



United States Department of the Interior

NATIONAL PARK SERVICE
NORTHEAST REGION
15 State Street
Boston, Massachusetts 02109-3572

IN REPLY REFER TO:

March 8, 2012

Mr. Thomas B Gentz, President
Town Council
Town of Charlestown
4540 South Country Trail
Charlestown, RI 02813

Dear Mr. Gentz:

Reference: Portion, Charlestown Naval Auxiliary Landing Field, "Ninigret Park"
Charlestown, RI
GSA Control Number N-RI-469B, I-RI-492

It has come to our attention that the Town of Charlestown may be contemplating construction of a lighted football stadium at Ninigret Park. We wish to bring to your attention that Ninigret Park was deeded to the Town in 1981 by the U.S. Department of the Interior acting through the Heritage Conservation and Recreation Service, the predecessor of the National Park Service's Federal Lands to Parks (FLP) Program. That deed stipulated, among other things, that:

The property shall be used and maintained exclusively for the public purposes for which it was conveyed in perpetuity as set forth in the program of utilization and plan contained in the Grantee's application submitted by the Grantee on October 30, 1979 as amended by letter with attachments dated February 7, 1980, which program and plan may be amended from time to time at the request of either the Grantor or Grantee, with written concurrence by the other party, and such amendments shall be added to and become part of the original application.

While a lighted football stadium is certainly a recreational use, a project of this scope was not contemplated when the property was deeded. In order to amend the program of utilization and move forward with the project, the Town will have to accurately describe the project, including how the facility will be used and how it fits with other amenities at the park and resources both within and surrounding the park. We are very concerned about the close proximity of the park to the adjacent Ninigret National Wildlife Refuge.

From there the town must prepare an assessment of the environmental effects of potential impacts of the proposed recreational use in accordance with the National Environmental Policy Act (NEPA). Enclosed is a copy of an Environmental Screening Form which will start the NEPA process. (An electronic copy of the form has also been provided.) The purpose of ESF is to identify potential impacts to a variety of resources. The person(s) who prepare the form should be familiar with the

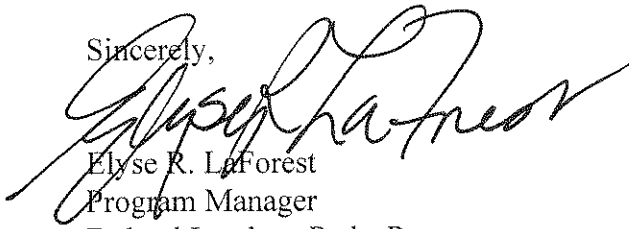
site and have adequate background to address the various issues/resources identified. The resulting ESF will determine the level of environmental documentation which must be done to continue the project.

The town should concurrently evaluate the proposed use of the field, if it is determined that building a lighted football stadium is an environmentally acceptable use of the site. Our guidelines allow for public park and recreational use. Highly specialized and developed facilities occasionally cross the "line" toward "commercial use." This is a hard "line" to articulate. The recreational audience, the "intensity" of the recreation and the level of funds generated by a site may or may not qualify as commercial. (For example: a public beach or a public pool are acceptable recreational uses; a water park would be considered a commercial activity.) Funds generated by a FLP park must be used for recreation, with the FLP site taking precedence for development, maintenance and operation prior to funds being diverted to other recreational uses.

Additionally, we are concerned about what appears to be a change in the way Ninigret Park relates to the adjacent wildlife refuge. It was always contemplated that the town "parcel" of property transferred would be used "consistently" with the property transferred to the Fish and Wildlife Service (FWS). Until recently, it appeared the park and the refuge were respectful neighbors. The community's recent proposal (December, 2010) to erect three wind turbines directly on the border of the refuge with seemingly little consultation with FWS was problematic. Wind turbines are not considered a recreational use of the property and the request was denied. (Copies of the correspondence are attached.) The construction of a lighted field directly adjacent to the refuge also seems to be a potential conflict.

Please feel free to call me to discuss the project, the process of environmental review or any concerns you may have regarding recreational/commercial use of the site. A conversation early in the project may be of benefit to all concerned. My phone number is (617) 223-5190. My email is elyse_laforest@nps.gov.

