation, monitoring and evaluation of the activities supported through the grants. The applicant shall also encourage the submission of views and proposals, particularly by residents of blighted neighborhoods and citizens with low and moderate incomes. The applicant is encouraged to utilize a variety of approaches to ensure public involvement. Nothing in these requirements, however, shall be construed to restrict the legal responsibility and authority of the applicant for the execution of its Recovery Action Program, and the development of its UPARR applications.

§ 72.47 [Reserved]

§ 72.48 Federal coordination.

Applicants requesting UPARR assistance under one of the three grant categories shall investigate the possibilities of administrative and/or funding coordination with other Federal programs. Higher priority is given to proposals which relate to a comprehensive neighborhood revitalization strategy, including, but not limited to programs such as the Department of Housing and Urban Development (HUD) Neighborhood Self-Help program.

§ 72.49 [Reserved]

Subpart D—Grant Selection, Approval and Administration

SOURCE: 45 FR 71723, Oct. 29, 1980. Redesignated at 46 FR 34329, July 1, 1981; correctly redesignated at 46 FR 43045, Aug. 26, 1981, unless otherwise noted.

§ 72.50 Grant selection criteria.

(a) *Recovery Action Program grant selection criteria.* The following criteria will be used in evaluating Recovery Action Program grant applications and in deciding priorities for funding:

(1) Degree of need for funds to develop a Recovery Action Program and an ongoing planning process, including the size and complexity of the community's problems, deficiencies in existing planning, and in the capability of the community to initiate and sustain continuing planning efforts.

(2) Degree of the community's commitment to systematic planning, including financial, personnel and time resources already devoted to planning or committed for the future.

(3) Extent to which current park and recreation planning is integrated with overall community planning or would be better integrated as a result of the grant, including use of other Federal or State funds for related planning purposes.

(4) Appropriateness and efficiency of the planning program's work elements (scope, timing, methodology, staffing and costs) in relation to the basic requirements for Recovery Action Programs contained in subpart B, §§72.10 through 72.18 (45 FR 15456).

(b) *Rehabilitation Grant Selection Criteria.* The following criteria will be used to evaluate and rank Rehabilitation proposals:

(1) The Federal UPARR investment per person served by the entire system; relationship between the size of the community and the amount of grant funds requested. Highest priority will be given to proposals with lower per capita costs in relation to recreation benefits provided.

(2) Providing neighborhood recreation needs. Higher priority will be given to proposals serving close-to-home recreation needs, lower priority

to those serving area or jurisdiction-wide needs.

(3) Condition of existing recreation properties to be rehabilitated, including the urgency of rehabilitation and the need to maintain existing services.

(4) Improvement in the quality and quantity of recreation services as a result of rehabilitation, including improvements at specific sites and overall enhancement of the recreation system.

(5) Improvement of recreation service to minority and low to moderate income residents, special populations, and distressed neighborhoods.

(6) Proposal's consistency with local government objectives and priorities for overall community revitalization.

(7) Neighborhood employment opportunities created.

(8) State participation in the proposal, including financial and technical assistance.

(9) Private participation by both the non-profit and for-profit sectors in the proposal, including contributions of financial assistance.

(10) Jurisdiction's commitment to implementing its overall Recovery Action Program.

(c) *Innovation Grant Selection Criteria.* The following criteria will be used to evaluate and rank Innovation proposals:

(1) Degree to which the proposal provides a new, unique or more effective means of delivering a recreation service that can serve as a model for other communities.

(2) Degree of citizen involvement in proposal conceptualization and implementation.

(3) Degree to which the proposal may lead to a positive, systemic change in how park and recreation services are provided. Extent to which the proposal creates opportunities for new partnerships between the people affected, private interests within the community, and public agencies (e.g., Mayor's Office, Recreation Department, Board of Education, Planning Department, social service agencies).

National Park Service, Interior

§ 72.52

(4) Degree of commitment of community and proposal participants to continue the long term program objectives, including commitments to continue funding after the requested Federal grant money is no longer available. Extent of private resources committed to providing funds or in-kind services for continuing operation and maintenance of projects.

(5) Degree to which proposal managers use the Federal funds to leverage greater public or private investments (in the form of services and materials, as well as dollars).

(6) Degree to which the proposal provides potential coordination with other community, State and Federal programs of community development and those providing recreation to the target population (e.g., public and private non-profit, education programs, CETA for employment, HUD programs).

(7) Extent of improvement in the quality and quantity of recreation services as a result of the Innovation project.

(8) Degree to which the proposal ties in with goals, priorities and implementation strategies expressed in the local park and recreation Recovery Action Program.

(9) Degree to which the proposal leads to a transfer of a recreation role traditionally performed by a public entity, to quasi-public or private non-profit interests. This degree means the degree to which the private sector can take full responsibility, supplement, or fill the gaps in public recreation services, management or operation; either through a transfer of funding responsibility, or an exchange of technique or method approaches which may prove to be more effective under the private sector. This should in no way alter the public sector responsibility to continue to provide and/or monitor good quality recreation facilities and services.

(10) Degree to which a proposal benefits disadvantaged community populations and/or those areas within a distressed community which have the greatest recreation deficiencies.

NOTE: Innovation proposals for the adaptive reuse of non-recreation areas or structures, through rehabilitation for recreation should also address rehabilitation selection criteria, particularly the criteria covering Federal investment per person served and

the degree to which the proposal would serve close to home recreation needs.

§ 72.51 A-95 clearinghouse requirements.

Notice of intent to submit any application for UPARR funding must be forwarded by the applicant, no later than 60 days prior to submission of a grant application, to the State clearinghouse and appropriate metropolitan or areawide clearinghouses, in accordance with OMB Circular A-95 and Interior Department Manual part 511. If a jurisdiction wishes to compress the A-95 timetable, it must receive approval of the clearinghouse. Appropriate A-95 notifications must be submitted for all three types of UPARR grants at both preapplication and full application stages. Standard Form 424 is to be used for these notices unless otherwise specified by the clearinghouse. Comments from clearinghouses, if available, must be included with the preapplication. All A-95 comments will become part of the required application and proposal file which will be retained by NPS. A-95 requirements for Recovery Action Programs and grants are discussed in § 72.52.

