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<b>SUBJECT:</b> <p style="text-align: center;">           Publication 745            Section 6(f), Project 70, Project 500, and Other Recreation Grant Guidance            October 2017         </p>		
<b>INFORMATION AND SPECIAL INSTRUCTIONS:</b> <p>This handbook has been updated to reflect changes made by DCNR and the National Park Service (NPS) to Section 6(f), Project 70, Project 500, and other recreation grant policy. The updates include the following changes:</p> <ul style="list-style-type: none"> <li>- The non-conversion use is no longer available for LWCF properties.</li> <li>- The NPS now reviews all LWCF impacts.</li> <li>- Joint jurisdiction and non- conversions can still be used for Project 70, Project 500, and other recreation grants.</li> <li>- All projects submitted must complete the corresponding requirements checklist.</li> </ul>		
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# **Section 6(f), Project 70, Project 500, and Other Recreation Grant Guidance**

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## I. INTRODUCTION

For projects involving public municipal and state parks, state forests, state game lands, state Fish and Boat Commission, state Historical and Museum Commission properties and certain lands acquired by land trusts or other public recreational facilities, it is important to be aware of Section 6(f), Project 70, Project 500, and other Commonwealth grant programs (RIRA, Key 93, ESF and GG2, see page 16 for details) and how impacts to properties using those funds will affect PennDOT projects. The purpose of this guidance is to provide specific information and appropriate steps to take for protected recreation properties.

**This guidance is for informational purposes only; it is not regulatory.**

## II. SECTION 6(F) OF THE LAND AND WATER CONSERVATION FUND (LWCF)

The Land and Water Conservation Fund (LWCF) Act of 1965 (16 U.S.C. §4601-8(f)(3)) established the [LWCF State Assistance Program](#) to create a nationwide program to assist in preserving, developing, and assuring to all present and future citizens of the United States the availability of outdoor recreation resources.

### Key facts about Section 6(f)(3) of the LWCF Act:

- The National Park Service (NPS), a part of the U.S. Department of the Interior (DOI), is the federal agency responsible for administering the LWCF. Nationwide, more than 40,000 projects have been approved to date.
- The program provides matching grants (up to 50%) to states and through states to local governments for the acquisition and development of public outdoor recreation sites and facilities.
- Each state has a state liaison officer (SLO) and an alternate state liaison officer (ASLO) appointed by the governor to administer the LWCF program at the state level. The federal investment has been matched by state and local contributions for a total LWCF grant investment of over \$7.4 billion. The income for the LWCF is provided largely from outer continental shelf mineral receipts. The amount available each year is determined by the annual congressional appropriation process and is supplemented by a guaranteed amount set aside each year in a special treasury account from other qualified off-shore revenues pursuant to the Gulf of Mexico Energy Security Act, public law 109-432.<sup>1</sup>

**NOTE:** The SLO for Pennsylvania is the Deputy Secretary for Conservation and Technical Resources at the Pennsylvania Department of Conservation and Natural Resources (DCNR). The ASLO is the LWCF Program Coordinator. The LWCF State Coordinator currently is also in the Bureau of Recreation and Conservation.

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<sup>1</sup> LWCF State Assistance Program Manual (2008)

## **Section 6(f) of the LWCF Act contains mandatory provisions to protect Federal investments.**

### **The NPS states:**

- The law recognizes that changes in land use or development may make some recreation areas obsolete over time and discourages casual "discards" of park and recreation facilities by ensuring that changes or "conversions from recreation use" require replacement land — this assures taxpayers that investments will not be wasted.
- According to Section 6(f), “No property acquired or developed with assistance under this section shall, without the approval of the Secretary<sup>2</sup>, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.”<sup>3</sup>
- This “anti-conversion” requirement applies to all parks and other sites that have been the subject of LWCF grants of any type, whether for acquisition of parkland, development or rehabilitation of facilities.<sup>4</sup>

### **A. Section 6(f) Properties**

During project scoping, Section 6(f) properties within a project area are identified and the Section 6(f) boundary is defined.

#### **1. Identifying Section 6(f) Properties**

Both the NPS and DCNR have developed online database tools to aid in identification. A comparison of these NPS and DCNR tools is provided in Table 1.

- NPS’s list of recreational resources purchased or enhanced by LWCF funds:  
<http://waso-lwcf.ncrc.nps.gov/public/index.cfm>
- DCNR’s database: <http://www.gis.dcnr.state.pa.us/maps/index.html?grants=true>

Check both sites for information on properties that may be Section 6(f) properties. Reconcile any differences between the two lists by consulting with the SLO or ASLO and the official with jurisdiction over the particular property being scoped. In addition, check the property’s deed to determine if the deed includes language making reference to LWCF or if the deed includes restrictions on use of the property.

**NOTE: Not all LWCF grants are identified by the NPS and DCNR databases.** There may be additional Section 6(f) properties that exist. If there is any question whether funds were used in an area, it is important to verify with the SLO or ASLO and official with jurisdiction.

<sup>2</sup> United States Secretary of the Interior

<sup>3</sup> LWCF State Assistance Program Manual (2008); 16 U.S.C. §4601-8(f)(3)

<sup>4</sup> [www.nps.gov/ncrc/programs/lwcf/protect](http://www.nps.gov/ncrc/programs/lwcf/protect)



**Table 1. Comparison of NPS and DCNR LWCF Online Databases**

NPS Site	DCNR Site
<a href="http://waso-lwcf.ncrc.nps.gov/public/index.cfm">http://waso-lwcf.ncrc.nps.gov/public/index.cfm</a>	<a href="http://www.gis.dcnr.state.pa.us/maps/index.html?grants=true">http://www.gis.dcnr.state.pa.us/maps/index.html?grants=true</a>
List of sites as PDF files in a web-based report viewer. Filter by state and county. Gives information on the grant (grant title, type, ID, sponsor, and amount).	GIS-based map with map search tools to find locations by county, address, or acquisition name. Map layers are interactive and provide detailed information on the grants. LWCF acquisitions have links to detailed PDF files that typically include the grant application and a map of the property boundaries.
Grant types: <ul style="list-style-type: none"> <li>• Planning (P) grants to States to develop the Statewide Comprehensive Outdoor Recreation Plan,</li> <li>• Acquisition (A) grants for the acquisition of lands or interests in land,</li> <li>• Development or Redevelopment grants (D or R) to enhance projects with new or rebuilt recreation facilities, or</li> <li>• Combination (C) grants which includes both acquisition and site development.</li> </ul>	Grant types: <ul style="list-style-type: none"> <li>• Does not show planning grants for outdoor recreation comprehensive plans.</li> <li>• Acquisitions (both LWCF and State)</li> <li>• Development/Redevelopment (both are shown as “LWCF Developments” on the map).</li> <li>• Shows state acquisitions (see section V for more information on other grant programs).</li> </ul>
Shows all LWCF grants.	Shows only grants that DCNR’s Bureau of Recreation and Conservation manages. <b>The map search does not currently show LWCF grants handled by DCNR’s Bureau of Forestry, Bureau of Parks, the PA Game Commission, PA Fish and Boat Commission, and PA Historical and Museum Commission.</b>

**2. Establishing Section 6(f) Property Boundaries**

Once a Section 6(f) property is identified, it is important that the Section 6(f) boundary be verified. Boundaries are important as they must be known to determine if there is to be a conversion or temporary non-conforming use of the property by a project, and if so, the extent of that conversion.

DCNR’s online database tool contains PDF boundary maps of LWCF Acquisitions, but boundary maps may not be available online for LWCF Developments. A Section 6(f) property boundary map is produced by DCNR and the official with jurisdiction with the application for use of LWCF funds and shows the park area to be covered by Section 6(f) anti-conversion protections. This map does not have to be a formal document (it may be hand-drawn in some cases), but it should contain enough site-specific information to serve the following purposes:

- Ensures that the grantee and the administering agency agree on the boundaries of the covered site at the time of project approval;
- Provides location, size indicators, and a picture of key facilities and landmarks to help later project inspectors identify and evaluate the site.<sup>5</sup>

Consult with the SLO or ASLO on Section 6(f) property boundaries. It is especially important to contact the SLO or ASLO to identify the Section 6(f) property boundaries for recreation areas receiving LWCF development grants because the area protected by Section 6(f) may not match the extent of the whole recreation area boundary.

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<sup>5</sup> <http://www.nps.gov/ncrc/programs/lwcf/protect.html#LegalProtection>

## B. Section 6(f) Property Impacts

If it is determined that a Section 6(f) property is present within a project area, the next step is to determine any impacts to the Section 6(f) property. Any acquisition of property by PennDOT from land where LWCF money has been applied has the potential to be a conversion.