Sincerely,



Elyse R. LaForest
Program Manager
Federal Lands to Parks Program

Enclosures

Cc:

Charles E. Vandemoer, Refuge Manager
Rhode Island National Wildlife Refuge Complex
U.S. Fish and Wildlife Service
50 Bend Road
Charlestown, RI 02813

Anthony Conte, Regional Solicitor
U.S. Department of the Interior
Suite 612
One Gateway Center
Newton, MA 02458-2802

Joe Dias, Chief
Division of Planning and Development
Rhode Island Department of Environmental Management
235 Promenade Street
Providence, RI 02908-5767

Jay Primiano, Parks and Recreation Director
Town of Charlestown
4540 South Country Trail
Charlestown, RI 02813



United States Department of the Interior

NATIONAL PARK SERVICE NORTHEAST REGION

15 State Street
Boston, Massachusetts 02109-3572

IN REPLY REFER TO:

January 18, 2011

Mr. William A. DiLibero
Town Administrator
Town of Charlestown
4540 South County Trail
Charlestown, RI 02813

Dear Mr. DiLibero:

Reference: Portion, Charlestown Naval Auxiliary Landing Field, "Ninigret Park"
Charlestown, RI
GSA Control Number N-RI-469B, I-RI-492

This letter is in response to your December 6, 2010 letter requesting permission to install three wind generators at the southerly boundary of Ninigret Park. As I mentioned in our November 17, 2010 telephone conversation, the terms of the transfer require that the property be used for "public park or public reaction purposes in perpetuity."

Further, the deed states:

4. The property shall not be sold, leased, assigned, or otherwise disposed of except to another eligible governmental agency that the Secretary of Interior agrees in writing can assure the continued use and maintenance of the property for public park or public recreational purposes subject to the same terms and conditions in the original instrument of conveyance. However, nothing in this provision shall preclude the Grantee from providing related recreational facilities and services compatible with the approved application, through concession agreements entered into with third parties, provide prior concurrent to such agreements is obtained in writing from the Secretary of Interior.

This project is not a recreational use for the property, and therefore is prohibited.

If you have further questions, please feel free to contact me at elyse_laforest@nps.gov or (617) 223-5190.

Sincerely,

Elyse R. LaForest

(sgd.) Elyse R. LaForest

Elyse R. LaForest
Program Manager
Federal Lands to Parks Program

Cc: Senator Jack Reed
Senator Sheldon Whitehouse

4540 South County Trail
Charlestown, RI 02813

Town Administrator's Office



TOWN OF CHARLESTOWN

Tel. (401) 364-1210
Fax (401) 364-1238
Hearing/Speech Impaired,
Dial 711-364-1210

December 6, 2010

Ms. Elyse LaForest
Program Manager
National Park Service
15 State Street
Boston, MA 02109

RE: Use of Ninigret Park

Dear Ms. Laforest:

I am writing to express the Town of Charlestown's interest in placing three wind generators at the southerly boundary of Ninigret Park, the former Charlestown Naval Auxiliary Air Station.

The Town of Charlestown received a United States Department of Energy grant from the Rhode Island Energy Office in the amount of seven hundred and fifty thousand (\$750,000) dollars to install wind generators at Ninigret Park. The Town owns an unrestricted fifty-five (55) acres of land in the northeast section of the park and one-hundred and seventy-five (175) acres of restricted-use land to the south and east of the fifty-five acres (see attached map). It is on this larger portion of land that the Town believes would best accommodate these wind generators. The Town respectfully requests authorization to utilize this land for the wind generator project.

I expect that you have worked with the Department of Energy on other projects and we would like to maintain that partnership between the two Departments on what would provide both the Town and our regional school system with the electricity needed to supply both entities.