§ 72.52 Recovery Action Program grant applications.

The application procedure for Recovery Action Program grants differs from the procedure for Rehabilitation and Innovation grants. Ranking and selection for funding of Recovery Action Program grants will be initiated on the basis of a full application, preparation of which will be assisted through meetings with NPS regional staff.

(a) *Preapplication Conference.* In the preparation of a Recovery Action Program grant application, applicants are encouraged to discuss with NPS regional personnel, or State personnel, when an agreement between NPS and the State covers such action, the adequacy of the proposal in meeting the requirements for a Recovery Action Program. Prior to formal submission, the Recovery Action Program grant application should be reviewed with the appropriate NPS Regional Office.

(b) *Submission of Applications.* In addition to Standard Form 424 on Federal Assistance notification, applicants for

§ 72.53

36 CFR Ch. I (7-1-04 Edition)

Recovery Action Program grants shall submit the following documents and required attachments to NPS Regional Offices:

(1) OMB Form 80-RO190, completed as prescribed by OMB Circular A-102. (Application for Federal assistance, for non-construction programs).

(2) Grant agreement form.

(3) Narrative statements which will be used in evaluating grant applications in relationship to the selection criteria as defined in § 72.50(a), including:

(i) The need for the planning grant.

(ii) The jurisdiction's existing or proposed commitments to developing a full Recovery Action Program and an ongoing planning process.

(iii) The relationship of the planning program to overall community plans and programs.

(iv) Appropriateness of the proposed planning program's scope, timing and methodology in relation to UPARR planning requirements and the community's identified planning needs.

(v) Dollars and work years to be devoted to development of each element in the proposed Recovery Action Program, including some indications of the qualifications of staff members who will work on the program.

(vi) If appropriate, a discussion of work elements to be contracted out to other government agencies, private consultants or private non-profit agencies, including the reasons for contracting work elements instead of doing the work within the community's own planning agencies.

(4) Applications for RAP grants need a full 60 day A-95 clearinghouse review. Clearinghouse comments for RAP grants must then be submitted to NPS. Final RAP's also must be submitted to clearinghouses, in accordance with OMB Circular A-95.

§ 72.53 Preapplication process for Rehabilitation and Innovation grants.

To reduce the amount of time and documentation needed for a full application, and to foster the competitive aspects of the UPARR program, a preapplication procedure is used.

(a) The preapplication must provide information adequate to guide proposal selection. Grants will be awarded in ac-

cordance with the availability of funds. Funding for an approved grant will not be increased from subsequent yearly appropriations.

(b) Applicants are encouraged to discuss their proposals with their NPS Regional Office to determine basic fundability and competitiveness prior to submitting a preapplication.

(c) If a State is assisting the applicant in preapplication preparation, providing a source of matching share, or giving technical assistance, the State may assist in submission of the preapplication to the appropriate NPS Regional Office with the applicant's prior approval. The amount, source and assurance of State assistance for a matching share must be specified in the preapplication.

(d) The following procedural guidelines shall apply to submission and approval of Rehabilitation and Innovation proposals.

(1) Preapplications shall be submitted to the appropriate NPS Regional Office by the chief executive officer of the applicant jurisdiction. The preapplication must include those items as set forth in the *Preapplication Handbook*, available from any NPS Regional Office. In addition to the narrative on selection criteria, all preapplications for Rehabilitation proposals must include a short description stating: (i) the problem addressed by the proposal, including existing conditions, (ii) the reason for the problem or why the condition exists, and (iii) the proposed solution to the problem and what corrective measures will be used.

(2) An applicant may have no more than one Innovation and one Rehabilitation proposal under consideration in any one funding cycle.

(3) Any existing and/or proposed fees or charges for recreation opportunities or services provided through a UPARR grant, whether for public, private or non-profit activities, must be identified in the preapplication.

(4) Discretionary applicants must submit a narrative statement, signed by the chief executive of the applicant jurisdiction, which explains and quantifies the degree of physical and economic distress in the community. Statistics and discussion on distress shall address, but need not be limited to, the

National Park Service, Interior

§ 72.56

criteria used to select eligible jurisdictions contained in Appendix A of this part. A discretionary narrative statement must be included in each preapplication.

(5) All submitted grant preapplications will be reviewed by NPS Regional Offices to assure that they meet all minimum legal and technical standards before being certified as eligible for competition. Proposals not meeting minimum standards will be returned to the applicant. Periodically, all certified proposals will be evaluated in the Regional Offices before being submitted to Washington, where they will be judged by national panels whose members are knowledgeable in recreation and urban revitalization. Innovation and Rehabilitation proposals will be judged by separate panels.

(6) Following review and ranking by the panels, the Director will approve tentative grant offers for those proposals which may be funded. Successful applicants will be notified by the NPS Regional Offices, and completion of the formal application process will take place. The formal application process must be completed within 120 days of notification of the tentative grant offer, or the tentative grant offer may be withdrawn. Final approval of a grant and obligation of funds will occur when all application requirements have been met and the appropriate documents are on file. No costs may be incurred or reimbursed, except incurred architectural and engineering fees indicated in § 72.44, until NPS approval of the grant agreement.

(7) Unfunded proposals may require modifications to improve their competitiveness. Applicants with such proposals will be advised by NPS of suggested modifications, if any, to increase their chances for funding in future grant rounds.

(8) If an applicant wishes a proposal to remain in competition, it may be considered for two additional funding cycles, with or without minor modifications, before it is returned to the applicant. Major modifications of scope and/or total funding request will require complete resubmission of a proposal as a new preapplication. Applicants who wish to change the scope

and/or total funds requested for a proposal which is already in competition, must submit a written request for withdrawal of the previous proposal before submitting a new proposal in the same competition.

(9) The Director reserves the right to withdraw a grant offer if it is determined that any preapplication contains misstatements or misrepresentations of fact, or problems identified which cannot be resolved.

§ 72.54 Rehabilitation and Innovation grants—full application process.