### 1. Determining Impacts

The project scope largely determines whether or not a project will result in a conversion of Section 6(f) lands. The following sections explain when projects may result in a conversion or a temporary non-conforming use.

Figure 1 is a flowchart illustrating how to determine which type of coordination is required based on the type of impact to Section 6(f) lands.

A **conversion** occurs when:

- Non-outdoor recreation uses (public or private) are made of the Section 6(f) property, or a portion of the Section 6(f) property.
- Public outdoor recreation use of property acquired or developed with LWCF assistance is terminated.<sup>6</sup>
- There is a **temporary non-conforming use** of a Section 6(f) property which lasts longer than 180 days.

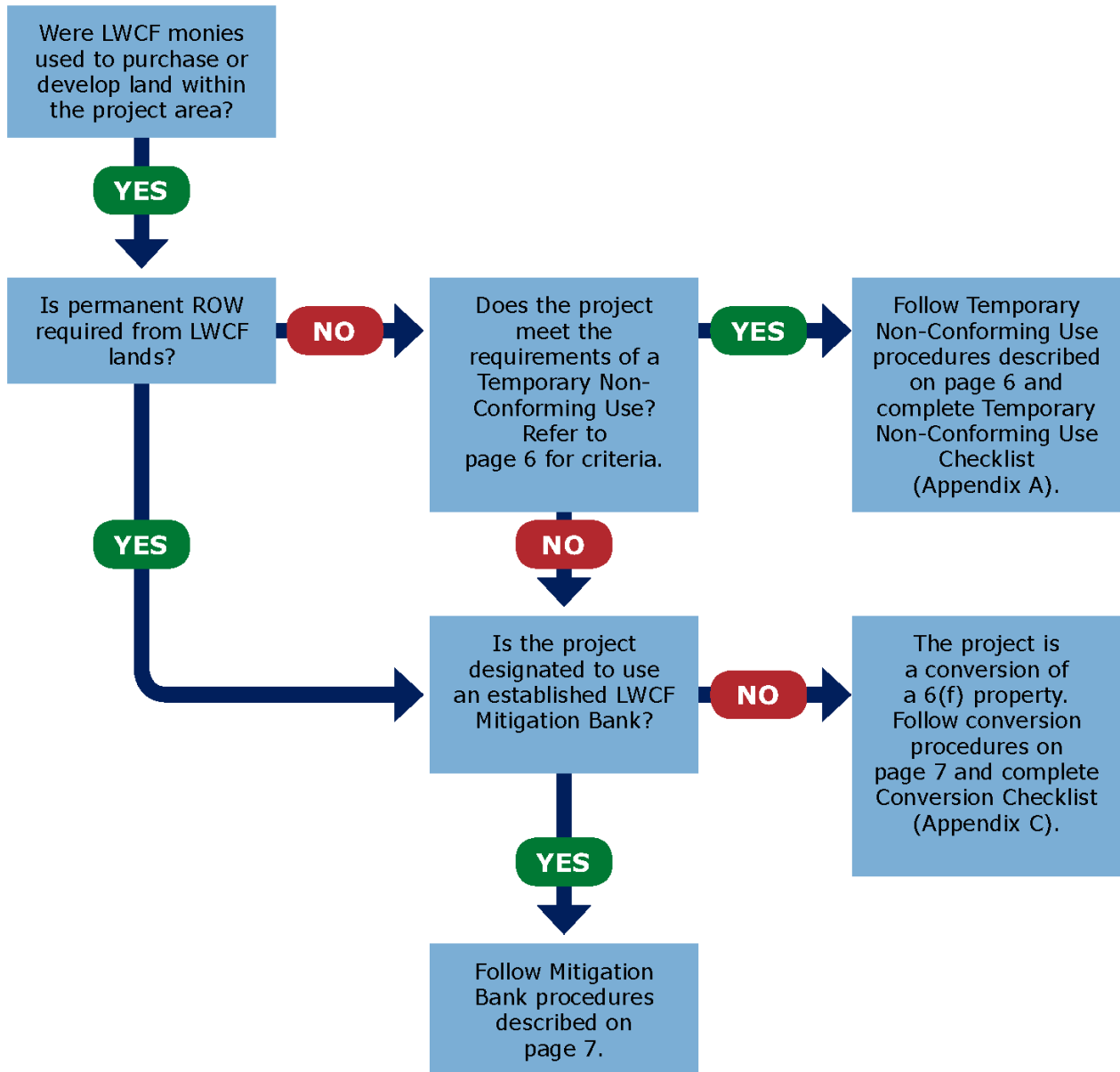
**NOTE:** An early coordination meeting at the start of preliminary engineering with DCNR or another agency with jurisdiction over the property can be beneficial. The agencies may be familiar with the LWCF or state grants that have been used on the property. This coordination also allows for PennDOT to have a better understanding of how the property is used throughout the four seasons of the year. The type of use(s) may play a factor in the construction schedule. Detailed project plans are not necessary at this point. This meeting would also provide DCNR or another agency to conduct any additional research or to identify specific contacts for further coordination.

As coordination continues, keep in mind that the official with jurisdiction may not be familiar with highway plan presentation. It can be beneficial to present “cleaned up” versions of plan sheets (remove contour lines, phasing details, etc.) with information specifically geared towards the resources and the scope of work.

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<sup>6</sup> LWCF State Assistance Program Manual (2008)

**FIGURE 1. LWCF COORDINATION FLOWCHART**



## **2. Request for Temporary Non-Conforming Use (TNCU)**

Temporary non-conforming use occurs for a temporary use of 180 days or fewer. To request a temporary non-conforming use:

- Submit a letter to the Chief of the EPDS, Bureau of Project Delivery describing:
  - The project scope
  - The need for conversion
  - The impacts to Section 6(f) lands
- Complete all items listed on the LWCF Temporary Non-Conforming Use Project Checklist (Appendix A). This includes the Temporary Non-Conforming Use LWCF Proposal Description and Environmental Screening Form (TNCU PD/ESF) (Appendix B) form as described in the project checklist. The PD/ESF form is available from PennDOT’s Environmental Policy Development Section, and includes detailed instructions as to what needs to be included in each section of the form.
- Complete the TNCU PD/ESF for the proposed TNCU (Appendix B)
  - In Step 1, select “Request for Temporary Non-Conforming Use in a Section 6(f) area”
  - Complete Step 4.A Proposal for Temporary Non-Conforming Use
  - Complete Step 5 Summary of Previous Environmental Review
  - Complete Step 6 Environmental Screening Form (ESF) (Parts A & B)
  - DCNR will complete Step 7
  - Sign and date (page 9)
- The EPDS Chief will review and submit all required documentation as described on the LWCF Temporary Non-Conforming Use Project Checklist to DCNR for review. Upon receipt of the completed TNCU documentation, and if DCNR is in agreement, DCNR will send a letter to PennDOT stating that the documentation is sufficient and is being sent to NPS for approval.
- Once DCNR receives NPS approval the LWCF National Environmental Policy Act (NEPA) process is completed and DCNR will notify PennDOT.
- PennDOT must submit final construction plans and actual construction dates to DCNR prior to the start of construction. This is included in the TNCU Checklist and should be tracked in the Environmental Commitments and Mitigation Tracking System (ECMTS) matrix. DCNR must also be notified when construction is complete or if construction lasts longer than 180 days. Recommendations for information to include in the Bid Package related to Section 6(f) coordination are included in Appendix C.

**NOTE:** There will be two letters/notifications from DCNR: (1) When DCNR sends information to the NPS, which is required for PennDOT to complete the FHWA/PennDOT NEPA process and is attached to the NEPA evaluation; and (2) when the NPS approves the temporary non-conforming use, which is required before construction can proceed.

### **3. Procedures for using a 6(f) Mitigation Bank**

Mitigation banks are an important tool in achieving long-term conservation goals and providing a streamlined mitigation procedure. A mitigation bank creates a conservation area for an environmental resource that offsets future impacts to the same type of resource. In the past, Section 6(f) mitigation banks have been available for designated projects. **Consult with the Chief of EPDS at PennDOT to determine if a 6(f) mitigation bank is currently available.**

If a Section 6(f) mitigation bank is available, the use includes:

- The acquisition of one parcel of replacement land may be used for several approved conversions.
- Excess fair market value of a replacement property can be “banked” and can be used towards future conversions within a five year window.
- The project sponsor may use the “banked” value to make up the fair market value difference in cases where subsequent proposed replacement property meets the equal usefulness criterion, but its appraised fair market value falls short of the equal fair market value requirement.
- For projects designated to use a mitigation bank, reference the mitigation bank in the Conversion LWCF Proposal Description and Environmental Screening Form (Conversion PD/ESF) (Appendix E) for the proposed property undergoing conversion.
  - In step 5 of the PD/ESF question 5, list the name of the mitigation bank among the mitigation measures for conversion.
- Complete all items included on the LWCF Conversion Project Checklist (Appendix D) and follow the steps outlined in Procedures for Conversion. The PD/ESF form is available from PennDOT’s Environmental Policy Development Section, and includes detailed instructions as to what needs to be included in each section of the form.

