

COMMONWEALTH OF PENNSYLVANIA
Department of Conservation and Natural Resources
Revised: 10/14/09 8:30 A.M.

Bureau of Recreation and Conservation (BRC)
Administrative Policy/Grant Guidelines

SUBJECT: BRC Policy on Conversion of Property Interests Acquired or Developed with BRC Funding

EFFECTIVE DATE: 10/5/09

Background

DCNR acquires real property interest or contributes to the development of property for recreation, conservation and/or educational purposes through the provision of grants to third parties who acquire, hold and/or develop property interests. Properties that are acquired with DCNR funding are not permitted to be converted to purposes/uses other than recreation and conservation. The properties may also not be transferred through fee disposition or lease. This policy outlines issues, legal mandates covering the conversion of property bought and/or developed in full or part with DCNR grant program funds administered by BRC. This policy also outlines procedures to be followed by grant recipients when a conversion is not avoidable. Conversions may include disposition of the property, accommodating "other uses" on a piece of property including but not limited to oil and gas development, wind or other energy development, commercial development, cell phone or other towers and resource extraction.

Policy

I. Promotion of DCNR Interests

- (1) The acquisition, use and management of property interests shall support, promote and enhance the mission and goals of DCNR. Lands acquired and/or developed with DCNR grant funding must have uses that are:
1. Consistent with the mission and goals of the agency,
 2. Permitted by the enabling legislation from which funding for the acquisition or development of the property was derived,
 3. Consistent with and not negatively impact the other intended uses for the property, and

III. BRC Policy on Maintenance of Property and Intended Uses

- (1) DCNR must follow all laws, regulations and policies associated with the funding source used for acquisition and/or development of recreation properties. In no case will development of uses others than those intended or disposition of property rights be permitted to adversely impact resource protection efforts or public recreational opportunities. The Department determines at its sole discretion when actual or proposed uses are permissible and/or consistent or inconsistent with intended uses.
- (2) In circumstances where a conversion is unavoidable, the Department may provide approval of a conversion consistent with and contingent on compliance with the funding source enabling legislation. The Department may also require other mitigation as determined solely at the discretion of the Department. The pertinent enabling legislation provisions include:
- (a) Requirement for projects funded under "Recreational Improvement and Rehabilitation Act," (RIRA) Act 1984-106:

- i. Approved uses: DCA (now DCNR) is empowered to provide “Grants-in-aid” to municipalities in order to protect open space benefits.
 - ii. Restrictions on use: Municipalities shall not dispose of nor at any time convert property acquired pursuant to the act without the prior written approval of the program administrator within DCA (now DCNR). If conversion does occur the Department may:
 - 1. Require the municipality to refund all grant in aid funds for that particular project including 10% annual interest compounded four times annually from the original grant in aid until it is repaid
 - 2. Require acquisition of equivalent replacement land, as determined by the Department.
- (b) Requirements for projects funded under Project 70 “Land Acquisition and Borrowing Act,” Act 8 of 1964:
- i. Approved uses: Project 70 provided that lands can be acquired by political subdivisions and that, “Lands to be acquired by any political subdivision shall be such that they may be utilized for recreation, conservation and historical purposes, and contribute to meet the recreation or conservation needs of the community.”
 - ii. Restrictions on use: Project 70 provides that, “No lands acquired with funds made available under this act shall be disposed of or used for purposes other than those prescribed in this act without the express approval of the general assembly: Provided, That the Commonwealth or a political subdivision , as the owner of such lands, may issue permits, licenses or leases for the exploration, development, storage and removal of oil, gas or other minerals, or for the installation and use of water, gas, electric, telephone, telegraph, oil or oil product lines, under the reasonable regulations prescribed by the owner consistent with the primary use of such lands for “recreation, conservation and historical purposes.”
- (c) Requirements for projects funded under Project 500 “The Land and Water Conservation and Reclamation Act, Program Requirements:
- i. Approved uses: DCA (now DCNR) was allocated funding “for State grant-in-aid to political subdivisions to pay up to fifty percent of the cost (i) of development of county and municipal park and recreation lands including lands acquired under...Project 70 to be used for county and municipal park and recreation purpose (ii) to acquire and develop additional county and municipal park, recreation and open space lands in those regions where the statewide outdoor recreation plan indicates a need for those lands; and (iii) for studies conducted to determine park and recreational needs and the location of facilities.
 - ii. Restrictions on use: A variety of definitions for the uses specified above serve to limit the development of compatible uses.
- (d) Requirements for projects funded under Key 93 “The Keystone Recreation, Park and Conservation Fund Act,” Act 50 of 1993:
- i. Approved uses: DER (now DCNR) can use bond fund and realty transfer tax receipts for Acquiring land important to maintaining the integrity of exiting state park and forests. DCA (now DCNR) can use bond funds and realty transfer tax receipts to pay up to 50% of the eligible project costs for acquisition of recreation and park lands, greenways and natural areas. Any land acquired.. shall be open to those public uses that are consistent with the purposes for which the land was acquired
 - ii. Restrictions on use: Recipients of grants or funds under this act shall not dispose or nor at any time convert property pursuant to this act to other than the purposes described in the project applications without the prior written approval of the head of

the agency, as appropriate. Should disposition or conversion occur, the Department may

1. Require the recipient to refund all grant funds for the particular project, including 10% annual interest compounded four times annually from the original grant in aid until it is repaid
2. Require acquisition of equivalent replacement land, as determined by the department.