Once a Rehabilitation or Innovation proposal has received a tentative grant offer, applicants will be responsible for compliance with all applicable Federal laws and regulations listed in OMB Circular A-102, including those specific Acts and Executive Orders listed in § 72.56 of these regulations. The applicant must also complete all documentation and other requirements specified by OMB circulars A-102, and A-95 within 120 days. Regional Offices of NPS will provide technical assistance to grantees in complying with these requirements. A grant will not be approved until the applicant is in compliance with the above requirements.

§ 72.55 [Reserved]

§ 72.56 Grant program compliance requirements.

(a) Once a proposal has received a grant offer, applicants will be responsible for compliance with all applicable Federal laws and regulations, including, but not limited to:

- Architectural Barriers Act of 1968 (P.L. 90-480)
- Clean Air Act and Federal Water Pollution Control Act
- Copeland Anti-kickback Act
- Endangered Species Act of 1973 (Pub. L. 93-205)
- Executive Order 11246, Equal Employment Opportunity
- Executive Order 11593, Protection and Enhancement of the Cultural Environment
- Executive Order 11625, Arrangements for Developing and Coordinating a National Program for Minority Business Enterprise
- Executive Order 11988, Floodplains Management
- Executive Order 11990, Protection of Wetlands

§§ 72.57–72.59

Executive Order 12088, Federal compliance with Pollution Control Standards
Executive Order 12185, Conservation of Petroleum and Natural Gas
Flood Disaster Protection Act of 1973 (Pub. L. 93-234)
Historical and Archeological Data Preservation Act of 1974 (Pub. L. 93-291) 36 CFR 66
National Environmental Policy Act of 1969 (Pub. L. 91-190)
National Historic Preservation Act (Pub. L. 89-665)
Nondiscrimination section 109 of the Housing and Community Development Act of 1974 (42 USC 5301) as amended.
Section 504 of the Rehabilitation Action Act of 1973
Title VI of the Civil Rights Act of 1964, Executive Order 11764
Title VIII of the Civil Rights Act of 1968 (42 USC 3601) as amended, Executive Order 11063 (27 FR 11527)
Uniform Relocation Assistance & Land Acquisition Policies Act of 1970 (Pub. L. 91-646)

(b) Applicants using General Revenue Sharing or Community Development Block Grant monies as a matching share must check with the responsible Federal agencies, i.e. Treasury or HUD to determine if the Davis-Bacon Act is applicable. (HUD regulations 24 CFR part 570 [CDBG]. Treasury regulations 31 CFR part 51, State and Local Fiscal Assistance Amendments of 1976 [P.L. 94-488], General Revenue Sharing program.) Questions concerning other CDBG requirements should be addressed to the HUD Area Office serving the UPARR applicant jurisdiction.

§§ 72.57–72.59 [Reserved]

§ 72.60 Grant administrative procedures.

(a) *Administrative Requirements for Recipients of UPARR Assistance.* For all grants under this Program, the administrative requirements are the attachments listed in the Office of Management and Budget (OMB) Circular A-102 (as revised).

(b) *Accounts, Audit, Inspection.* Adequate financial records must be maintained by the applicant to support all expenditures or costs covered by a Recovery Action Program, Rehabilitation or Innovation project, as specified in Federal Management Circular (FMC) 74-4 and OMB Circular A-102.

(c) *Additional conditions.* The Director may, with respect to any grant, impose

36 CFR Ch. I (7-1-04 Edition)

additional conditions prior to, or at the time of grant approval, when in his or her judgement these conditions are necessary to assure or protect advancement of the grant purposes, the interests of public health or safety, or the conservation of grant funds. Extra requirements may be imposed on high-risk grantees who have records of default on prior Federal grants.

(d) *Remedies for Noncompliance.* In appropriate circumstances, the Director may suspend or recoup the financial assistance provided under UPARR, upon the formal finding that the Grantee is in violation of the terms of the grant or the provisions of these regulations.

§ 72.61 [Reserved]

§ 72.62 Amendments to approved grants.

Changes which alter the scope of any approved UPARR competitive grant must be submitted to and approved by NPS. Once a grant offer is made, based upon the preapplication, no increases in the amount of UPARR funding specified in the original proposal will be considered. Such changes should be the basis of a new proposal or application.

§ 72.63 Grant payments.

The Director shall make payments to a grantee of all, or a portion of any grant award, either in advance or by way of reimbursement. Advance payments on approved Rehabilitation or Innovation grants will be in an amount not to exceed 20% of the total grant cost [section 1006(2) of the Act].

§ 72.64 [Reserved]

§ 72.65 Other requirements.

(a) *Requirements for Operation and Maintenance.* Grantees are required to keep all UPARR assisted properties in reasonable repair to prevent undue deterioration, and to encourage public use during reasonable hours and times of the year, according to the type of facility and intended uses.

(b) *Non-discrimination.* There shall be no discrimination for UPARR assisted programs or services on the basis of residence, except in reasonable fee differentials.

National Park Service, Interior

§ 72.72

(c) *Sunset Reports.* In compliance with the sunset and reporting provision of the Act, section 1015(b), an annual report will be prepared on the achievements of the Innovation grant program, with emphasis on the nationwide implications of successful innovation projects. A final report on the overall impact of the UPARR Program will be prepared within 90 days of the expiration of the authority. Additional project information may be requested from applicants to facilitate the preparation of such reports.

Subpart E—Post-Completion Compliance Responsibilities

SOURCE: 51 FR 34186, Sept. 25, 1986, unless otherwise noted.

§ 72.70 Applicability.

These post-completion responsibilities apply to each area or facility for which Urban Park and Recreation Recovery (UPARR) program assistance is obtained, regardless of the extent of participation of the program in the assisted area or facility. Responsibility for compliance with these provisions rests with the grant recipient. The responsibilities cited herein are applicable to the 1010 area depicted or otherwise described in the 1010 boundary map and/or as described in other project documentation approved by the Department of the Interior. In many instances, this area exceeds that actually receiving UPARR assistance so as to assure the protection of a viable recreation entity. For leased sites assisted under UPARR, compliance with post-completion requirements of the grant following lease expiration is dictated by the terms of the project agreement.