### **4. Procedures for Conversion**

- Submit a letter to the Chief of the EPDS, Bureau of Project Delivery describing:
  - The project scope
  - The need for conversion
  - The impacts to Section 6(f) lands
  - A request for coordination with DCNR and the NPS for review and approval of the conversion
  - Complete all items listed on the LWCF Conversion Project Checklist (Appendix E).
- Complete the Conversion PD/ESF for the proposed conversion:
  - In Step 1, select 6(f) conversion proposal
  - Complete Step 3B, Section 6(f)(3) Conversion Proposal
  - Complete Step 5 Summary of Previous Environmental Review
  - Complete Step 6 Environmental Screening Form (ESF) (Parts A & B)
  - DCNR will complete Step 7
  - Sign and date (page 9)

- The EPDS Chief will review and submit all required documentation as described on the LWCF Conversion Project Checklist to DCNR for review. Upon receipt of the completed conversion documentation and if DCNR is in agreement, DCNR will send a letter to PennDOT stating that the documentation is sufficient and is being sent to NPS for approval.
- DCNR will notify PennDOT once DCNR receives NPS approval that the LWCF NEPA process is completed.
- PennDOT must submit final construction plans to DCNR prior to the start of construction. This is included in the LWCF Conversion Project Checklist and should be tracked in the ECMTS matrix.

**NOTE:** There will be two letters/notifications from DCNR: (1) When DCNR sends information to the NPS, which is necessary to complete the FHWA/PennDOT NEPA process. This letter is attached to the NEPA evaluation; and (2) when the NPS approves the conversion, which is needed before construction can proceed.

### **5. NEPA Documentation for Section 6(f) Coordination**

For projects when a categorical exclusion (CE) is being prepared, summarize information regarding Section 6(f) coordination within the CE Expert System in Part B, Section A-2 (Land) under the “Parks and Recreation Facilities” heading. Include a description of the proposed temporary or permanent impacts and mitigation commitments<sup>7</sup>. In the Remarks section, include details on coordination. If completing the Bridge and Roadway Programmatic Agreement (BRPA) Applicability Matrix, include all Section 6(f) information in the Remarks section at the bottom of the document.

**NOTE:** In the CE Expert System, Section 6(f) attachments should be limited to only the concurrence letter from DCNR/NPS or the Joint Jurisdiction MOU. All other documents should be retained in the project’s technical file.

Summarize impacts, coordination, and mitigation in environmental assessments (EAs) or environmental impact statements (EISs). Coordinate with the PennDOT district environmental manager and EPDS to identify additional information to be included in the NEPA documentation.

**NOTE:** Section 4(f) typically applies to those properties that are Section 6(f) properties (publicly-owned parks and recreational areas). Refer to the PennDOT Section 4(f) Handbook (Publication 349) for more information on Section 4(f).

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<sup>7</sup> CE Expert System

### III. PROJECT 70 (ACT 8)

#### **Project 70 Land Acquisition and Borrowing Act, act of June 22, 1964 (Sp.Ses., P.L. 131, No. 8), 72 P.S. §§ 3946.1-3946.22**

The Pennsylvania legislature introduced Project 70 to raise \$70 million for the acquisition of State parks, reservoirs, and other conservation, recreation and historical preservation purposes (use of land for public municipal parks, fishing, hunting, boating, open space, scenic sights or preservation for historical significance, or for any related public outdoor recreation or historical purpose), and to improve water quality and pollution control. It was signed into law in 1964 as Act 8.<sup>8</sup>

The act states that: “The Commonwealth believes it is fundamental to the public health, prosperity, and general welfare of the people of Pennsylvania that soil and water resources are preserved as well as lands for recreation and conservation of natural and historical resources.” The acquisition of Project 70 lands was targeted in counties where the public owned less than 10% of the total land or where there were urban areas of less than 25,000 individuals (as of the effective date of the act).<sup>9</sup>

The money was distributed as follows:

- \$40 million to the Department of Forests and Waters (Currently PA DCNR).
- \$10 million to the Fish and Game Commission (Currently PA Fish and Boat Commission [PFBC] and PA Game Commission [PGC]).
- \$20 million to the State Planning Board.

Examples of property types using Project 70 funds include (but are not limited to) recreational lands owned by DCNR or the PFBC, state forests, or parkland owned by the counties or municipalities.

#### **Key facts about Project 70:**

- Project 70 lands are to be used for recreational, conservation, or historical purposes and cannot be used for other purposes without the approval of the General Assembly. The limited exceptions immediately below apply:
  - Either the Commonwealth or the municipality (as owners of the land) may issue permits, licenses or leases for: the exploration, development, storage and removal of oil, gas, or other minerals; installation and use of water, gas, electric, telephone, oil or oil product lines.<sup>10</sup>
- The act permits acquisition by eminent domain. Acquisitions must be coordinated with local municipalities and a public hearing held. Once acquired, the General Assembly must expressly approve any disposition of these lands.
- The Commonwealth is the only entity with the authority to enforce Project 70 provisions.

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<sup>8</sup> <http://www.dcnr.state.pa.us/stateparks/thingstoknow/history/goddardera/index.htm>

<sup>9</sup> A Citizen’s Guide to Pennsylvania’s Project 70 Land Acquisition and Borrowing Act, Widener University Summer 2010

<sup>10</sup> Ibid

**A. Identifying Project 70 Lands**

Identify Project 70 lands within a project area during project scoping. Project 70 funds have been applied to state forest land, state park land, PFBC lands, state game lands, Pennsylvania Historical and Museum Commission (PHMC) lands, and municipal and county parks.

The following should be consulted to aid in the identification of Project 70 land:

- **Contact the DCNR Bureau of Recreation and Conservation to check their inventory.**
- A partial list of Project 70 funded resources is provided in the *History of Pennsylvania’s State Parks* written by William C. Forrey and published by the Pennsylvania Department of Environmental Resources, Bureau of State Parks. A copy of this list is included in Appendix F of this guidance.
- The following are several state game lands (SGL), or parts thereof, identified as purchased or enhanced using Project 70 funds. This list is not exhaustive:
  - » SGL 46      » SGL 169      » SGL 242      » SGL 254      » SGL 82      » SGL 214
  - » SGL 243      » SGL 258      » SGL 95      » SGL 218      » SGL 245      » SGL 270
  - » SGL 147      » SGL 226      » SGL 249      » SGL 280

**NOTE:** These lists are not exhaustive and there may be additional resources that do not appear on the attached lists, but were purchased or enhanced using Project 70 funds. Moreover, there are no lists for PFBC or municipal properties which used Project 70 funds. DCNR BRC is in the process of compiling Project 70 projects onto a publicly accessible site.

