

# Urban Park and Recreation Recovery (UPARR) Program Overview and Examples

## Authority

The Urban Park and Recreation Recovery Act of 1978, as amended (54 U.S.C. 2005), authorized the Urban Park and Recreation Recovery Program. Implementing regulations are found at 36 C.F.R. Part 72.

## Mission

The Urban Park and Recreation Recovery (UPARR) Program gives matching grants and technical assistance to economically distressed urban communities to revitalize and improve recreation opportunities through:

- Remodeling, rebuilding or improving existing neighborhood outdoor or indoor recreation areas and facilities;
- Developing innovative cost-effective ideas, concepts, and approaches to improve facility design, operations, or programs for local recreation services;
- Planning activities that set recreation priorities and strategies for overall recreation system recovery; and
- Perpetual protection of urban recreation properties and opportunities.

## Background

A 1976 amendment to the Land and Water Conservation Fund Act of 1965 directed the Secretary of the Interior to study the needs, problems, and opportunities associated with urban recreation. The resulting *National Urban Recreation Study* (1978) concluded that urban park and recreation facilities were in a state of deterioration, there was compelling need to restore the facilities, and federal funds would be necessary. In March 1978, President Carter announced a comprehensive national urban policy, *A New Partnership to Conserve America's Communities*, including the concept of an urban park and recreation recovery program to encourage revitalization and rehabilitation of urban recreation systems. The National Parks and Recreation Act of 1978 formally established the UPARR Program, first administered by the Heritage Conservation and Recreation Service (HCRS), within the Department of the Interior. When the HCRS was abolished in 1981, the UPARR Program was transferred to the NPS. Appropriations for grants have been sporadic over the life of the program.

The UPARR Program has been used to rehabilitate inner-city playgrounds, tot-lots, recreation centers, parks, ball fields, tennis and basketball courts, and swimming pools, and to turn abandoned and surplus buildings into community centers. UPARR grants have supported recreation opportunities for people of all ages and ethnic groups, people with and without disabilities, senior citizens, at-risk youth, and young adults.

## Program Requirements

To be eligible for Rehabilitation or Innovation grants, a jurisdiction needed an NPS approved recreation plan that meet UPARR Recovery Action Program (RAP) requirements. The RAP plan provided local action planning direction and stated a community's commitment to the UPARR Program's revitalization goals.

Three types of UPARR matching grants were available:

- **Rehabilitation grants**—capital grants to rebuild, remodel, expand, or develop existing outdoor or indoor recreation areas and facilities, including park landscape, building, and support facility improvements (excluding routine maintenance).
- **Innovation grants**—grants to cover the costs of personnel, facilities, equipment, supplies, or services that demonstrate innovative and cost- 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 services (excluding routine operation and maintenance activities). Modest funding amounts support activities that increase recreation programs or improve local government efficiency in operating existing programs.
- **Planning grants**—funds to develop park and recreation RAP plans.

Recipients of UPARR grants must maintain the site or facility for public recreation use in perpetuity. In accordance with section 1010 of the UPARR act (now codified at 54 U.S.C. 200507), no property improved or developed with UPARR assistance shall be converted to other than public recreation uses without the approval of the Secretary of the Interior.

Section 1010 of the UPARR Act was aimed at ensuring this by requiring that any recreation area receiving UPARR grant assistance to remain in public recreational use in perpetuity unless the local governmental recipient makes a request to NPS to convert the recreation area to a non-recreational use. Approval of such a conversion of a recreation area in whole or partial is contingent upon replacement of adequate of recreation property and opportunities of reasonably equivalent location and usefulness. Section 1010 does not provide the flexibility of a partial conversion to be resolved by the provision of replacement recreation opportunity within the unaffected portion of the recreation area because it does not satisfy the recreation equivalency requirement.

There is flexibility, in the selection of suitable recreation property to replace that which has been converted. Decision on which replacement properties are acceptable, including site improvements needed, are based on a case-by-case basis as to whether resource provided on substitute sites result in equal or better recreation opportunities than those in area converted out of recreation. This includes consideration of other factors such as what recreation facilities are most needed by the communities served and whether the location is reasonably equivalent. Further guidance on evaluating replacement properties can be found in 36 C.F.R. §72.72 (b) or Chapter 14 Section F. Conversions Part 2 Prerequisites to Consideration of Conversions in the 1994 UPARR Grants Manual [also available on this PEPC site]

The local government could use new land acquired for this purpose or land owned or previously dedicated to other recreation use, as long as the recreation opportunity is adequately replaced. The replacement opportunity may not be provided on other recreation areas already under 1010 protection. Replacement recreation opportunities need to be developed on the new area that will be subject to the provisions of UPARR (54 U.S.C. §200507).

Conversion approvals often depends on what the community wants/needs as outlined in recreation plans. When documentation to support community need and support discussion on how recreation area and opportunities are reasonably equivalent to what was lost it is unlikely to NPS would second guess the local decisions.

## **Examples That Illustrate UPARR Considerations**

UPARR site city now wants to redevelop into a city hall. This triggers a conversion from recreation to non-recreation. The site currently has a community swimming pool, football field, and gymnasium with basketball courts. The city locates replacement property, works with the community, and learns they are in need of squash ball courts, pickle ball courts, a community garden, and splash pad which the city is willing to build. NPS reviews the details and it looks like this replacement recreation opportunities are equivalent (maybe even more) that what was lost. The conversion could be approved by amending the grant and changing the UPARR boundary.

UPARR site has a 5 acre community park with pool, basketball, soccer and baseball operated by the county. The county wants to use 2 acres of the site to build a health clinic. The siting of this clinic obliterates the pool and half of the soccer field. The county finds 3 acres of existing park land that they want to use as replacement. The NPS thinks it might work but we need to know more about the recreation opportunities they plan to install to make the site reasonably equivalent. The county just wants to use the land to complete the conversion. They argue that there is lots of recreation opportunities associated with the open 3 acres but are unwilling to develop anything. The NPS requested the county demonstrate through community involvement that no recreation opportunities should be developed and until that can be documented this conversion would not be able to be processed until recreation opportunities were developed. Keep in mind recreation opportunities for these three acres could include installing restroom facilities, onsite parking, or vegetative buffers between areas to provide different types of recreation opportunities.