§ 72.71 Information collection.

The information collection requirements contained in § 72.72 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1024-0048. The information is being collected to determine whether to approve a grant recipient's request to convert an assisted site or facility to other than public recreation uses. The information will be used to assure that the require-

ments of section 1010 of the UPARR Act would be met should the proposed conversion be implemented. Response is required in order to obtain the benefit of Department of the Interior approval.

§ 72.72 Conversion requirements.

(a) *Background and legal requirements.* The UPARR program has made funds available for the renovation and rehabilitation of numerous urban parks and recreation facilities. In many cases, the UPARR funds were used only in a portion of a site or facility or were only a small percentage of the funds required to renovate or rehabilitate a property. Nevertheless, all recipients of funds for renovation and rehabilitation projects are obligated by the terms of the grant agreement to continually maintain the site or facility for public recreation use regardless of the percent of UPARR funds expended relative to the project and the facility as a whole. This provision is contained in the UPARR Program Administration Guideline (NPS-37) and is also referenced in § 72.36. In accordance with section 1010 of the UPARR Act, no property improved or developed with UPARR assistance shall, without the approval of NPS, be converted to other than public recreation uses. A conversion will only be approved if it is found to be in accord with the current local park and recreation Recovery Action Program and/or equivalent recreation plans and only upon such conditions as deemed necessary to assure the provision of adequate recreation properties and opportunities of reasonably equivalent location and usefulness. Section 1010 is designed to ensure that areas or facilities receiving UPARR grant assistance are continually maintained in recreation use and available to the general public.

(b) *Prerequisites for conversion approval.* Requests for permission to convert UPARR assisted properties in whole or in part to other than public recreation uses must be submitted by the recipient to the appropriate NPS Regional Director in writing. NPS will only consider conversion requests if the following prerequisites have been met:

§ 72.72

36 CFR Ch. I (7-1-04 Edition)

(1) All practical alternatives to the proposed conversion have been evaluated.

(2) The proposed conversion and substitution are in accord with the current Recovery Action Program and/or equivalent recreation plans.

(3) The proposal assures the provision of adequate recreation properties and opportunities of reasonably equivalent usefulness and location. Dependent upon the situation and at the discretion of NPS, the replacement property need not provide identical recreation experiences or be located at the same site, provided it is in a reasonably equivalent location. It must, however, be administered by the same political jurisdiction as the converted property. Equivalent usefulness and location will be determined based on the following criteria:

(i) Property to be converted must be evaluated in order to determine what recreation needs are being fulfilled by the facilities which exist and the types of recreation resources and opportunities available. The property being proposed for substitution must then be evaluated in a similar manner to determine if it will meet recreation needs which are at least like in magnitude and impact to the user community as the converted site.

(ii) Replacement property need not necessarily be directly adjacent to or close by the converted site. This policy provides the administrative flexibility to determine location recognizing that the property should meet existing public recreation needs. While generally this will involve the selection of a site serving the same community(ies) or area as the converted site, there may be exceptions. For example, if property being converted is in an area undergoing major demographic change and the area has no existing or anticipated future need for recreation facilities, then the project sponsor should seek to locate the substitute area in another location within the jurisdiction.

(4) In the case of assisted sites which are partially rather than wholly converted, the impact of the converted portion on the remainder shall be considered. If such a conversion is approved, the unconverted area must re-

main recreationally viable or be replaced as well.

(5) The guidelines for environmental evaluation have been satisfactorily completed and considered by NPS during its review of the proposed 1010 action. In cases where the proposed conversion arises from another Federal action, final review of the proposal shall not occur until NPS is assured that all environmental review requirements related to that other action have been met.

(6) State intergovernmental clearinghouse review procedures have been adhered to if the proposed conversion and substitution constitute significant changes to the original grant.

(c) *Amendments for conversion.* All conversions require amendments to the original grant agreement. Amendment requests should be submitted concurrently with conversion requests or at such time as all details of the conversion have been worked out with NPS. Section 1010 project boundary maps shall be submitted with the amendment request to identify the changes to the original area caused by the proposed conversion and to establish a new project area pursuant to the substitution. Once the conversion has been approved, replacement property should be immediately acquired. Exceptions to this rule would occur only when it is not possible for replacement property to be identified prior to the request for the conversion. It will, however, be NPS policy to avoid such a situation if at all possible and to agree only if warranted by exceptional circumstances. In such cases, express commitment to satisfy section 1010 substitution requirements within a specified period, normally not to exceed one year following conversion approval, must be received from the local government agency in the form of a grant amendment.

(d) *Obsolete facilities.* Recipients are not required to continue operation of a particular facility beyond its useful life. However, when a facility is declared obsolete, the site must nonetheless be maintained in public recreation use following discontinuance of the assisted facility. Failure to so maintain is considered to be a conversion. Requests regarding changes from a

UPARR funded facility to another otherwise eligible facility at the same site that significantly contravene the original plans for the area must be made in writing to the Regional Director. NPS approval must be obtained prior to the occurrence of the change. NPS approval is not necessarily required, however, for each and every facility use change. Rather, a project area should be viewed in the context of overall use and should be monitored in this context. A change from UPARR-developed tennis courts to basketball courts, for example, would not require NPS approval. A change from a swimming pool to a less intense area of limited development such as picnic facilities, or vice versa, would, however, require NPS review and approval. To assure that facility changes do not significantly contravene the original project agreement, NPS shall be notified by the recipient of *all* proposed changes in advance of their occurrence. A primary NPS consideration in the review of requests for changes in use will be the consistency of the proposal with the Recovery Action Program and/or equivalent recreation plans. Changes to other than public recreation use require NPS approval and the substitution of replacement land in accordance with section 1010 of the UPARR Act and paragraphs (a) through (c) of this section.

§ 72.73 Residency requirements.