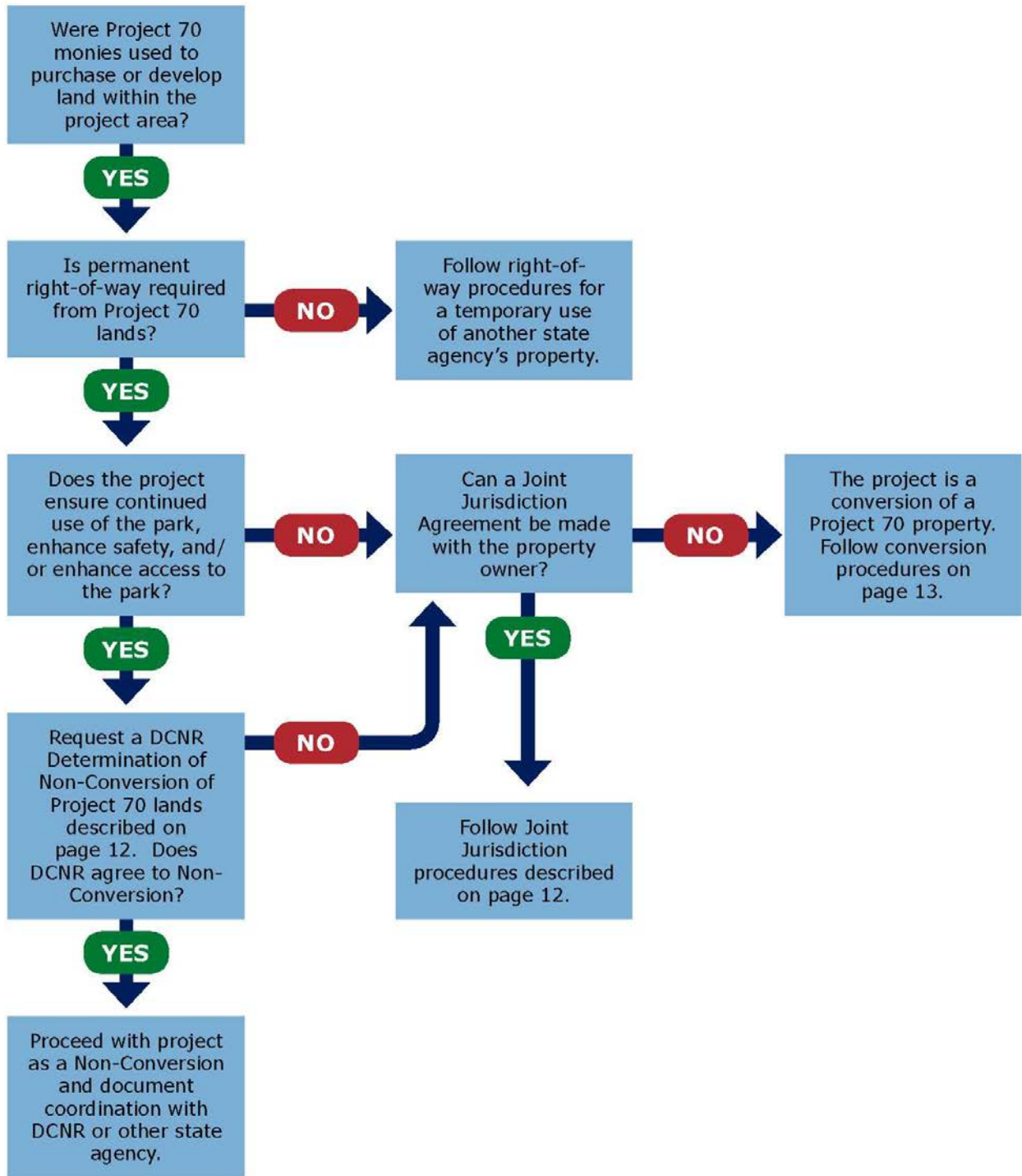
Perform the following activities to identify Project 70 properties:

- Coordinate with the official with jurisdiction; however, there may be cases where the official with jurisdiction is not aware of the funding used to purchase the property.
- Review property deeds to try to verify if Project 70 funds were utilized. The deeds are required to include a clause referencing the Project 70 Land Acquisition and Borrowing Act.
- Make good faith efforts to reach out to other sources within PennDOT, DCNR, PFBC, PHMC or PGC (note: contact the federal aid coordinator at PGC) who may have institutional knowledge of the funding.
- If, after those good faith efforts are made, it is still unknown whether these types of funds were used, it can be assumed that no Project 70 funds are involved.
- **All coordination efforts shall be adequately documented to illustrate the level of effort made in reaching this determination.**

Figure 2 is a flowchart illustrating the coordination procedures for impacts to Project 70 lands.



**FIGURE 2. PROJECT 70 COORDINATION FLOWCHART**



## **B. Request for DCNR Determination of Non-Conversion of Project 70 Lands**

For Project 70 lands where DCNR has jurisdiction (excluding state game and PFBC lands because they are under those agencies' jurisdiction); DCNR may consider some PennDOT projects to be non-conversions. Projects that are candidates for requesting a non-conversion determination are those where the purpose is to ensure continued use of the park, enhance safety, and/or enhance access to the park through which the highway is located.

The procedure for requesting a non-conversion determination from DCNR for Project 70 lands includes the following:

- The project manager or environmental manager will draft a letter to be sent from the Chief of the EPDS to DCNR.
- The letter must include the following:
  - Project Description
  - Project 70 resource information – name of property, size, use of Project 70 funds.
  - Project scope, including the size of the temporary and permanent impacts to the Project 70 resource.
  - An explanation of need to use Project 70 resource.
  - Explanation of how the project is necessary maintenance, improves access to the Project 70 resource, and/or enhances safety.
  - Additional information as applicable such as when the project is consistent with a municipal parks and recreation plan.
  - Request for non-conversion determination from DCNR.
- Send the draft letter to the Chief of EPDS. The Chief of the EPDS (or a designee) will coordinate a review of the letter with the Office of Chief Counsel and send it to DCNR.
- DCNR will make a determination and notify PennDOT if the project constitutes a conversion. Contact PGC, PFBC, or PHMC for determination of non-conversion of Project 70 lands under their jurisdiction and their procedures.

## **C. Procedures for Joint Jurisdiction**

Joint Jurisdiction may be used if PennDOT and the state agency owning the land are in agreement that the project can take place using a Memorandum of Understanding (MOU) for joint jurisdiction of the land being impacted by the project. The steps to follow for a joint jurisdiction are:

- Coordinate with the state park manager to ensure that the state park manager is in agreement with the proposed project.
- Draft a letter to DCNR's Bureau of Recreation and Conservation, Community Parks and Conservation Division requesting a Project 70 non-conversion determination. The PennDOT Office of Chief Counsel (OCC) is willing to help draft or review these letters. The request should include the following:
  - A description of the project and project needs
  - A description of the resource including the facilities present and the recreational activities that occur

- The permanent and temporary impacts to the property including the acreage and what facilities/activities would be impacted, and the reason of said impacts
- The benefits to park, e.g., maintaining or enhancing access for pedestrians, bikes, or vehicles (including safety enhancements to the access), drainage improvements, mitigation, if any, etc.
- A paragraph proposing joint jurisdiction referencing an attached MOU
- A paragraph requesting a non-conversion determination; and
- The name of the state park manager you have been coordinating with.
- Provide the draft letter to OCC and the Chief of the EPDS, Bureau of Project Delivery for review with a request to draft the MOU with DCNR for joint jurisdiction.
- OCC will draft the MOU for EPDS and district review. The district right-of-way (ROW) unit will be involved in the review of the MOU. Once OCC and the district are in agreement with the language of the MOU, attach the MOU to the letter that is sent to DCNR.
- Complete all items listed on the DCNR Joint Jurisdiction Project Checklist (Appendix G)
- Send letter and MOU to DCNR's Bureau of Recreation and Conservation, Community Parks and Conservation Division.
- The MOU is not executed until the ROW plans have been authorized. The relevant page of the ROW plan is an exhibit to the MOU. This required coordination should be tracked in the Environmental Commitments and Mitigation Tracking System (ECMTS) matrix.

#### **D. Conversion of Project 70 Lands**

When acquisition of Project 70 land is required for a PennDOT project and considered a conversion, the legislation requires replacement of the land.

Special legislation authorizing the sale of Project 70 lands to PennDOT is usually made contingent upon PennDOT acquiring replacement lands that will be subject to the Project 70 restrictions. The best process for obtaining General Assembly approval to allow conversion of the Project 70 lands to transportation use is the following:

- a) Request that the municipality/official with jurisdiction send a letter addressed to DCNR, PFBC, PGC, or PHMC. The letter should outline the project, impacts, proposed action, and request concurrence with PennDOT's proposal.
- b) DCNR, PFBC, PGC, or PHMC responds with a letter of concurrence. This letter is required for NEPA approval.
- c) The municipality/official with jurisdiction works with its PA legislator(s) to obtain the required legislative approval. PennDOT may offer to help draft the legislation. District staff may consult with the PennDOT Office of Legislative Affairs for assistance during this process.
- d) PennDOT recommends that the municipality/official with jurisdiction submit draft legislation to DCNR's Bureau of Recreation and Conservation (or other state agency) for review and approval. The Bureau will assist in drafting the legislation as it has done so on a regular basis.
- e) Legislative approval allowing the conversion of Project 70 lands is required before right-of-way acquisition can begin.

Consider the following items in the process of acquiring lands with general assembly approval:

- PennDOT should include a specific reference to the Project 70 restrictions as required by the Project 70 enabling legislation in a quit claim deed to the government entity for which the replacement lands were

acquired. Forward the draft quit claim deed to DCNR or other state agency for review as well as a copy of the recorded quit claim deed.

- The local government should also record a declaration of the restrictive covenants to document the Project 70 restrictions.