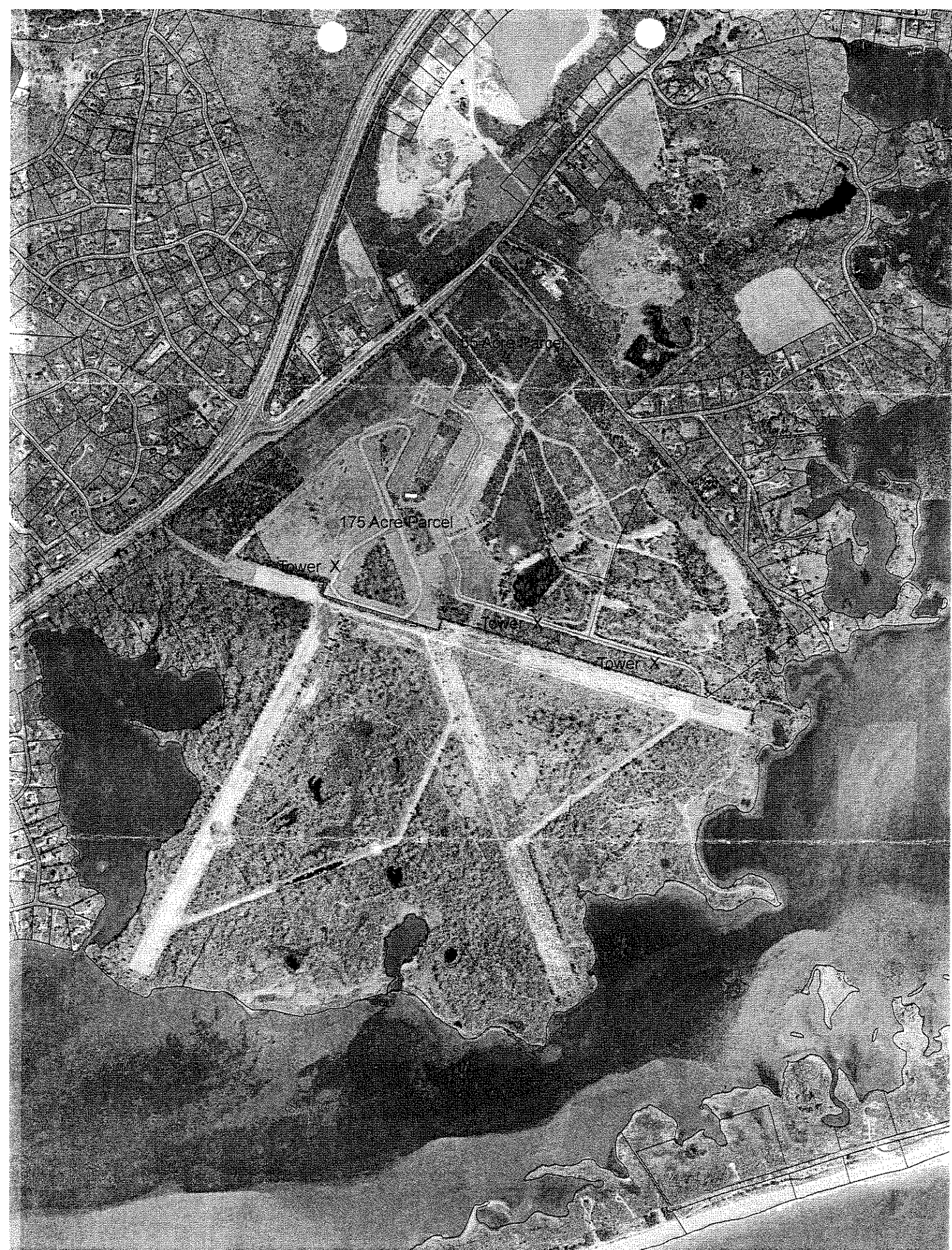
As we implement our Masterplan for the park, we project attendance levels of upwards of ten thousand people on fully active weekends. Having the wind generators present at the largest park in Washington County will provide awareness to the public of the benefits of alternative technology. This is a goal that the Town, the State of Rhode Island and the Federal energy office fully support.

I hope that the National Park Service will work with the Town to move this effort forward.

Very truly yours,


William A. DiLibero
Town Administrator

CC: Charlestown Town Council
Senator Jack Reed
Senator Sheldon Whitehouse



Date:

11/17/10

National Park Service
Federal Lands to Parks Program

Record of Telephone Conversation/Voice Mail Message

Call Participants:

Bill Diliberis

Telephone Numbers:

401-364-1240

Subject:

4

town mgr Charleston, KT

wants to build ~~Niniger~~ Wind turbines
in Niniger Park.