(a) *Background.* UPARR policy prohibits discrimination on the basis of residence (refer to § 72.65(b)) including preferential reservation or membership systems on properties improved with UPARR assistance. This prohibition applies to both regularly scheduled and special events. The general provisions regarding non-discrimination at sites assisted under Interior programs and, thereby, all other recreation facilities managed by the recipient, are covered in 43 CFR part 17 which implements the provisions of title VI of the Civil Rights Act of 1964 for the Department.

(b) *Policy.* There shall be no discrimination for UPARR assisted programs or services on the basis of residence, except in reasonable fee differentials. Post-completion compliance responsibilities of the recipient should con-

tinue to ensure that discrimination on the basis of residency is not occurring.

(c) *Fees.* For parks or recreation properties or programs funded with UPARR assistance, fees charged to nonresidents cannot exceed twice that charged to residents. Where there is no charge for residents but a fee is charged to nonresidents, the non-resident fees cannot exceed fees charged at comparable State or local public facilities having fee systems. These fee provisions apply only to the approved 1010 areas applicable to the recipient. Reservation, membership, or annual permit systems available to residents must also be available to nonresidents and the period of availability must be the same for both residents and nonresidents. Recipients are prohibited from providing residents the option of purchasing annual or daily permits while at the same time restricting nonresidents to the purchase of annual permits only.

§§ 72.74–72.75 [Reserved]

APPENDIX A TO PART 72—CRITERIA FOR ELIGIBILITY

Jurisdictions were considered for eligibility if they were functioning general purpose local governments in one of three categories:

1. Central cities of Standard Metropolitan Statistical Areas in either 1970 or 1976 (1970 data derived from U.S. Bureau of the Census, Census of Population: 1970, 1976 data derived from U.S. Bureau of the Census, 1976 Revenue Sharing Estimates File).
2. Cities and townships with Populations of 40,000 or more in either 1970 or 1976 (1970 data derived from U.S. Bureau of the Census, Census of Population: 1970, 1976 data derived from U.S. Bureau of the Census, 1976 Revenue Sharing Estimates File).
3. Counties with populations of 250,000 or more in either 1970 or 1976 (1970 data derived from U.S. Bureau of the Census, Census of Population: 1970; 1976 data derived from 1976 Revenue Sharing Estimates File).

Indicators (variables) of distress and need were selected to determine eligibility for the program and were chosen for timeliness, reliability, and relevance to the Act. Certain variables were not used due to duplication, others because they were not available for all jurisdictions, and some because they were unrelated to the purposes of the Act. (Section 1002 of the Act states that the Congress finds that (a) the quality of life in urban areas is closely related to the availability of fully functional park and recreation systems

including land, facilities, and service programs; (b) residents of cities need close-to-home recreational opportunities that are adequate to specialized urban demands, with parks and facilities properly located, developed, and well maintained; (c) the greatest recreational deficiencies with respect to land, facilities, and programs are found in many large cities, especially at the neighborhood level; (d) inadequate financing of urban recreation programs due to fiscal difficulties in many large cities has led to the deterioration of facilities, nonavailability of recreation services, and an inability to adapt recreational programs to changing circumstances; and (e) there is no existing Federal assistance program which fully addresses the needs for physical rehabilitation and revitalization of these park and recreation systems.)

The National Park Service asked the Bureau of the Census to assist in the analysis of national data in order to ensure that reliable, timely and applicable indicators of distress were used in determining eligibility for the program. NPS received comments from a number of interested individuals on what they considered, in their best judgment, to be the criteria that should be used in the program. NPS also received numerous position papers from national interest groups on what they thought were suitable indicators for the program. NPS then began a narrowing process intended to select the most appropriate criteria for eligibility in the program.

Listed below are the six variables selected for eligibility criteria:

Population Per Square Mile

This variable is commonly termed population density, and it is defined as the number of persons per square mile of land. It provides an indication of the extent to which an area is urbanized. Highly urbanized areas are most lacking in land set aside for recreation and park facilities and are experiencing difficulty in maintaining existing facilities. Highly dense areas tend to have the greatest need for assistance in revitalization of their neighborhood park and recreation facilities. Therefore, jurisdictions having high values for density would be favored by this variable, based on 1975 data of the U.S. Bureau of the Census.

Net Change in Per Capita Income 1969-75

Per capita income is the estimated average amount of total money income per person. It is derived by dividing the total income of a particular group by the total population in that group. Comparison of change in per capita income between urban jurisdictions provides an indication of each jurisdiction's economic growth. If the income of a city is growing more slowly than another city, the

city with slower growth is in a relatively weaker economic position. As cited in the "Report on the Fiscal Impact of the Economic Stimulus Package on 48 Large Urban Governments (1978)," income growth is a determinant of taxable wealth and level of economic activity, and indicates a jurisdiction's capability to finance its own recreation and other projects. This measure of financial capacity is related to the Act which stipulates that the Secretary of the Interior consider factors related to economic distress. Therefore, jurisdictions with either negative or low relative growth in per capita income would be favored by this variable, based on 1976 data of the U.S. Bureau of the Census.

Percent Unemployed, 1977

Percent unemployed, commonly termed the unemployment rate is defined as the number of people unemployed as a percent of the civilian labor force. The unemployment data are the product of a Federal/State cooperative program in which State Employment Security agencies prepare labor force and unemployment estimates using concepts, definitions, and technical procedures established by the Bureau of Labor Statistics. The *National Urban Recreation Study* found that recreation and leisure time opportunities are most limited for the economically disadvantaged, including the unemployed. The 17 field studies of the *National Urban Recreation Study* reveal that low-income neighborhoods have less program diversity, little, if any, commercial recreation opportunities, and fewer year-round programs than higher income neighborhoods. Consideration of this variable is consistent with the mandate of the Act which requires that criteria be considered related to physical and economic distress. Therefore, this variable would tend to favor jurisdictions having high unemployment rates.