### **E. NEPA Documentation for Project 70 Coordination**

For projects when a CE is being prepared, summarize information regarding Project 70 coordination within the CE Expert System in Part B, Section A-2 (Land) under the “Parks and Recreation Facilities” heading. Include a description of the proposed temporary or permanent impacts and mitigation commitments. In the Remarks section, include details on coordination. If completing the BRPA Applicability Matrix, include all Project 70 information in the Remarks section at the bottom of the document.

**NOTE:** In the CE Expert System, the concurrence letter from DCNR, PFBC, PGC, or PHMC should be attached. Reference the coordination in the “Remarks” section at the bottom of the form and retain any additional documentation in the project’s technical file.

Summarize impacts, coordination, and mitigation in EAs or EISs. Coordinate with the PennDOT district environmental manager and EPDS to identify additional information to be included in the NEPA documentation.

## **IV. PROJECT 500 (ACT 443)**

The General Assembly of Pennsylvania created Project 500 with a \$500,000,000 bond issue approved in 1967; the bond measure was signed into law as the Land and Water Reclamation Act in 1968. Monies were earmarked for reclaiming abandoned mines, state parks and forests, sewage plants, and local and county parks.<sup>11</sup> The money was allocated as described below:

- \$125 million to the Department of Forests and Waters, Fish and Game Commissions, and Historical and Museum Commission for the cost of planning, related administrative expenses and development of public outdoor recreation areas including lands purchased with Project 70 funds;
- \$75 million to the Department of Community Affairs (now DCNR’s Bureau of Recreation and Conservation) for State grants-in-aid to political subdivisions to pay up to fifty percent of the cost of: the development of county and municipal park and recreation lands including lands acquired under Project 70; to acquire and develop additional county and municipal park, recreation, and open space lands...; for studies conducted to determine park and recreational needs and the location of facilities;
- \$200 million to the Department of Mines and Mineral Industries for abandoned mine reclamation;
- \$100 million to the Department of Health for the construction of local sewage treatment plants.<sup>12</sup>

Potential lands which may have been funded using Project 500 funds include state parks and forests, and state game lands, lands owned by the PFBC, lands owned by counties or municipalities.

<sup>11</sup> <http://www.dcnr.state.pa.us/stateparks/thingstoknow/history/goddardera/index.htm>

<sup>12</sup> <http://conserveland.org/articles/22>

### A. Identifying Project 500 Lands

- Coordinate with the official with jurisdiction; however, there may be cases where the official with jurisdiction is not aware of the funding used to purchase and/or enhance the property.
- Review property deeds to try to verify if Project 500 funds were utilized. Language to look for in the deed can be similar to: “This land was acquired with grants-in-aid assistance provided by Pennsylvania Land and Water Conservation and Reclamation Act, Act. No. 443, of 1967, for recreation, conservation, and historical purposes.”
- Make good faith efforts to reach out to other sources within PennDOT, DCNR, PGC, PFBC, or PHMC who may have institutional knowledge of the funding. Specifically contact DCNR as they have records of Project 500 projects.
- If, after those good faith efforts are made, it is still unknown whether these types of funds were used, it can be assumed that no Project 500 funds are involved.
- **Document all coordination efforts adequately to illustrate the level of effort made in reaching this determination.**

### B. Coordination Procedures for Acquisition of Project 500 Lands

**NOTE:** Most Project 500 lands are under DCNR’s jurisdiction. However, in cases where the grant recipient was another of the agencies mentioned above (e.g. PGC, PFBC, or PHMC), coordinate with the grant recipient using the same procedures outlined below.

Impacts to Project 500 lands do not require an approval from the General Assembly if the use is converted from a recreation use.

- DCNR policy states that they treat Project 500 conversions the same as Project 70 conversions and has issued guidance that requires replacement land for conversion of Project 500 lands. These guidelines are policy and not a binding regulation.
- DCNR may consider some PennDOT projects to be non-conversions. Follow the same process detailed for Project 70 non-conversion determination (section III-B).
- The Land and Water Conservation and Reclamation Act (authorizing Project 500 grants) does not require replacement lands if the use changes from a recreational use. Based on the language of the Act, current PennDOT policy interprets this to mean that no replacement land is required. PennDOT policy is to offer fair market value for the acquired land.
- Approval from DCNR (in a letter or memo) is required for the conversion of any Project 500 land.
- The right-of-way (ROW) process then continues following the standard process for acquiring property from local or state agencies. For guidance see the PennDOT Right-of-Way Manual (Pub. 378).

### C. NEPA Documentation of Project 500

For projects when a CE is being prepared, summarize information regarding Project 500 coordination within the Remarks section under the “Parks and Recreation Facilities” heading in Part B, Section A-2 (Land) in the CE Expert System. Include a description of the proposed temporary or permanent impacts and mitigation commitments. In the Remarks section, include details on coordination. If completing the BRPA Applicability Matrix, include all Project 500 information in the Remarks section at the bottom of the document.

**NOTE:** In the CE Expert System, Project 500 concurrence documentation should be attached. Include a summary of the coordination in the Parks and Recreation Facilities Remarks section and retain any additional documentation in the project's technical file.

In cases of NEPA documentation in the form of EAs or EISs, Project 500 coordination should be summarized. Coordinate any additional information to be included in the NEPA documentation with the PennDOT District Environmental Manager or EPDS.

#### **D. Situations when Project 70 and Project 500 Overlap**

It is possible that the land on a project be both Project 70 and Project 500 due to overlap of funding the same types of resources. In the case of complete area overlap, the Project 70 procedures would cover the Project 500 land coordination. However, be sure to mention and document that Project 500 funds were also used on the parcel.

### **V. OTHER GRANT PROGRAMS**

There are four other grant programs that DCNR administers that may be encountered during projects:

- Recreational Improvement and Rehabilitation Act (RIRA) (Act 104 of 1984, as amended 32 P.S. 5401-5408),
- Environmental Stewardship Fund Act (ESF) (Act 68 of 1999, as amended 27 Pa. C.S. Chapter 61),
- Keystone Recreation, Park and Conservation Fund Act (Key 93) (Act 50 of 1993, 32 P.S. 2011-2024) and
- Growing Greener Bond Fund (GG2) (Act 45 of 2005, 27 Pa. C.S. Chapter 61).

Search for the locations of properties receiving funding from these grant programs on DCNR's web map: <http://www.gis.dcnr.state.pa.us/maps/index.html?grants=true>

These acts each contain conversion provisions similar to one another. They each prohibit grant recipients from disposing of or converting property or equipment acquired with grant funds without the prior approval of DCNR. In the event of a conversion without prior approval they each allow DCNR to require the grant recipient to reimburse the fund or to acquire replacement property. ESF also allows DCNR to take possession of the property or equipment.