(e) Requirements for projects funded under Growing Greener “The Environmental Stewardship and Watershed Protection Act,” Act 68-1999:

- i. Approved uses: To provide grants to a county or other municipality, conservation districts and authorized organizations for the purposes of.....acquisition.... Grants under this paragraph may not be used by an authorized organization for land acquisition, unless the authorized organization obtains the approval of all counties in which the land is situated.
- ii. Restrictions on use: Recipients of grants under this chapter may not dispose of or convert property or equipment acquired with a grant for purposes other than the purposes approved in the project application without the prior approval of the agency awarding the grant.

(f) Land and Water Conservation Fund and other Federal Funds: When Federal funds were used for the acquisition, separate and distinct rules and regulations apply. The Land and Water conversion rules and regulations are provided below. These must be followed and they will require federal approval. These conversion rules must be followed in any disposition or conversion of lands acquired or developed in total or part with Land and Water Conservation Fund dollars.

(3) Conversions:

(a) Requests to convert the use or dispose of property interests acquired and/or developed with DCNR BRC grant funds must be made in writing to the:

Department of Conservation and Natural Resources
Bureau of Conservation and Recreation
400 Market Street, PO box 8475
Harrisburg, Pennsylvania 17105
Attention: Acquisition Section

Requests should explain the purpose of the proposed conversion the acreage and value of the property/developed area impacted and provide a detailed discussion of the alternatives considered.. Include a copy of the deed for the property proposed to be converted, a map delineating the proposed conversion, appraisal of the value of the property impacted (if available) and any other pertinent information regarding the proposed conversion. Include in the proposal a description of the replacement land being proposed as replacement land that includes the following: A map showing its location, approximate acreage and a description of how the property will provide for similar recreation/conservation value. A response will be provided in writing from the Department. Grant recipients/property owners may not convert property without the prior written approval of the Department of Conservation and Natural Resources.

(b) LAND AND WATER CONSERVATION FUND (LWCF)

The following items must be submitted to the Department of Conservation and Natural Resources, Bureau of Recreation and Conservation (State Liaison Officer) for review and submission to the National Park Service (NPS) for all proposals to convert the use or dispose of land within the “6(f) boundary” of a project that received financial assistance under the LWCF program. Please note, the Commonwealth of Pennsylvania (with DCNR serving as its agent) and NPS must agree on the size of the Section 6(f) park land impacted by any non-recreational, non-public use, prior to any appraisal activity to determine the value of the land impacted by a proposed conversion.

Departmental review of the conversion proposal occurs in two steps.

Initial Items (Step 1)

- 1 Official letter from local project sponsor/grantee requesting consideration of the proposed conversion along with a detailed explanation of the conversion proposal that includes:
 - Purpose and benefit of doing the conversion.
 - Description of land to be removed from the “6(f) boundary” and description(s) of land to be substituted.
 - Discussion of alternatives to the conversion that have been considered.
 - A statement of the estimated value of the property to be converted and the estimated value of the proposed substitute property(s). If real estate appraisals have been done at this stage, they should be submitted with the letter.
- 2 Location maps of the property to be converted and the substitute property(s). Maps should be of a scale large enough to clearly show such features as adjacent streets, roadways, rivers, creeks and existing or proposed recreational facilities. If all properties involved in the conversion proposal cannot not be shown clearly on one map, a separate area location map should also be provided that shows the relationship of all the properties involved in the conversion proposal.
- 3 Any other documents that will help the Bureau to more fully understand the impact and benefits of the conversion proposal and to demonstrate that the proposal meets the Prerequisites to Consideration of Conversions (see Section E-3 of the Excerpt from the L&WCF Grants Manual attached below) including consultant reports, pictures and news articles.