I told him he could NOT.

They have 55 acres they purchased
from GSA - and will pursue that
location

**FEDERAL LANDS TO PARKS PROGRAM
ENVIRONMENTAL SCREENING FORM (ESF)**
(Updated September 2008)

Today's Date:

Date Form Initiated:

This form may be modified to fit your needs, but you must ensure that the form includes information detailed below.

A. PROJECT INFORMATION

Project Name:

Project Type:

Project Location: County, State:

Project Leader:

B. PROJECT DESCRIPTION/LOCATION

(Attach to this form maps, site visit notes, agency consultation, data, reports, categorical exclusion form (if relevant), or other relevant materials).

Preliminary drawings attached? Yes No

Background information attached? Yes No

Target project start date:

Is project a hot topic (controversial or sensitive issues that should be brought to attention of the Federal Lands to Parks manager)?

Explain:

C. RESOURCE IMPACTS TO CONSIDER

Identify potential negative impacts to the following physical, natural, or cultural resources	No Impacts	Negligible Impacts	Minor Impacts	Exceeds Minor Impacts (EA or EIS Needed)	Data Needed to Determine/Notes
1. Geologic resources – soils, bedrock, streambeds, etc. <i>Explain:</i>					
2. Air quality <i>Explain:</i>					
3. Soundscapes (noise impacts) <i>Explain:</i>					
4. Water quality or quantity <i>Explain:</i>					
5. Streamflow characteristics <i>Explain:</i>					

6. Marine or estuarine resources <i>Explain:</i>					
7. Floodplains or wetlands <i>Explain:</i>					
8. Land use, including occupancy, income, property values, ownership, type of use <i>Explain:</i>					
9. Rare or unusual vegetation – old growth timber, riparian, alpine <i>Explain:</i>					
10. Species of special concern (plant or animal; state or federal listed or proposed for listing) or their habitat <i>Explain:</i>					
11. Unique or important wildlife or wildlife habitat <i>Explain:</i>					
12. Unique or important fish or fish habitat <i>Explain:</i>					
13. Introduce or promote non-native species (plant or animal) <i>Explain:</i>					
14. Recreation resources, including supply, demand, visitation, activities, etc. <i>Explain:</i>					
15. Visual and aesthetic resources <i>Explain:</i>					
16. Archeological resources <i>Explain:</i>					
17. Prehistoric/historic structures <i>Explain:</i>					
18. Cultural landscapes <i>Explain:</i>					
19. Ethnographic resources <i>Explain:</i>					
20. Socioeconomics, including employment, occupation, income changes, tax base, infrastructure <i>Explain:</i>					
21. Minority and low income populations <i>Explain:</i>					
22. Other agency or tribal land use plans or policies <i>Explain:</i>					
23. Resources, including energy, conservation potential, sustainability					

<i>Explain:</i>					
24. Urban quality <i>Explain:</i>					
25. Long-term management of resources or land/resource productivity <i>Explain:</i>					
26. Other important environmental resources (e.g., geothermal, paleontological resources)? <i>Explain:</i>					

Comments:

D. MANDATORY CRITERIA

Mandatory Criteria: If implemented, would the proposal:	Yes	No	N/A	Comment or Data Needed to Determine
1. Have significant negative impacts on public health or safety? <i>Explain:</i>				
2. Have significant negative impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas? <i>Explain:</i>				
3. Have highly controversial environmental impacts or involve unresolved conflicts concerning alternative uses of available resources? <i>Explain:</i>				
4. Have highly uncertain and potentially significant negative environmental impacts or involve unique or unknown environmental risks? <i>Explain:</i>				

5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects? <i>Explain:</i>				
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, negative environmental impacts? <i>Explain:</i>				
7. Have significant negative impacts on properties listed or eligible for listing on the National Register of Historic Places, as determined by the SHPO? <i>Explain:</i>				
8. Have significant negative impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have significant negative impacts on designated Critical Habitat for these species? <i>Explain:</i>				
9. Violate a federal law, or a state, local, or tribal law or requirement imposed for the protection of the environment? <i>Explain:</i>				
10. Have a disproportionately high and adverse impact on low income or minority populations (Executive Order 12898)? <i>Explain:</i>				
11. Limit access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)? <i>Explain:</i>				
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)? <i>Explain:</i>				

E. OTHER INFORMATION

(Please answer the following questions/provide requested information.)

