

Question:

Hazard Field, located next to the existing South Kingstown Highschool, is proposed as the location for the future high school building. Hazard Field has a known conservation restriction due to acceptance of federal funds. How will the Town address this known restriction and what happens if the state or federal government does not agree to release the restriction?

Answer:

The location of the Proposed South Kingstown Highschool was selected by the School Building Committee after reviewing nearly a dozen design alternatives with consideration given to various logistical issues including the likely impact of school construction on students and educational programming. Consideration was also given to the conservation restriction that exists for Hazard Field. The restriction is the result of the Town's acceptance of an improvement grant from the Land and Water Conservation Fund (LWCF) in 1979.

As part of the due diligence process for the school building project Town officials contacted the Rhode Island Department of Environmental Management (RIDEM) to inquire about the process and probability of releasing the current conservation restriction on Hazard Field to accommodate a new school facility. RIDEM forwarded the Town's inquiry to the National Park Service (NPS), which is the federal agency that oversees the LWCF program. Based on feedback received from RIDEM and the NPS we feel confident that the existing restriction on Hazard Field can be removed through a land conversion process pursuant to [36 CFR 59.3\(b\)\(4\)](#) and that the land where the current school facility stands would be eligible to be used as conversion replacement lands. It is important to note South Kingstown is not alone in addressing challenges related to LWCF program restrictions. Pawtucket, Central Falls, Lincoln, and Hopkinton are in the process undertaking similar conversions of LWCF restricted land to accommodate new school construction projects. The conversion process is often used when there is a need to utilize land restricted through the LWCF program for alternate purposes. Town officials have been communicating with RIDEM regarding the proposed conversion of Hazard Field and will submit a formal application for conversion if a school bond is passed in May. RIDEM has been supportive of the Town's efforts to date and we expect that they will help us work through the conversion process.

We have had discussions with RIDEM about potential impacts to the project and/or Town in the unlikely event that the Town's application to convert Hazard Field is denied. When the NPS determines a state has violated or failed to comply with applicable federal law or regulations governing the LWCF program the NPS may withhold payment of federal funds to the state on account of such project, withhold funds for other projects of the state, withhold approval of further projects of the state, and take such other action deemed appropriate under the circumstances until compliance or remedial action has been accomplished by the state to the satisfaction of the NPS. It is our understanding that if the application to convert is not approved the school project could continue to proceed as planned. However, RIDEM may attempt to force compliance with LWCF regulations by restricting the Town's ability to receive funding through grant programs administered by their department or the NPS. The probable outcome would be a compromise measure to correct the non-conformance as RIDEM and NPS have done in other communities throughout the state. This would likely involve the conversion of an alternative parcel of land of similar size and value to Hazard Field to ensure the outcome fulfills the primary of LWCS program of open space preservation.