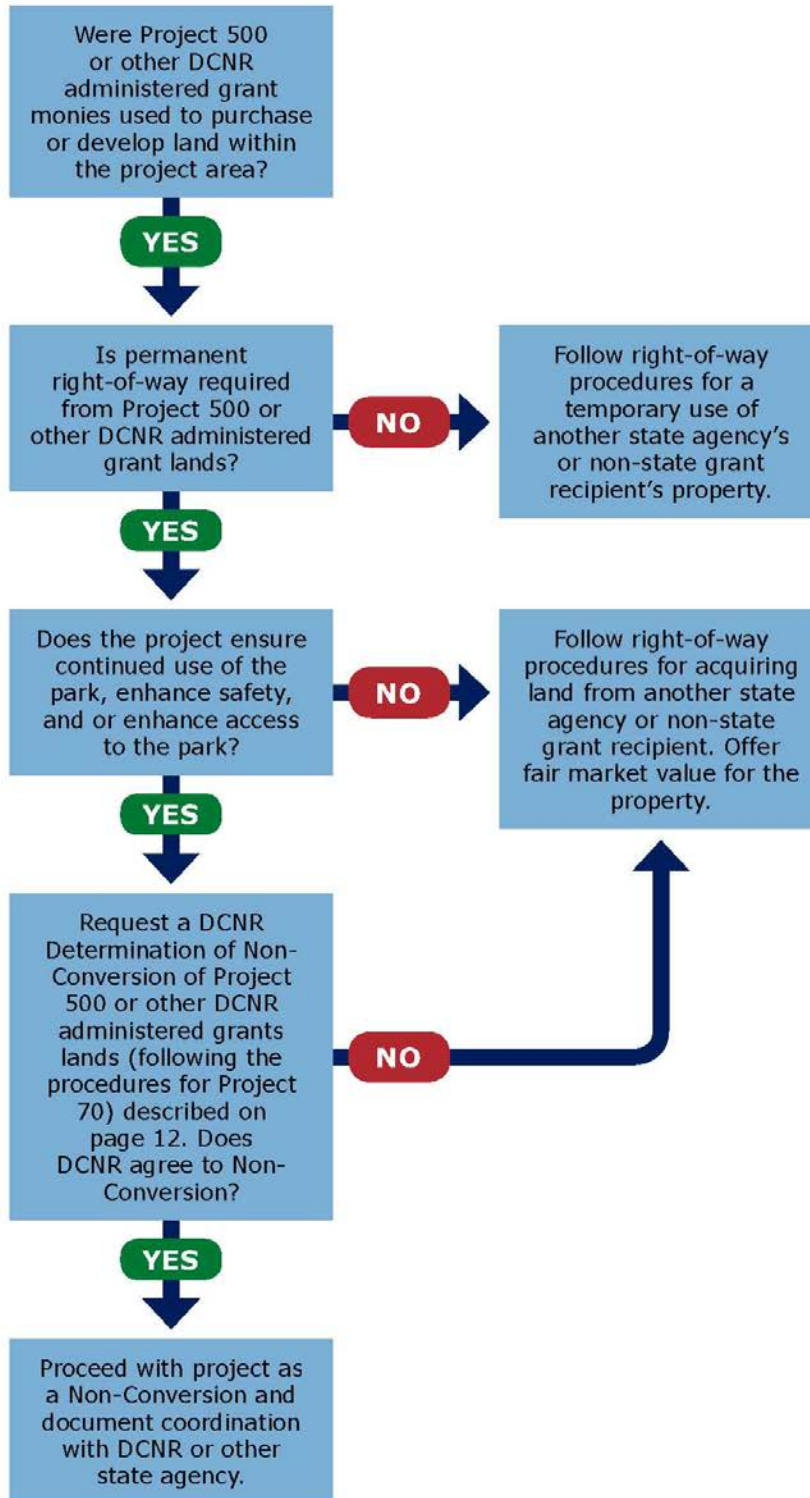
Coordinate with DCNR when working on projects that may impact property or equipment that received funding from these four programs following these procedures:

1. Avoid, minimize, or mitigate impacts to facilities that used these funds;
2. When land must be acquired, and when PennDOT can demonstrate that the project provides a benefit to the recreational facility, request a determination of non-conversion from DCNR; and
3. If DCNR determines that the project is a conversion, PennDOT policy is to offer fair market value for the acquired land.

For additional information on the above grant programs, refer to [DCNR's BRC Administrative Policy/Grant Guidelines](#).

Figure 3 is a flowchart illustrating coordination procedures for Project 500 and other state grant programs.

**FIGURE 3. PROJECT 500 AND OTHER DCNR ADMINISTERED GRANTS COORDINATION FLOWCHART**



## VI. REFERENCES AND LINKS

DCNR's BRC Administrative Policy/Grant Guidelines —

[http://www.dcnr.state.pa.us/cs/groups/public/documents/document/d\\_001264.pdf](http://www.dcnr.state.pa.us/cs/groups/public/documents/document/d_001264.pdf)

The Goddard Era: History of PA State Parks. PA DCNR —

<http://www.dcnr.state.pa.us/stateparks/thingstoknow/history/goddardera/index.htm>

LWCF State Assistance Program Manual Effective 10/01/2008 —

<http://www.nps.gov/lwcf/manual/lwcf.pdf>

Maurice K. Goddard: Patriarch of Pennsylvania Parks. Pennsylvania Land Trust Association.

ConserveLand.org. — <http://conserveand.org/blog/maurice-k-goddard-patriarch-of-pennsylvania-parks/>

National Park Service - Land and Water Conservation Fund – Compliance Responsibilities and Legal Protection — <https://www.nps.gov/subjects/lwcf/protection.htm>

National Park Service - Land and Water Conservation Fund – Project List by County and Summary Reports — <http://waso-lwcf.ncrc.nps.gov/public/index.cfm>

PA DCNR – Recreation and Conservation – Grant Acquisitions and Development Projects Map -

<http://www.gis.dcnr.state.pa.us/maps/index.html?grants=true>

PennDOT Publication 378 — Right-of-Way Manual (only available internally to PennDOT staff)

Proposal Description and Environmental Screening Form —

<https://www.nps.gov/subjects/lwcf/lwcf-forms.htm>.

2014-2019 Pennsylvania Statewide Comprehensive Outdoor Recreation Plan —

<http://www.paoutdoorreplan.com/>

Pennsylvania Historical and Museum Commission Project Review Form (to be used for projects that do not fall under the Programmatic Agreement among the FHWA, the Advisory Council on Historic Preservation, the PA State Historic Preservation Officer, and PennDOT regarding Implementation of the Federal Aid Highway Program in Pennsylvania) -

<http://www.phmc.pa.gov/Preservation/About/Documents/SHPO-Project-Review-Form.pdf>



**Appendix A — LWCF Temporary Non-Conforming Use Project Checklist**



DCNR-2016-Acq  
Acq-GPM-2 Rev. 11-15

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES  
BUREAU OF RECREATION AND CONSERVATION



## LWCF Temporary Non-Conforming Use Project Checklist

*Please submit the following items to DCNR for review. We will coordinate with you on how to proceed once we determine the level of impact to the recreational site and coordinate with NPS for approval.*

**Project Site:** \_\_\_\_\_ **Project Title:** \_\_\_\_\_

- A narrative description of the proposed project and its associated temporary non-conforming use project including the construction timeline/ duration start and completion dates (on PD-ESF Form)
- A location map showing the site to be affected in relation to the 6(f) protected area.
- Survey/Engineering Plans of the proposed temporary non-conforming use
- Delineation of any Existing Easement(s)/ROWs
- Description of Proposed Temporary Easement(s)
- Delineate Relocation of all Utilities, if any.
- PD-ESF providing a complete description of proposed temporary use including:
  - (1) Complete Step 1. Request for Temporary Non- Conforming Use in Section 6(f)(3) area
  - (2) Complete Step 4.A. items 2 thorough 6. (item 3 shall include start and completion dates)
  - (3) Discussion/Description of Proposed Mitigation of Temporary Construction Easement (TCE)
  - (4) Discussion of the Maintenance and Protection Traffic (MPT) associated impact to the park including the Section 6(f) area
  - (5) Complete Steps 5 and 6 (sign page 11)
- PA Historical and Museum (PHMC) Section 106 clearance letter or copy of Project PATH posting.
- PNDI/T&E Agency clearance letters (Part of PD-ESF form)

- Draft MOU (for Commonwealth owned property) other agreements with landowner(s) as appropriate.

**Provide the following to DCNR when available:**

- Provide final construction plans prior to the start of construction.
  - Provide actual construction dates prior to the start of construction.
  - Notify DCNR when construction is complete.
-

**Appendix B — Temporary Non-Conforming Use PD/ESF**





**PROPOSAL DESCRIPTION AND ENVIRONMENTAL SCREENING FORM**  
**Land and Water Conservation Fund**



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 while the LWCF proposal is under development. Upon completion, the ESF will indicate the resources that could be impacted by the proposal enabling States and/or project sponsors to more accurately follow an appropriate pathway for NEPA analysis: 1) a recommendation for a Categorical Exclusion (CE), 2) production of an Environmental Assessment (EA), or 3) production of an Environmental Impact Statement (EIS). The ESF should also be used to document any previously conducted yet still viable environmental analysis if used for this federal proposal. 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/ESF)

1. Complete Step 1. Check New Project Request for Temporary Non-Conforming Use
2. Complete Step 4A Proposal for Temporary Non-Conforming Use
3. Complete Step 5. – Summary of Previous Environmental Review
4. Complete Step 6. Environmental Screening Form (ESF) (Parts A & B)
5. Step 7. - be completed by DCNR
6. Sign and date (page 9)

<b>Name of LWCF Proposal:</b>		<b>Date Submitted to NPS:</b>	
<b>LWCF Project Number:</b>	<b>Prior LWCF Project Number(s) and Park Name(s) Associated with the Assisted Site(s):</b>		
<b>Local or State Project Sponsoring Agency</b> ( <i>recipient, or sub-recipient in case of pass-through grants</i> ) Commonwealth of Pennsylvania, Department of Conservation and Natural Resources			
<b>Name of Local or State Sponsor Contact:</b> Alex L. Tatanish		<b>Title</b> Alternate Liaison Officer	
<b>Address</b> Rachael Carson State Office Building, P. O. Box 8475 5 <sup>th</sup> Flr.		<b>City</b> Harrisburg	<b>State</b> PA
<b>Phone</b> 717-783-4735		<b>Fax</b> 717-787-9577	<b>Zip Code</b> 17105-8475
		<b>Email Address</b> atatanish@pa.gov	