Additional Items (Step 2)

Once all step one items have been provided and reviewed, the local project sponsor/grantee will receive instructions from the Bureau to submit additional items including:

- 1 Real estate appraisal report on the land to be removed from the 6(f) boundary designation and on each of the substitute properties. The appraisals must be done by state certified general real estate appraiser and the appraisals must be consistent, to the extent applicable, with the Uniform Appraisal Standards for Federal Land Acquisition. The appraiser should certify in writing that each appraisal compiles with Uniform Appraisal Standard for Federal Land Acquisition.
- 2 A LWCF Proposal Description and Environmental Screening Form (PD/ESF). Please complete Steps 1, 3 B, 5 & 6 on the attached form.
- 3 State Historic Preservation Office review of the conversion proposal in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, and the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation.
- 4 Survey or subdivision plat on each substitute property with metes and bounds, easements, right-of-ways, acreage, etc. If the conversion pertains only to part of the 6(f) boundary property, a survey or subdivision plat will also be required that shows the remaining 6(f) boundary land on the original project site.
- 5 Comments on the conversion proposal from local, county and regional planning agencies.

Mail the proposal and all documentation to:

Department of Conservation and Natural Resources
Bureau of Conservation and Recreation
400 Market Street, PO box 8475
Harrisburg, Pennsylvania 17105
Attention: Acquisition Section

- 6 Once all the information is provided and reviewed by the Department and NPS, approval or denial of the conversion request will be granted.

This policy remains in effect until revised or rescinded.



National Park Service
U.S. Department of the Interior



LWCF Proposal Description and Environmental Screening Form

The purpose of this Proposal Description and Environmental Screening Form (PD/ESF) is to provide descriptive and environmental information about a variety of Land and Water Conservation Fund (LWCF) state assistance proposals submitted for National Park Service (NPS) review and decision. The completed PD/ESF becomes part of the federal administrative record in accordance with the National Environmental Policy Act (NEPA) and its implementing regulations. The PD portion of the form captures administrative and descriptive details enabling the NPS to understand the proposal. The ESF portion is designed for States and/or project sponsors to use as early as possible in state/local project planning to identify the potential environmental impacts and related issues associated with a LWCF proposal. Upon completion, the ESF will indicate the potential degree of environmental impact by the proposal enabling States and/or project sponsors to more accurately select an appropriate pathway for NEPA analysis whether in the form of a Categorical Exclusion (CE), an Environmental Assessment (EA), or an Environmental Impact Statement (EIS). The ESF should also be used to document previously conducted yet still viable environmental analysis. The completed PD/ESF must be submitted as part of the State's LWCF proposal to NPS.

Instructions for completing Proposal Description and Environmental Screening Form (PD/ESP) for development projects (LWCF Candidates)

1. Complete Step 1.-New Project Application for Proposed LWCF 6(f) Conversion Proposal Application (Go to Step 3B)
2. Complete Step 3B. – Project Amendment for a Conversion Project
3. Complete Step 5. – Summary of Previous Environmental Review
4. Complete Step 6. Environmental Screening Form (ESF) (Parts A & B)
5. Sign and date (page 11)

Name of LWCF Proposal:

Prior LWCF Project Number(s) *List all prior LWCF project numbers and other park names associated with site(s):*

Local or State Sponsoring Agency:

Local or State Sponsor Contact:

Name/Title:

Office/Address:

Phone/Fax:

Email:

Using a separate sheet for narrative descriptions and explanations, address each item and question in the order it is presented, keying it to the associated item, such as Step 1-A1, A2; Step 3-B1; Step 6-A1, A29; etc.

Step 1. Type of LWCF Proposal

New Project Application

Acquisition
Go to Step 2A

Development
Go to Step 2B

Combination (Acquisition & Development)
Go to Step 2C

Project Amendment

Increase in scope or change in scope from original agreement.
Complete Steps 3A, and 5 through 7.

6(f) conversion proposal. Complete Step 3B, Step 5 and Step 6.

Request for public facility in a Section 6(f) area. Complete Steps 3C, and 5 through 7.

Request for temporary non-conforming use in a Section 6(f) area.
Complete Steps 4A, and 5 through 7.

Request for significant change in use/intent of original LWCF application.
Complete Steps 4B, and 5 through 7.

Request to shelter existing/new facility within a Section 6(f) area regardless of funding source. Complete Steps 4C, and 5 through 7.

Step 2. New Project Application (See LWCF Manual for guidance.)

A. For an Acquisition Project

1. Provide a brief narrative about the proposal that provides the reasons for the acquisition, the number of acres to be acquired with LWCF assistance, and a description of the property. Describe and quantify the types of existing resources and features on the site (for example, 50 acres wetland, 2,000 feet beachfront, 200 acres forest, scenic views, 100 acres riparian, vacant lot, special habitat, any unique or special features, recreation amenities, historic/cultural resources, hazardous materials/ contamination history, restrictions, institutional controls, easements, rights-of-way, above ground/underground utilities, including wires, towers, etc.).
2. How and when will the site be made open and accessible for public outdoor recreation use (signage, entries, parking, site improvements, allowable activities, etc.)?
3. Describe development plans for the proposed for the site(s) for public outdoor recreation use within the next three (3) years.
4. SLO must complete the State Appraisal/Waiver Valuation Review form in Step 7 certifying that the appraisal(s) has been reviewed and meets the "Uniform Appraisal Standards for Federal Land Acquisitions" or a waiver valuation was approved per 49 CFR 24.102(c)(2)(ii). State should retain copies of the appraisals and make them available if needed.
5. Address each item in "D" below.