Are personnel preparing this form familiar with the site?

Did personnel conduct a site visit? *(If yes, attach meeting notes or additional pages noting when site visit took place, who attended, etc.)*

Is the project covered in a previous or associated NEPA document?

If so, document name:

Is the project still consistent with the associated NEPA document? *(If no, you may need to prepare plan/environmental assessment [EA] or environmental impact statement [EIS].)*

Is the environmental document accurate and up-to-date? *(If no, you may need to prepare plan/EA or EIS.)*

FONSI ROD (Check) Date approved:

Are there any interested or affected agencies or parties?

Did you make a diligent effort to contact them?

Has consultation with all affected agencies or tribes been completed?

(If yes, attach additional pages re: consultations, including the name, dates, and a summary of comments from other agencies or tribal contacts.)

Are there any connected, cumulative, or similar actions as part of the proposed action? Is this proposal part of a larger project?

(If yes, attach additional pages detailing the other actions.)

F. INSTRUCTIONS FOR DETERMINING APPROPRIATE NEPA DOCUMENTATION

The Federal Lands to Parks manager will use the information submitted to help select the next steps to complete the NEPA analysis. The next steps may conclude with a memo-to-file or categorical exclusion¹, or may require an environmental assessment² or an environmental impact statement³.

If there are either no impacts or **all** of the potential impacts identified in Section C (Resource Impacts to Consider) are no more than minor intensity, usually there is no potential for significant negative impacts; then a memo-to-file and/or categorical exclusion may suffice. If, however, during public involvement and further investigation, resource impacts still remain unknown, or exceed minor level of intensity, and the potential for significant impacts may be

¹ - Categorical exclusions (CEs) are defined as a group of actions that would have no significant individual or cumulative effect on the human environment (natural, cultural, and social) and for which, in the absence of extraordinary circumstances, neither an environmental assessment (EA) nor an environmental impact statement (EIS) is required.

² - An environmental assessment (EA) is used when you do not have enough information to decide whether a proposal may have significant impacts on the environment. It results in either a Finding of No Significant Impact or an EIS.

³ - An environmental impact statement (EIS) is prepared when impacts on the human environment may be significant.

likely, an EA or EIS is required. If you checked YES or identified "data needed to determine" impacts in any block in Section D (Mandatory Criteria), this is an indication that there is potential for significant impacts to the human environment; therefore, you must supply missing information or may need to prepare an EA or EIS.

G. ENVIRONMENTAL REVIEWERS

The following individual(s) provided input in the completion of the environmental screening form. *List all reviewers including name, title, agency, field of expertise. Keep all environmental review records and data on this proposal in a compliance file for any future program review and/or audit.*

1.

2.

3.

The following individuals conducted a site inspection to verify field conditions.

List name of inspector(s), title, agency, and date(s) of inspection.

1.

2.

3.

H. SIGNATURES

By signing this form, you affirm the following: you have either completed a site visit or are familiar with the specifics of the site; you have consulted with affected agencies and tribes; and you, to the best of your knowledge, have answered the questions posed in the checklist correctly.

Applicant Certification of ESF

- ☐ I certify that a site inspection was conducted for each site involved in this proposal and to the best of my knowledge, the information provided in this Environmental Screening Form (ESF) is accurate based on available resource data. All resulting notes, reports and inspector signatures are stored in the applicant's NEPA file for this proposal and available upon request.

Signature: _____ Date: _____

Typed Name, Title, Agency:

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### National Park Service Environmental Recommendation

On the basis of the environmental impact information for this proposal as presented in Part B, Justification for Acquiring Property, and in this ESF, I recommend the following NEPA pathway:

- ☐ This proposal qualifies for a Categorical Exclusion (CE).
- CE Item #
  - Explanation:
- ☐ This proposal requires an Environmental Assessment (EA). The applicant will be notified and provided the EA template and supporting documentation.
- ☐ This proposal may require an Environmental Impact Statement (EIS). NPS guidance will be provided to the applicant.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_ Federal Lands to Parks