Percent of Households Without Automobiles Available, 1970

Automobile availability, as defined by the Bureau of the Census, represents the number of passenger automobiles, including station wagons, which are owned or regularly used by any member of the household and which are ordinarily kept at home. Taxicabs, pickups, or larger trucks were not counted. Lack of automobile availability is closely related to lack of recreation opportunity. The Recreation Access Study (U.S. Department of Transportation, 1975) found that access to a diversity of recreation opportunities is generally assured for those who have automobiles and are willing to travel reasonable distances, but such opportunities are often severely limited for people without cars. In addition, the 17 field studies of the *National Urban Recreation Study* concluded that most recreation opportunities for those without

National Park Service, Interior

Pt. 72, App. A

access to a personal auto is limited to immediate neighborhoods or place of residence. This variable is relevant to the Act in that the transportation disadvantaged households are the group that has the greatest need for expanded opportunities to enjoy their close to home resources.

Therefore, jurisdictions having a high proportion of households without automobiles would be favored by this variable, based on 1970 data of the U.S. Bureau of the Census.

Total Population Under 18 Years of Age, and 60 Years and Over, 1970

This variable identifies those persons most likely to be the most frequent users of public park and recreation facilities. While many senior citizens have adequate incomes, they tend to be considerably less affluent and less mobile than the general population. Younger and older children also need public recreation facilities, especially in highly urbanized areas, where recreation facilities are most lacking. This variable was selected to favor areas with greater concentrations of the dependent population where need for recreation would be the greatest, and where rehabilitation of existing facilities the most pressing, in accordance with the Act. The variable was used in its absolute rate to give an indication of the size of the client populations in each jurisdiction, based on 1970 data of the U.S. Bureau of the Census.

Percent Persons With Income Below 125 Percent Poverty Level, 1970

In 1970, percent of population below poverty level was calculated by the Bureau of the Census as the proportion of the total population which reported income below the poverty level. This variable is the most current available indicator of poverty status for the jurisdictions in question. To accommodate the needs of economically disadvantaged people whose incomes are somewhat above the poverty level, such as those employed part-time, or those in very low-paid jobs, persons with incomes up to 125% of poverty are included in this variable. The poor and near-poor have the greatest need for public recreation opportunities and services in proximity to their homes. This variable is also related to that part of the Act which stipulates that the Secretary of the Interior consider "deficiencies in access to neighborhood recreation facilities, particularly for . . . low- and moderate-income residents," and the extent to which park and recreation recovery efforts would provide employment opportunities for low- and moderate-income residents. Rehabilitation of parks is a relatively labor intensive activity having the potential for providing short-term jobs with low-skill requirements. Persons with poverty level incomes tend to lack skills and jobs. Therefore, this variable was selected to favor

jurisdictions having a large percentage of its population in poverty. The poverty level of income is based on an index developed by the Social Security Administration in 1964 and subsequently modified by a Federal Inter-agency Committee. In 1969, the poverty thresholds ranged from \$1,487 for a female unrelated individual 65 years old and over living on a farm to \$6,116 for a nonfarm family with a male head and with seven or more persons. The average poverty threshold for a nonfarm family of four headed by a male was \$3,745.

Determination of Eligibility

The method used to combine the variables had four steps. First, all values for each of the six variables were expressed in common or standard units. Second, for each jurisdiction, the standardized values for the six variables were added to produce a score. Third, the scores were ranked from high values (most eligible) to low values (least eligible). Fourth jurisdictions having scores above the median score for all jurisdictions were designated "eligible."

County Eligibility

The Administration stated before the Senate Subcommittee on Parks and Recreation on June 27, 1978, that it would ensure fair consideration of urban counties for eligibility under the Urban Park and Recreation Recovery Program. The Administration has kept this commitment by subjecting urban county data to the same eligibility standards as cities and including urban counties which meet those standards on the eligibility list. All urban counties with a population over 250,000 were considered under the same criteria (indicators of distress and need) as the city counterparts. Counties within and SMSA not on the eligibility list may compete for assistance as discretionary applicants.

The history of the Administration's UPARR proposal clearly indicates that this program is part of an overall national urban policy. Therefore, in accordance with the legislative mandate, project selection criteria will require that county projects be justified in terms of direct service to identifiable urban neighborhoods (residential areas), and that there must be evidence of cooperation between a county and its major city.

Discretionary Grants

Section 1005(b) of the Bill states that at the Secretary's discretion, up to 15 percent of the program funds annually may be granted to local governments which do not meet eligibility criteria, but are located in Standard Metropolitan Statistical Areas, provided that these grants to general purpose governments are in accord with the intent of the

program. These governments may apply for grants under the program regardless of whether or not they are included on the list of eligible jurisdictions.

[44 FR 58091, Oct. 9, 1979. Redesignated at 46 FR 34329, July 1, 1981, and correctly redesignated at 46 FR 43045, Aug. 26, 1981]

APPENDIX B TO PART 72—LIST OF
ELIGIBLE JURISDICTIONS

The following are those jurisdictions eligible for the Urban Park and Recreation Recovery Program:

*Cities Eligible for the Urban Park and
Recreation Recovery Program*

Akron, Ohio
Albany, Georgia
Albany, New York
Alexandria, Louisiana
Alhambra, California
Allentown, Pennsylvania
Altoona, Pennsylvania
Aguadilla, Puerto Rico
Anniston, Alabama
Arecibo, Puerto Rico
Asbury Park, New Jersey
Asheville, North Carolina
Athens, Georgia
Atlanta, Georgia
Atlantic City, New Jersey
Auburn, Maine
Augusta, Georgia
Babylon Township, New York
Baldwin Park, California
Baltimore, Maryland
Baton Rouge, Louisiana
Battle Creek, Michigan
Bayamon, Puerto Rico
Bay City, Michigan
Bayonne, New Jersey
Bellflower, California
Bellingham, Washington
Berkeley, California
Biloxi, Mississippi
Binghamton, New York
Birmingham, Alabama
Bloomfield, New Jersey
Bloomington, Indiana
Boston, Massachusetts
Bradenton, Florida
Bridgeport, Connecticut
Bridgeton, New Jersey
Bristol, Tennessee
Brockton, Massachusetts
Brookline Township, Massachusetts
Brownsville, Texas
Buffalo, New York
Caguas, Puerto Rico
Cambridge, Massachusetts
Camden, New Jersey
Canton, Ohio
Carolina, Puerto Rico
Carson, California
Cayey, Puerto Rico
Charleston, South Carolina
Charlottesville, Virginia
Chattanooga, Tennessee
Chester, Pennsylvania
Chicago, Illinois
Chicago Heights, Illinois
Chicopee, Massachusetts
Chula Vista, California
Cicero, Illinois
Cincinnati, Ohio
Clarksville, Tennessee
Cleveland, Ohio
Cocoa, Florida
Columbia, South Carolina
Columbus, Georgia
Columbus, Ohio
Compton, California
Corpus Christi, Texas
Covington, Kentucky
Danville, Illinois
Danville, Virginia
Dayton, Ohio
Daytona Beach, Florida
Denison, Texas
Denver, Colorado
Detroit, Michigan
District of Columbia
Dothan, Alabama
Duluth, Minnesota
Durham, North Carolina
East Chicago, Indiana
East Lansing, Michigan
East Orange, New Jersey
East Providence, Rhode Island
East St. Louis, Illinois
Easton, Pennsylvania
Edinburg, Texas
El Monte, California
El Paso, Texas
Elizabeth, New Jersey
Elmira, New York
Erie, Pennsylvania
Evanston, Illinois
Evansville, Indiana
Everett, Massachusetts
Everett, Washington
Fall River, Massachusetts
Fayetteville, North Carolina
Fitchburg, Massachusetts
Flint, Michigan
Florence, Alabama
Ft. Myers, Florida
Freeport, New York
Fresno, California
Gadsden, Alabama
Gainesville, Florida
Galveston, Texas
Gary, Indiana
Gastonia, North Carolina
Grand Rapids, Michigan
Granite City, Illinois
Greenville, Mississippi
Greenville, South Carolina
Guayama, Puerto Rico
Guaynabo, Puerto Rico
Gulfport, Mississippi
Hamilton, Ohio

National Park Service, Interior

Pt. 72, App. B

Harlingen, Texas
Harrisburg, Pennsylvania
Hartford, Connecticut
Hattiesburg, Mississippi
Haverhill, Massachusetts
Hawthorne, California
Hazelton, Pennsylvania
Hemstead Township, New York
Hialeah, Florida
High Point, North Carolina
Hoboken, New Jersey
Holyoke, Massachusetts
Hopkinsville, Kentucky
Humacao, Puerto Rico
Huntington, West Virginia
Indianapolis, Indiana
Inglewood, California
Irvington, New Jersey
Jackson, Michigan
Jackson, Mississippi
Jackson, Tennessee
Jacksonville, Florida
Jersey City, New Jersey
Johnson City, Tennessee
Johnstown, Pennsylvania
Joplin, Missouri
Juana Diaz, Puerto Rico
Kalamazoo, Michigan
Kankakee, Illinois
Kansas City, Kansas
Kansas City, Missouri
Kenner, Louisiana
Kenosha, Wisconsin
Killeen, Texas
Knoxville, Tennessee
Kokomo, Indiana
La Crosse, Wisconsin
Lafayette, Louisiana
Lake Charles, Louisiana
Lakeland, Florida
Lakewood, Ohio
Lancaster, Pennsylvania
Lansing, Michigan
Laredo, Texas
Las Cruces, New Mexico
Lawrence, Massachusetts
Lawton, Oklahoma
Lewiston, Maine
Lima, Ohio
Lompoc, California
Long Beach, California
Long Branch, New Jersey
Los Angeles, California
Louisville, Kentucky
Lowell, Massachusetts
Lynchburg, Virginia
Lynn, Massachusetts
Lynwood, California
Macon, Georgia
Maiden, Massachusetts
Manchester, New Hampshire
Mansfield, Ohio
Marietta, Ohio
Marion, Indiana
Marshall, Texas
Mayaguez, Puerto Rico
McAllen, Texas
Medford, Massachusetts
Melbourne, Florida
Memphis, Tennessee
Meriden, Connecticut
Meridian, Mississippi
Miami, Florida
Miami Beach, Florida
Middletown, Ohio
Millville, New Jersey
Milwaukee, Wisconsin
Minneapolis, Minnesota
Mobile, Alabama
Modesto, California
Monroe, Louisiana
Montgomery, Alabama
Moss Point, Mississippi
Mount Vernon, New York
Muncie, Indiana
Muskegon, Michigan
Muskegon Heights, Michigan
Muskogee, Oklahoma
National City, California
New Bedford, Massachusetts
New Britain, Connecticut
New Brunswick, New Jersey
New Haven, Connecticut
New London, Connecticut
New Orleans, Louisiana
New Rochelle, New York
New York, New York
Newark, New Jersey
Newark, Ohio
Newport News, Virginia
Niagara Falls, New York
Norfolk, Virginia
North Bergen Township, New Jersey
North Chicago, Illinois
Norwalk, California
Norwich, Connecticut
Oak Park, Illinois
Oakland, California
Oceanside, California
Ogden, Utah
Omaha, Nebraska
Ontario, California
Orange, Texas
Orlando, Florida
Oshkosh, Wisconsin
Oxnard, California
Panama City, Florida
Parkersburg, West Virginia
Pasco, Washington
Passaic, New Jersey
Paterson, New Jersey
Pawtucket, Rhode Island
Pensacola, Florida
Perth Amboy, New Jersey
Petersburg, Virginia
Pharr, Texas
Philadelphia, Pennsylvania
Phoenix, Arizona
Pico Rivera, California
Pine Bluff, Arkansas
Pittsburgh, Pennsylvania
Pittsfield, Massachusetts
Plainfield, New Jersey
Pomona, California