B. For a Development Project

1. Describe the physical improvements and/or facilities that will be developed with federal LWCF assistance, including a site sketch depicting improvements, where and how the public will access the site, parking, etc. Indicate entrances on 6(f) map. Indicate to what extent the project involves new development, rehabilitation, and/or replacement of existing facilities.
2. When will the project be completed and open for public outdoor recreation use?

3. Address each item in "D" below.

C. For a Combination Project

1. For the acquisition part of the proposal:
 - a. Provide a brief narrative about the proposal that provides the reasons for the acquisition, number of acres to be acquired with LWCF assistance, and describes the property. Describe and quantify the types of existing resources and features on the site (for example, 50 acres wetland, 2,000 feet beachfront, 200 acres forest, scenic views, 100 acres riparian, vacant lot, special habitat, any unique or special features, recreation amenities, historic/cultural resources, hazardous materials/contamination history, restrictions, institutional controls, easements, rights-of-way, above ground/underground utilities, including wires, towers, etc.)
 - b. How and when will the site be made open and accessible for public outdoor recreation use (signage, entries, parking, site improvements, allowable activities, etc.)?
 - c. Describe development plans for the proposed for the site(s) for public outdoor recreation use within the next three (3) years.
 - d. SLO must complete the State Appraisal/Waiver Valuation Review form in Step 7 certifying that the appraisal(s) has been reviewed and meets the "Uniform Appraisal Standards for Federal Land Acquisitions" or a waiver valuation was approved per 49 CFR 24.102(c)(2)(ii). State should retain copies of the appraisals and make them available if needed.
2. For the development part of the proposal:
 - a. Describe the physical improvements and/or facilities that will be developed with federal LWCF assistance, including a site sketch depicting improvements, where and how the public will access the site, parking, etc. Indicate entrances on 6(f) map. Indicate to what extent the project involves new development, rehabilitation, and/or replacement of existing facilities.
 - b. When will the project be completed and open for public outdoor recreation use?
3. Address each item in "D" below.

D. Additional items to address for a new application and amendments

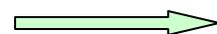
1. Will this proposal create a **new** public park/recreation area **where none previously existed** and is not an addition to an existing public park/recreation area? Yes ___ (go to #3) No ___ (go to #2)
2.
 - a. What is the name of the pre-existing public area that this new site will be added to?
 - b. Is the pre-existing public park/recreation area already protected under Section 6(f)? Yes ___ No ___
If no, will it now be included in the 6(f) boundary? Yes ___ No ___
3. What will be the name of this **new** public park/recreation area?
4.
 - a. Who will hold title to the property assisted by LWCF? Who will manage and operate the site(s)?
 - b. What is the sponsor's type of ownership and control of the property?
___ Fee simple ownership
___ Less than fee simple. Explain:
___ Lease. Describe lease terms including renewable clauses, # of years remaining on lease, etc.
Who will lease area? Submit copy of lease with this PD/ESF. (See LWCF Manual for **program restrictions** for leases and further guidance.)
5. Describe the nature of any rights-of-way, easements, reversionary interests, etc. to the Section 6(f) park area? Indicate the location on 6(f) map. Do parties understand that a Section 6(f) conversion may occur if private or non-recreation activities occur on any pre-existing right-of-way, easement, leased area?

6. Are overhead utility lines present, and if so, explain how they will be treated per LWCF Manual.
7. As a result of this project, describe **new** types of outdoor recreation opportunities and capacities, and short and long term public benefits.
8. Explain any existing non-recreation and non-public uses that will continue on the site(s) and/or proposed for the future within the 6(f) boundary.
9. Describe the planning process that led to the development of this proposal. Your narrative should address:
 - a. How was the interested and affected public notified and provided opportunity to be involved in planning for and developing your LWCF proposal? Who was involved and how were they able to review the **completed** proposal, including state, local, federal agency professionals, subject matter experts, members of the public and Indian Tribes. Describe any public meetings held and/or formal public comment periods, including dates and length of time provided the public to participate in the planning process and/or to provide comments on the completed proposal.
 - b. What information was made available to the public for review and comment? Did the sponsor provide written responses addressing the comments? If so, include in this PD/ESF submission.
10. How does this proposal implement statewide outdoor recreation goals as presented in the Statewide Comprehensive Outdoor Recreation Plan (SCORP) (include references), and explain why this proposal was selected using the State’s Open Project Selection Process (OPSP).
11. List all source(s) and amounts of financial match to the LWCF federal share of the project. The value of the match can consist of cash only. The federal LWCF share and financial matches must result in a viable outdoor recreation area and not rely on other funding not mentioned here. Other than CBDG funds, LWCF funds may not be matched with other federal resources.