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

Step 1. Type of LWCF Proposal	
<input type="checkbox"/> <b>New Project Application</b> <b>Acquisition</b> Go to Step A	<input type="checkbox"/> <b>Development</b> Go to Step 2B
<input type="checkbox"/> <b>Combination (Acquisition and Development)</b> Go to Step 2C	
<b>New Project Application</b>	
<input type="checkbox"/> <b>Increase in scope or change in scope from original agreement.</b> Complete Steps 3A, and 5 through 7.	
<input type="checkbox"/> <b>6(f) conversion proposal.</b> Complete Steps 3B, and 5 through 7.	
<input type="checkbox"/> <b>Request for public facility in a Section 6(f) area.</b> Complete Steps 3C, and 5 through 7.	
<b>Request for temporary non-conforming use in a Section 6(f) area.</b> Complete Steps 4A, and 5 through 7.	
<b>Request for significant change in use/intent of original LWCF application.</b> Complete Steps 4B, and 5 through 7.	
<b>Request to shelter existing/new facility within a Section 6(f) area regardless of funding source.</b> Complete Steps 4C, and 5 through 7.	
Step 2. New Project Application (See LWCF Manual for guidance)	
<b>A. For an Acquisition Project</b>	
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 proposal 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>B. For a Development Project</b>	
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.	
<b>C. For a Combination Project</b>	
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. 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.	
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. For a Combination Project**

- 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 any 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 for 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 responses with 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, donation, and in-kind contributions. 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 federal resources may be used as a match if specifically authorized by law.

Source	Type of Match	Amount

- 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. **A critical first step is for the State and NPS to agree on the size of the Section 6(f) park land impacted by any non-recreation, non-public use, especially prior to any appraisal activity.** Any previous LWCF project agreements and actions must be identified and understood to determine the actual Section 6(f) boundary.

The Section 6(f)(3) conversion proposal including the required NEPA environmental review documents (CE recommendation or an EA document) must focus on the loss of public outdoor recreation park land and recreational usefulness, and its replacement per 36 CFR 59, and not the activities precipitating the conversion or benefits thereof, such as the 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: 1) focus on "resource impacts" as indicated on the ESF (Step 6), including the loss of public park land and recreation opportunities (ESF A-15), and 2) the 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 site. Section 6(f)(3) conversions always have more than minor impacts to outdoor recreation (ESF A-15) as a result of loss of parkland requiring an EA, 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. A detailed explanation of 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. An explanation of how the conversion is in accord with the State Comprehensive Outdoor Recreation Plan (SCORP).
4. Completed "State Appraisal/Waiver Valuation Review form in Step 7 for each of 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 park land proposed for conversion, a detailed description including the following:
  - a. Specific geographic location on a map, 9-digit zip code, and name of park or recreation area proposed for conversion.
  - b. Description of 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.** Include a description of 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. Description of the community and population served by the park, including users of the park and uses.
  - d. For partial conversions, 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 each proposed replacement site:
  - a. Specific geographic location on a map, 9-digit zip code, and geographical relationship of converted and replacement sites. If site will be added to an existing public park/outdoor recreation area, indicate on map.
  - b. Description of the site's physical characteristics and resource attributes with number and 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. Identification of the owner of the replacement site and its recent history of use/function up to the present.

- d. Detailed explanation of how the proposed replacement site is of reasonably equivalent usefulness and location as the property being converted, including a description of 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. Identification of owner and manager of the new replacement park?
  - f. Name of the new replacement park. If the replacement park is 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. 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. New Section 6(f) map for the new replacement park.
7. NEPA environmental review, including NHPA Section 106 review, for both the converted and replacement sites in the same document to analyze how the converted park land and recreational usefulness will be replaced. Except for "small" conversions (see LWCF Manual Chapter 8), conversions usually require an EA.

**Proceed to Steps 5 through 7** 

**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 indoor and/or non-recreation 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 and enhancements for the entire park. In most cases, development of a non-recreation public facility within a Section 6(f) area constitutes a conversion. For NPS review, the State/sponsor must submit a proposal to NPS under a letter of transmittal from the SLO that:

- 1. Describes the purpose and all proposed uses of the public facility such as types of programming, recreation activities, and special events including intended users of the new facility and any agency, organization, or other party to occupy the facility. Describe the interior and exterior of the facility, such as office space, meeting rooms, food/beverage area, residential/lodging area, classrooms, gyms, etc. Explain how the facility will be compatible with the outdoor recreation area. Explain how the facility and associated uses will significantly support and enhance existing and planned outdoor recreation resources and uses of the site, and how outdoor recreation use will remain 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. Indicates the exact location of the proposed public facility and associated activities on the site's Section 6(f) map. Explain the design and location alternatives considered for the public facility and why they were not pursued.
- 3. Explains who will own and/or operate and maintain the facility? Attach any 3<sup>rd</sup> party leases and operation and management 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 user or other fees that will be instituted, including the fee structure.
- 4. Includes required documents as a result of a completed NEPA process (Steps 5 – 7).

**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. Consult with NPS for early determination on the need for a formal review. 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 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.
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 7** 

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

To avoid duplication of effort and unnecessary delays, describe any prior environmental review undertaken at any time and still viable for this proposal or related efforts that could be useful for understanding potential environmental impacts. Consider previous local, state, federal (e.g. HUD, EPA, USFWS, FHWA, DOT) and any 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.
8. Any formal decision and supporting reasons regarding degree of potential impacts to the human environment.
9. Was this proposed LWCF federal action and/or any other federal actions analyzed/reviewed in any of the previous environmental reviews? If so, what was analyzed and what impacts were identified? Provide specific environmental review document references.

Use resource impact information generated during previous environmental reviews described above and from recently conducted site inspections to complete the Environmental Screening Form (ESF) portion of this PD/ESF under Step 6. Your ESF responses should indicate your proposal's potential for impacting each resource as determined in the previous environmental review(s), and include a reference to where the analysis can be found in an earlier environmental review document. If the previous environmental review documents contain proposed actions to mitigate impacts, briefly summarize the mitigation for each resource as appropriate. The appropriate references for previous environmental review document(s) must be documented on the ESF, and the actual document(s)

along with this PD/ESF must be included in the submission for NPS review.

**Proceed to Steps 6 through 7** 

**Step 6. Environmental Screening Form (ESF)**

This portion of the PD/ESF is a working tool used to identify the level of environmental documentation which must accompany the proposal submission to the NPS. By completing the ESF, the project sponsor is providing support for its recommendation in Step 7 that the proposal either:

1. meets criteria to be categorically excluded (CE) from further NEPA review and no additional environmental documentation is necessary; or
2. requires further analysis through an environmental assessment (EA) or an environmental impact statement (EIS).

An ESF alone does not constitute adequate environmental documentation unless a CE is recommended. If an EA is required, the EA process and resulting documents must be included in the proposal submission to the NPS. If an EIS may be required, the State must request NPS guidance on how to proceed.

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 for your type of LWCF action so planners have an opportunity to design alternatives to lessen impacts on resources, if appropriate. When used as a planning tool in this way, the ESF responses may change as the proposal is revised until it is ready for submission for federal review. Initiating or completing environmental analysis after a decision has been made is contrary to both the spirit and letter of the law of the NEPA.

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 be invited to participate in scoping out the proposal (see LWCF Manual Chapter 4). 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 must justify the NEPA pathway that was followed: CE recommendation, production of an EA, or production of an EIS. The resource topics and issues identified on the ESF for this proposal must be presented and analyzed in an attached EA/EIS. Consult the LWCF Manual for further guidance on LWCF and NEPA. The ESF contains two parts that must be completed:

**Part A. 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 for each listed resource that may occur directly, indirectly and cumulatively as a result of federal approval of your proposal. For each impacted resource provide 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 and is still viable, include the citation including any planned mitigation 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 A.24 on the ESF) if not included in the list.

Use a separate sheet to briefly clarify how each resource could be adversely impacted; any direct, indirect, and cumulative impacts that may occur; and any additional data that still needs to be determined. Also 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.

