



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.
Washington, D.C. 20240

IN REPLY REFER TO:

L34(2225)

JUL 7 2008

Ms. Charlene Dwin Vaughn, AICP
Assistant Director
Office of Federal Agency Programs, Suite 809
Federal Permitting, Licensing and Assistance Section
Advisory Council on Historic Preservation,
1100 Pennsylvania Avenue, NW
Washington, D.C. 20004

Dear Ms. Vaughn:

This is in response to your May 23 letter and subsequent discussion with Wayne Strum of my staff in which you requested information regarding the conditions attached to an early Land and Water Conservation Fund (LWCF) grant for "Fort Fisher Park" in Waco, Texas, as well as an explanation of the National Park Service's (NPS) continuing oversight and review responsibilities of future activities occurring within the Fund-assisted park.

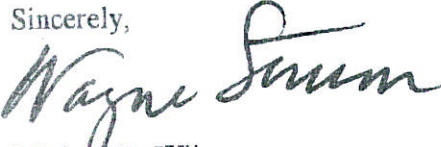
The referenced grant was awarded in 1967 to the city of Waco to acquire a 4.62-acre addition to the existing "Lake Brazos Recreation Area" and to construct several recreation enhancements to the park facility.

Under the LWCF program, all lands receiving assistance under this program, regardless of whether the assistance was used for land acquisition or site development, must be used for public outdoor recreation use in perpetuity unless such change (i.e., a conversion) meets certain prerequisites set forth in 36 CFR Part 59.3 and is subsequently approved, by the NPS on behalf of the Secretary of the Interior. Therefore, the approval of any proposed conversion of park land is indeed a federal undertaking requiring compliance with Section 106 of the National Historic Preservation Act. To date no such request has been received by NPS.

The State, the primary grant recipient, is initially responsible for ensuring that activities on the project site, including the construction activities described in the enclosure to your letter, are consistent with the grant conditions and that any proposal by the city of Waco, the subrecipient, that results in a conversion satisfies the necessary prerequisites set forth in the published regulations, including an accurate description of the area of potential effect. In Texas, the responsible official is Mr. Walter Dabney, Director of State Parks, Texas Parks and Wildlife and Department. His alternate is Mr. Tim Hogsett, Director of Recreation Grants, who is aware of the activities at the park and can be reached at 512-389-8224.

Mr. Robert Anderson, Chief of Recreation Grants in the NPS Midwest regional office in Omaha (402-661-1540) has been alerted to the issues that have been raised at this Fund-assisted park site. You and your correspondents can be assured that no action will be taken by the NPS grant office until appropriate Section 106 coordination has been satisfied.

Sincerely,



for Michael D. Wilson
Chief, State and Local
Assistance Programs Division