Source	Type of Match	Value
		\$
		\$
		\$

12. Is this LWCF project scope part of a larger effort not reflected on the SF-424 (*Application for Federal Assistance*) and grant agreement? If so, briefly describe the larger effort, funding amount(s) and source(s). This will capture information about partnerships and how LWCF plays a role in leveraging funding for projects beyond the scope of this federal grant.
13. List all required federal, state, and local permits/approvals needed for the proposal and explain their purpose and status.

Proceed to Steps 5 through 7



Step 3. Project Amendment (See LWCF Manual for guidance.)

A. Increase/Change in Project Scope

1. **For Acquisition Projects:** To acquire additional property that was not described in the original project proposal and NEPA documentation, follow Step 2A-Acquisition Project and 2D.
2. **For Development Projects:** To change the project scope for a development project that alters work from the original project scope by adding elements or enlarging facilities, follow Step 2B-Development Project and 2D.
3. **For Combination Projects:** Follow Step 2C as appropriate.

B. Section 6(f)(3) Conversion Proposal

Prior to developing your Section 6(f)(3) conversion proposal, you must consult the LWCF Manual and 36 CFR 59.3 for complete guidance on conversions. Local sponsors must consult early with the State LWCF manager when a conversion is under consideration or has been discovered. States must consult with their NPS-LWCF manager as early as possible in the conversion process for guidance and to sort out and discuss details of the conversion proposal to avoid mid-course corrections and unnecessary delays. Document any previous LWCF project activity for the site. **A critical first step is for the State and NPS to agree on the size of the Section 6(f) parkland impacted by any non-recreation, non-public use, especially prior to any appraisal activity.**

The Section 6(f)(3) conversion proposal including the required NEPA environmental review documents must focus on the loss of public outdoor recreation parkland and recreational usefulness and its replacement according to 36 CFR 59, and **not** the activities precipitating the conversion or benefits thereof, such as the environmental impacts of constructing a new school to relieve overcrowding or constructing a hotel/restaurant facility to stimulate the local economy. Rather, the environmental review must focus on the environmental impacts of losing public park land, recreation opportunities and related resources as indicated on the ESF #15 of this PD/ESF, and the environmental impacts of creating new replacement park land and replacement recreation opportunities. A separate ESF must be generated for the converted park area and each replacement parcel. Section 6(f)(3) conversions always have more than minor impacts to outdoor recreation (ESF #15) as a result of loss of parkland and require an environmental assessment except for small conversions as defined in the LWCF Manual Chapter 8.

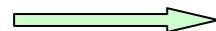
For NPS review and decision, the following elements are required to be included in the State's completed conversion proposal to be submitted to NPS:

1. A letter of transmittal from the SLO recommending the proposal.
2. Describe in detail the sponsor's need to convert the Section 6(f) parkland including all efforts to consider other practical alternatives to this conversion, how they were evaluated, and the reasons they were not pursued.
3. Explain how the conversion is in accord with the State Comprehensive Outdoor Recreation Plan (SCORP).
4. Complete the State Appraisal/Waiver Valuation Review form in Step 7 for both the converted and replacement parcels certifying that the appraisals meet the "Uniform Appraisal Standards for Federal Land Acquisitions." States must retain copies of the appraisals/waiver valuations and make them available for review upon request.
5. For the parkland proposed for conversion:
 - a. Identify the specific location, 9-digit zip code, and name of park or recreation area proposed for conversion.
 - b. Describe the area proposed for the conversion including the acreage to be converted and any acreage remaining. For determining the size of the conversion, consider not only the physical footprint of the activity precipitating the conversion, but how the precipitating activity will impact the entire 6(f) park area. In many cases the size of the converted area is larger than the physical footprint. Describe the recreation resources, facilities, and recreation opportunities that will be

impacted, displaced or lost by the proposed conversion. For proposals to partially convert a Section 6(f) park area, the remaining 6(f) park land must remain recreationally viable and not be impacted by the activities that are precipitating the conversion. If it is anticipated that the precipitating activities impact the remaining Section 6(f) area, the proposed area for the conversion should be expanded to encompass all impacted park land.