Pt. 72, App. B

36 CFR Ch. I (7-1-04 Edition)

Ponce, Puerto Rico
Pontiac, Michigan
Port Arthur, Texas
Portland, Maine
Portland, Oregon
Portsmouth, Virginia
Poughkeepsie, New York
Pritchard, Alabama
Providence, Rhode Island
Provo, Utah
Pueblo, Colorado
Quincy, Illinois
Quincy, Massachusetts
Rantoul, Illinois
Reading, Pennsylvania
Revere, Massachusetts
Richmond, California
Richmond, Indiana
Richmond, Virginia
Roanoke, Virginia
Rochester, New York
Rome, New York
Rosemead, California
Sacramento, California
Saginaw, Michigan
St. Joseph, Missouri
St. Louis, Missouri
St. Paul, Minnesota
St. Petersburg, Florida
Salem, Massachusetts
Salinas, California
San Antonio, Texas
San Benito, Texas
San Bernardino, California
San Diego, California
San Francisco, California
San Juan, Puerto Rico
Santa Ana, California
Santa Cruz, California
Santa Fe, New Mexico
Santa Maria, California
Santa Monica, California
Sarasota, Florida
Savannah, Georgia
Schenectady, New York
Scranton, Pennsylvania
Seaside, California
Seattle, Washington
Shreveport, Louisiana
Somerville, Massachusetts
South Gate, California
Spartanburg, South Carolina
Spokane, Washington
Springfield, Massachusetts
Springfield, Ohio
Springfield, Oregon
Steubenville, Ohio
Stockton, California
Suffolk, Virginia
Superior, Wisconsin
Syracuse, New York
Tacoma, Washington
Tampa, Florida
Taunton, Massachusetts
Terre Haute, Indiana
Texarkana, Arkansas
Texarkana, Texas

Titusville, Florida
Toa Baja, Puerto Rico
Toledo, Ohio
Trenton, New Jersey
Troy, New York
Trujillo Alto, Puerto Rico
Tucson, Arizona
Tuscaloosa, Alabama
Union City, New Jersey
Upper Darby Township, Pennsylvania
Urbana, Illinois
Utica, New Jersey
Vega Baja, Puerto Rico
Vineland, New Jersey
Waco, Texas
Waltham, Massachusetts
Warren, Ohio
Waterbury, Connecticut
West Haven, Connecticut
West New York, New Jersey
West Palm Beach, Florida
Wheeling, West Virginia
Wilkes-Barre, Pennsylvania
Williamsport, Pennsylvania
Wilmington, Delaware
Wilmington, North Carolina
Winston-Salem, North Carolina
Winter Haven, Florida
Woonsocket, Rhode Island
Worcester, Massachusetts
Wyandotte, Michigan
Yakima, Washington
Yauco, Puerto Rico
Yonkers, New York
York, Pennsylvania
Youngstown, Ohio

*Counties Eligible for the Urban Park and
Recreation Recovery Program*

Alameda Co., California
Allegheny Co., Pennsylvania
Bernalillo Co., New Mexico
Bexar Co., Texas
Bristol Co., Massachusetts
Camden Co., New Jersey
Charleston Co., South Carolina
Cook Co., Illinois
Cuyahoga Co., Ohio
Dade Co., Florida
El Paso Co., Texas
Erie Co., New York
Essex Co., Massachusetts
Essex Co., New Jersey
Franklin Co., Ohio
Fresno Co., California
Fulton Co., Georgia
Hamilton Co., Ohio
Hamilton Co., Tennessee
Hampden Co., Massachusetts
Hillsborough Co., Florida
Hudson Co., New Jersey
Jackson Co., Missouri
Jefferson Co., Alabama
Kern Co., California
Los Angeles Co., California
Lucas Co., Ohio
Luzerne Co., Pennsylvania

National Park Service, Interior

§ 73.3

Mahoning Co., Ohio
Maricopa Co., Arizona
Middlesex Co., Massachusetts
Milwaukee Co., Wisconsin
Mobile Co., Alabama
Nassau Co., New York
Nueces Co., Texas
Oneida Co., New York
Onondaga Co., New York
Orange Co., Florida
Passaic Co., New Jersey
Pinellas Co., Florida
Plymouth Co., Massachusetts
Polk Co., Florida
Riverside Co., California
St. Clair Co., Illinois
San Bernardino Co., California
San Diego Co., California
San Joaquin Co., California
Shelby Co., Tennessee
Sonoma Co., California
Suffolk Co., New York
Wayne Co., Michigan
Worcester Co., Massachusetts

[44 FR 58091, Oct. 9, 1979. Redesignated at 46 FR 34329, July 1, 1981, and correctly redesignated at 46 FR 43045, Aug. 26, 1981, and amended at 47 FR 15137, Apr. 8, 1982]

PART 73—WORLD HERITAGE CONVENTION

Sec.

- 73.1 Purpose.
- 73.3 Definitions.
- 73.5 Authority.
- 73.7 World Heritage Nomination process.
- 73.9 World Heritage criteria.
- 73.11 Federal Interagency Panel for World Heritage.
- 73.13 Protection of U.S. World Heritage properties.
- 73.15 International World Heritage activities.
- 73.17 Public information and education activities.

AUTHORITY: 94 Stat. 3000; 16 U.S.C. 470 a-1, a-2, d.

SOURCE: 47 FR 23397, May 27, 1982, unless otherwise noted.

§ 73.1 Purpose.

The purpose of these rules is to set forth the policies and procedures that the Department of the Interior, through the National Park Service (NPS), uses to direct and coordinate U.S. participation in the Convention Concerning the Protection of the World Cultural and Natural Heritage, which was ratified by the Senate on October 26, 1973. The rules describe the procedures used to implement the Conven-

tion under the National Historic Preservation Act Amendments of 1980. The purpose of the World Heritage Convention is to enhance worldwide understanding and appreciation of heritage conservation, and to recognize and preserve natural and cultural properties throughout the world that have outstanding universal value to mankind.

§ 73.3 Definitions.

Cultural Heritage— Article 1 of the Convention defines “Cultural Heritage” as:

Monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings, and combinations of features, which are of outstanding universal value from the point of view of history, art, or science;

Groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art, or science; and

Sites: works of man or the combined works of nature and of man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological, or anthropological points of view.

Natural Heritage— Article 2 of the Convention defines “Natural Heritage” as:

Natural features, consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view;

Geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation; and

Natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation, or natural beauty.

Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage, or *World Heritage Committee*, means the Committee established by Article 8 of the Convention and assisted by the United Nations Educational, Scientific and Cultural Organization (UNESCO). It is composed