- c. Describe the community and population served by the park, including who uses the park and how?
 - d. Where a Section 6(f) area is proposed for partial conversion, produce a revised 6(f) map clearly indicating both the portion that is being converted and the portion remaining intact under Section 6(f).
6. For the proposed replacement site(s):
- a. Produce a location map indicating specific location of site(s) and associated 9-digit zip code(s), clearly indicating major roadways and waterways, and geographical relationship of converted and replacement sites. If site(s) will be added to an existing public park/outdoor recreation area, indicate on map,
 - b. Describe the site's physical characteristics and resource attributes and quantify the types of resources and features on the site (for example, 15 acres wetland, 2,000 feet beachfront, 50 acres forest, scenic views, 75 acres riparian, vacant lot, special habitat, any unique or special features, structures, recreation amenities, historic/cultural resources, hazardous materials/contamination history, restrictions, institutional controls, easements, rights-of-way, overhead/underground utilities including overhead wires, towers, etc.
 - c. Identify the replacement site(s) owner(s) and its recent history of use/function up to the present.
 - d. Explain in detail how the proposed replacement site(s) is of reasonably equivalent usefulness and location as the property being converted. Describe the recreation needs that will be met by the new replacement parks, populations to be served, and new outdoor recreation resources, facilities, and opportunities to be provided.
 - e. Who will own and manage the new replacement park(s)?
 - f. What will be the name(s) of the new replacement park(s)? If replacement park(s) will be added to an existing public park area, will the existing area be included within the 6(f) boundary? What is the name of the existing public park area?
 - g. Provide a timeframe for completing the new outdoor recreation area(s) to replace the recreation opportunity lost per the terms of conversion approval and the date replacement park(s) will be open to the public.
 - h. Produce new Section 6(f) map(s) for the new replacement park(s).
7. NEPA environmental review, including NHPA Section 106 review must be conducted for both the converted and replacement sites and the review documents must encompass the entire conversion proposal to show how the converted parkland will be replaced.

Proceed to Steps 5 through 6



C. Proposal for a Public Facility in a Section 6(f) Area

Prior to developing this proposal, you must consult the LWCF Manual for complete guidance. In summary, NPS must review and decide on requests to construct a public facility within a Section 6(f) area. In certain cases NPS may approve the construction of public facilities within a Section 6(f) area where it can be shown that there will be a net gain in outdoor recreation benefits for the entire park. Simple compatibility of a public facility with outdoor recreation uses of a park regardless of its purpose is insufficient. In most cases, development of a non-recreation public facility within a Section 6(f) area constitutes a conversion. For NPS review the following items are required:

1. Describe the purpose and all proposed uses of the public facility such as types of programming, recreation activities, and special events. Who will be served by the new facility? Will any agency, organization, or other party be located at the new facility? Describe the interior and exterior of the facility and explain how it will be compatible with outdoor recreation. What amenities will the new facility offer, e.g., office space, meeting rooms, food/beverage service area, residential/lodging areas, classrooms, gyms, etc.) Explain how the facility supports existing and planned outdoor recreation resources of the site, how it will support and enhance outdoor recreation use, and how outdoor recreation use remains the primary function of the site. (The public's outdoor recreation use must continue to be greater than that expected for any indoor use, unless the site is a single facility, such as a swimming pool, which virtually occupies the entire site.)
2. Indicate the exact location of the proposed public facility and associated activities on the site's Section 6(f) map. Explain the location alternatives considered for the public facility and why they were not pursued.
3. Who will own and/or operate and maintain the facility? Attach any 3rd party leases and O&M agreements.
When will the facility be open to the public? Will the facility ever be used for private functions and closed to the public? Explain any memberships or user fees that will be instituted, including the fee structure.
4. Upon completion of the NEPA process (Steps 5 – 7), submit the proposal under a letter of transmittal from the SLO to NPS requesting approval.

Proceed to Steps 5 through 7



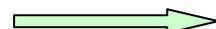
Step 4. Proposals for Temporary Non-Conforming Use, Significant Change in Use, and Sheltering Facilities (See LWCF Manual for guidance.)

A. Proposal for Temporary Non-Conforming Use

Prior to developing this proposal, you must consult the LWCF Manual for complete guidance. NPS must review and decided on requests for temporary uses that do not meet the requirements of allowable activities within a Section 6(f) area. A temporary non-conforming use is limited to a period of six months (180 days) or less. Continued use beyond six-months will not be considered temporary, and may result in a Section 6(f)(3) conversion of use requiring the replacement of converted parkland. For NPS review, describe the temporary non-conforming use (activities other than public outdoor recreation) in detail including the following information:

1. A letter of transmittal from the SLO recommending the proposal.
2. Describe in detail the proposed temporary non-conforming use and all associated activities, why it is needed, and alternative locations that were considered and why they were not pursued.
3. Explain length of time needed for the temporary non-conforming use and why.
4. Describe the size of the Section 6(f) area affected by the temporary non-conforming use activities and expected impacts to public outdoor recreation areas, facilities and opportunities. Explain efforts to keep the size of the area impacted to a minimum. Indicate the location of the non-conforming use on the site's 6(f) map.
5. Describe any anticipated temporary/permanent impacts to the Section 6(f) area and how the sponsor will mitigate them during and after the non-conforming use ceases.
6. Consult the LWCF Manual for additional requirements and guidelines before developing the proposal.

Proceed to Steps 5 through 7



B. Proposal for Significant Change in Use

Prior to developing the proposal, you must consult the LWCF Manual for complete guidance. NPS approval must be obtained prior to any change from one eligible use to another when the proposed use would significantly contravene the original plans or intent for the area outlined in the original LWCF application for federal assistance. NPS approval is only required for proposals that will **significantly** change the use of a LWCF-assisted site (e.g., from passive to active recreation). The proposal must include and address the following items:

1. A letter of transmittal from the SLO recommending the proposal.
2. Description of the proposed changes and how they significantly contravene the original plans or intent of LWCF agreements.
3. Explanation of the need for the change in use and how the change is consistent with local plans and the SCORP.
4. Consult the LWCF Manual for additional requirements and guidelines before developing the proposal.

Proceed to Steps 5 through 7



C. Proposal for Sheltering Facilities

Prior to developing this proposal, you must consult the LWCF Manual for complete guidance. NPS must review and decide on all proposals to shelter an existing outdoor recreation facility or construct a new sheltered recreation facility within a Section 6(f) area regardless of funding source. The proposal must demonstrate that there is an increased benefit to public recreation opportunity. Describe the sheltering proposal in detail, including the following:

1. A letter of transmittal from the SLO recommending the proposal.
2. Describe the proposed sheltered facility, how it would operate, how the sheltered facility will include recreation uses that could typically occur outdoors, and how the primary purpose of the sheltered facility is recreation use.
3. Explain how the sheltered facility would not substantially diminish the outdoor recreation values of the site including how the sheltered facility will be compatible and significantly supportive of the outdoor recreation resources present and/or planned.
4. Explain how the sheltered facility will benefit the total park's outdoor recreation use.
5. Describe efforts provided to the public to review the proposal to shelter the facility and has local support.

6. Document that the sheltered facility will be under the control and tenure of the public agency which sponsors and administers the original park area.

7. Consult the LWCF Manual for additional requirements and guidelines before developing the proposal.

Proceed to Steps 5 through 6



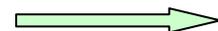
Step 5. Summary of Previous Environmental Review (including E.O. 12372-Intergovernmental Review)

Describe any prior environmental review undertaken at any time and still viable for this proposal or related efforts that could be useful to understanding potential environmental impacts. Consider previous local, state, federal (e.g. HUD, EPA, USFWS, FHWA, DOT) and other environmental reviews. At a minimum, address the following:

1. Date of environmental review(s), purpose for the environmental review(s) and for whom they were conducted.
2. Description of the proposed action and alternatives.
3. Who was involved in identifying resource impact issues and developing the proposal including the interested and affected public, government agencies, and Indian tribes.
4. Environmental resources analyzed and determination of impacts for proposed actions and alternatives.
5. Any mitigation measures to be part of the proposed action.
6. Intergovernmental Review Process (Executive Order 12372): Does the State have an Intergovernmental Review Process? Yes _____ No . If yes, has the LWCF Program been selected for review under the State Intergovernmental Review Process? Yes _____ No _____. If yes, was this proposal reviewed by the appropriate State, metropolitan, regional and local agencies, and if so, attach any information and comments received about this proposal. If proposal was not reviewed, explain why not.
7. Public comment periods (how long, when in the process, who was invited to comment) and agency response to public comments.
8. Any formal decision and supporting reasons regarding degree of potential impacts to the human environment.
9. Was the LWCF federal action and/or any other federal actions analyzed/reviewed in previous environmental reviews? If so, how and what impacts were identified? Provide specific references.

Use resource impact information generated during previous environmental reviews and from recently conducted site inspections to complete the Environmental Screening Form (ESF) portion of this PD/ESF under Step 6. Your responses should indicate your proposal's potential for impacting each resource as identified in the previous environmental review, including a reference to where the analysis can be found in the document. If the previous environmental review proposed actions to mitigate impacts, summarize the mitigation for each resource as appropriate. The environmental review document(s) must be included with this PD/ESF in the proposal package submitted to NPS for federal review.

Proceed to Step 6



Step 6. Environmental Screening Form (ESF)

This portion of the PD/ESF is a working tool for planners and decision-makers to use to identify the degree of potential impacts to resources that may occur as a result of federal approval of the proposal. It also serves as the administrative record documenting the project sponsor's efforts to identify and consider impacts during proposal development. Your ESF responses may change as the planning process refines the proposal that will ultimately be submitted along with the final completed ESF for federal review and decision.

The scope of the required environmental analysis will vary according to the type of LWCF proposal. For example, the scope for a new LWCF project will differ from the scope for a conversion. Consult the LWCF Manual for guidance on defining the scope or extent of environmental analysis needed for your LWCF proposal. As early as possible in your planning process, consider how your proposal/project may have direct, indirect and cumulative impacts on the human environment. By early identification of possible environmental resource impacts, the information will be useful during proposal development, including ways to lessen impacts. Initiating or completing environmental analysis after a decision has been made is contrary to both the spirit and letter of the law of the National Environmental Policy Act.

The ESF should be completed with input from resource experts and in consultation with relevant local, state, tribal and federal governments, as applicable. The interested and affected public should be notified of the proposal and invited to provide input as well. At a minimum, a site inspection of the affected area must be conducted by individuals who are familiar with the type of affected resources, possess the ability to identify potential resource impacts, and to know when to seek additional data when needed.

At the time of proposal submission to NPS for federal review, the completed ESF should reflect the project sponsor's final determination of the extent to which the proposal will impact the list of resources on the form. The results of the completed ESF will inform the State's choice of which NEPA pathway to follow, i.e., categorical exclusion (CE), environmental assessment (EA), environmental impact statement (EIS). Also, the completed ESF will identify the resource topics and issues that should be presented and analyzed in an EA or an EIS, if required. Consult the LWCF Manual for further guidance on LWCF and NEPA.

The ESF contains two parts that must be completed:

Part A. Impacts to Environmental Resources

Part B. Mandatory Criteria

Part A: For each environmental resource topic, choose an impact estimate level (none, negligible, minor, exceeds minor) that describes the degree of potential negative impact that may occur directly, indirectly and cumulatively as a result of federal approval of your proposal. These impact levels should be used to estimate specific impact levels on each separate resource and must be accompanied with a brief explanation of how the resource might be affected, how the impact level was determined, and why the chosen impact level is appropriate. If an environmental review has already been conducted on your proposal, is still viable, and it includes planned mitigation, explain this for each applicable resource and choose an impact level as mitigated. If the resource does not apply to your proposal, mark NA in the first column. Add any relevant resources (see A24) if not included in the list.

Use a separate sheet to explain all potential adverse impacts (negligible, minor and those exceeding minor) as well as to indicate the type of data that still needs to be determined for each of the applicable resources listed below. Describe direct, indirect and cumulative impacts as well as explain any planned mitigation already addressed in previous environmental reviews.

Part B: This is a list of mandatory impact criteria that preclude the use of categorical exclusions. If you answer "yes" or "maybe" for any of the mandatory criteria, you must develop an EA or EIS regardless of your answers in Part A. Explain all "yes" and "maybe" answers on a separate sheet.

Indicate potential for adverse impacts. Complete separate ESFs for conversion and replacement parcels.

A. ENVIRONMENTAL RESOURCES Explain responses per instructions above.	Not Applicable- Resource does not exist	No/Negligible Impacts- Exists but no or negligible impacts	Minor Impacts	Impacts Exceed Minor EA/EIS required	More Data Needed to Determine EA/EIS required
1. Geological resources: soils, bedrock, slopes, streambeds, landforms, etc.					
2. Air quality					
3. Sound (noise impacts)					
4. Water quality/quantity					
5. Stream flow characteristics					
6. Marine/estuarine					
7. Floodplains/wetlands					
8. Land use/ownership patterns; property values; community livability					
9. Circulation, transportation					
10. Plant/animal/fish species of special concern and habitat; state/federal listed or proposed for listing					
11. Unique ecosystems, such as biosphere reserves, World Heritage sites, old growth forests, etc.					
12. Unique or important wildlife/wildlife habitat					
13. Unique or important fish/habitat					
14. Introduce or promote invasive species (plant or animal)					
15. Recreation resources, land, parks, open space, conservation areas, rec. trails, facilities, services, opportunities, public access, etc. Conversions exceed minor impacts.					
16. Accessibility for populations with disabilities					
17. Overall aesthetics, special characteristics/features					
18. Historical/cultural resources, including landscapes, ethnographic, archeological, structures, etc. Attach SHPO/THPO determination.					
19. Socioeconomics, including employment, occupation, income changes, tax base, infrastructure					
20. Minority and low-income populations					
21. Energy resources (geothermal, fossil fuels, etc.)					
22. Other agency or tribal land use plans or policies					
23. Land/structures with history of contamination/hazardous materials even if remediated					

24. Other important environmental resources to address.					
B. MANDATORY CRITERIA If your LWCF proposal is approved, would it...			Yes	No	To be determined
1. Have significant impacts on public health or safety?					
2. Have significant 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 (E.O. 11990); floodplains (E.O 11988); and other ecologically significant or critical areas.					
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]?					
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?					
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?					
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?					
7. Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places, as determined by either the bureau or office.(Attach SHPO/THPO Comments)					
8. Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.					
9. Violate a federal law, or a state, local, or tribal law or requirement imposed for the protection of the environment?					
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?					
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)?					
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)?					

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 state 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.

**Signature and date of
LWCF sub-recipient applicant** _____ **Date** _____

This policy remains in effect until revised or rescinded.