<b>A. ENVIRONMENTAL RESOURCES</b> Indicate potential for adverse impacts. Use a separate sheet to clarify responses per instructions for Part A on page 9.	<b>Not Applicable -</b> Resource does not exist	<b>No/Negligible Impacts - Exists</b> but no or negligible impacts	<b>Minor Impacts</b>	<b>Impacts Exceed Minor</b> EA/EIS required	<b>More Data Needed to Determine Degree of Impact</b> 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. <i>Most conversions exceed minor impacts. See Step 3.B</i>					
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>B. Mandatory Criterial</b> <i>If your LWCF proposal is approved, would it...</i>	<b>Yes</b>	<b>No</b>	<b>To Be Determined</b>
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			

<b>Environmental Reviewers</b>
<p>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. The ESF may be completed as part of a LWCF pre-award site inspection if conducted in time to contribute to the environmental review process for the proposal.</p>
<p>1. 2. 3.</p> <p><b>The following individuals conducted a site inspection to verify field conditions.</b> <i>List name of inspector(s), title, agency, and date(s) of inspection.</i></p> <p>1. 2. 3.</p> <p><b>State may require signature of LWCF sub-recipient applicant here:</b> _____ <b>Date:</b> _____</p>

**Step 7. Recommended NEPA Pathway and State Appraisal/Waiver Valuation**

First, consult the NPS list of Categorical Exclusions (CEs). If you find your action in the CE list and you have determined in Step 6A that impacts will be minor or less for each applicable environmental resource on the ESF and you answered "no" to all of the "Mandatory Criteria" questions in Step 6B, the proposal qualifies for a CE. Complete the following "State LWCF Environmental Recommendations" box indicating the CE recommendation.

If you find your action in the CE list and you have determined in Step 6A that impacts will be greater than minor or that more data is needed for any of the resources and you answered "no" to all of the "Mandatory Criteria" questions, your environmental review team may choose to do additional analysis to determine the context, duration, and intensity of the impacts of your project or may wish to revise the proposal to minimize impacts to meet the CE criteria. If impacts remain at the greater than minor level, the State/sponsor must prepare an EA for the proposal. Complete the following "State Environmental Recommendations" box indicating the need for an EA.

If you do not find your action in the CE list, regardless of your answers in Step 6, you must prepare an EA or EIS. Complete the following "State Environmental Recommendations" box indicating the need for an EA or EIS.

**State NEPA Pathway Recommendation**

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 LWCF Proposal Description and Environmental Screening Form (PD/ESF) is accurate based on available resource data. All resulting notes, reports and inspector signatures are stored in the state's NEPA file for this proposal and are available upon request. On the basis of the environmental impact information for this LWCF proposal as documented in this LWCF PD/ESF with which I am familiar, I recommend the following LWCF NEPA pathway:

This proposal qualifies for a Categorical Exclusion (CE).

- CE Item #: F (5)
- Explanation:

This proposal requires an Environmental Assessment (EA) which is attached and has been produced by the State/sponsor in accordance with the LWCF Program Manual.

This proposal may require an Environmental Impact Statement (EIS). NPS guidance is requested per the LWCF Program Manual.

*Reproduce this certificate as necessary. Complete for each LWCF appraisal or waiver valuation.*

**State Appraisal/Waiver Valuation Review**

**Property Address:** \$ \_\_\_\_\_ **Date of appraisal transmittal letter/waiver:** \_\_\_\_\_

**Real property value:** \_\_\_\_\_ **Effective date of value:** \_\_\_\_\_

**I certify that:**  A State-certified Review Appraiser has reviewed the appraisal and has determined that it was prepared in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions.

OR

The State has reviewed and approved a waiver valuation for this property per 49 CFR 24.102(c)(2)(ii).

**SLO/ASLO Original Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Typed Name

Title

Agency

Alex L. Tatanish

Alternate State Liaison Officer

PA DCNR



## NOTICES

### Paperwork Reduction Act Statement

In accordance with the Paperwork Reduction Act (44 U.S.C. 3501), please note the following. This information collection is authorized by the Land and Water Conservation Fund Act of 1965 (54 U.S.C. 2003 et seq.). Your response is required to obtain or retain a benefit. We use this information to obtain descriptive and environmental information about the proposal. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget control number. OMB has assigned control number 1024-0031 to this collection.

### Estimated Burden Statement

Completion times vary widely depending on the use of the form, from approximately 30 minutes to complete the cover page only to 500 hours for a difficult conversion of use. We estimate that the average completion time for this form is 8 hours for an application, 2 hours for an amendment, and 112 hours for a conversion of use, including the time necessary to review instructions gather data and review the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Information Collection Officer, National Park Service, 12201 Sunrise Valley Drive, MS-242 Rm. 2C114, Reston, VA 20192. Please do not send your completed form to this address; but rather to the address at the top of the form.



**Appendix C — 6(f) Temporary Non-Conforming Use Coordination Special Provision**



## **Bid Package Special Provisions Recommendations for Section 6(f) TNCU Coordination**

### ***Specific Language to Include:***

- *Start of Work Meeting and Monthly Progress Meeting*

Set up and conduct a mandatory start of work meeting two weeks prior to start of work with [agency with jurisdiction] and Department to review the project schedule. Provide monthly status updates regarding project schedule and project milestone dates. Conduct special purpose meeting(s) as needed to address project issues should they arise. Satisfactorily answer questions or provide timely follow up responses. Provide emergency contact information to the [agency with jurisdiction].

- *Project Completion*

Conduct pre-final inspection 45 calendar days prior to contract completion date with [agency with jurisdiction] personnel and Department staff regarding work completed and use and restoration of all temporary construction easements. Generate a list of deficient items if found during pre-final inspection and prepare plan to address them. Once accepted by the Department and [agency with jurisdiction] begin to complete work as specified in plan to address deficient items. Conduct additional inspections as determined by [agency with jurisdiction] until successful restoration of property occurs. It may be necessary to monitor areas after project completion to determine that proper stabilization or treatment has occurred. Be prepared to re-mobilize equipment and workers if required to repair or complete items of work if acceptable stabilization has not occurred at contractor's expense. Keep Department inspection staff informed regarding all above activity.

### ***Plan Sheet:***

Depending on project complexity, it can also be useful to include a plan sheet in the bid package that specifically shows the Section 6(f) resource. The construction inspectors and contractor can then clearly see what the resource is and what commitments were made regarding its use or how it is not to be used.

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## **Appendix D — LWCF Conversion Project Checklist**





DCNR-2016-Acq  
Acq-GPM-2 Rev. 11-15

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES  
BUREAU OF RECREATION AND CONSERVATION



## LWCF Conversion Project Checklist

*Please submit the following required items to DCNR for review and approval. We will coordinate with you on how to proceed once we determine the level of impact to the recreational site and coordinate with NPS for approval.*

**Project Site:** \_\_\_\_\_ **Project Title:** \_\_\_\_\_

- A narrative description of the proposed project and its associated conversion of use for the project. (in PD-ESF Form)
- A location map showing the site to be affected in relation to the 6(f) protected area and any proposed replacement land.
- Survey/Engineering Plans of proposed conversion of use including acreage
- Delineation of Existing Easement(s)/ROWs
- Description of Proposed Permanent Right- of - Way and Temporary Easement(s) and associated recreational impacts
- Delineate Relocation of all Utilities, if any.
- PD-ESF form providing a complete description of proposed conversion of use including:
  - (1) Complete Step 1. Project Amendment 6(f)(3) Conversion Proposal
  - (2) Complete Step 3.B. Section 6(f)(3) Conversion Proposal  
DCNR will complete number 1, and number 6 in cases where a land bank will be used.
  - (3) Discussion/Description of Proposed Mitigation of Permanent and Temporary Construction Easement (TCE)
  - (4) Discussion of the Maintenance and Protection Traffic (MPT) associated impact to the recreation area including the Section 6(f) area
  - (5) Complete Steps 5.1-5.5, 5.7-5.9, and 6 (sign page 11).
- Yellow Book Appraisals/Waiver Valuations, as required
- PA Historical and Museum (PHMC) Section 106 clearance letter

- PNDI/ T&E Agency clearance letters (Part of PD-ESF form)
- Draft MOU (for Commonwealth owned property); other agreements with landowner(s) as appropriate. Including a letter from the landowner agreeing to accept the replacement land.
- DCNR will provide PENNDT an acknowledgement email or letter of an acceptable submission.

**Provide the following to DCNR when available:**

- Provide final construction plans prior to the start of construction.
  - DCNR will provide PENNDOT an acknowledgement e-mail or letter for an acceptable submission.
-

## Appendix E — Conversion PD/ESF





**PROPOSAL DESCRIPTION AND ENVIRONMENTAL SCREENING FORM**  
**Land and Water Conservation Fund**



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 while the LWCF proposal is under development. Upon completion, the ESF will indicate the resources that could be impacted by the proposal enabling States and/or project sponsors to more accurately follow an appropriate pathway for NEPA analysis: 1) a recommendation for a Categorical Exclusion (CE), 2) production of an Environmental Assessment (EA), or 3) production of an Environmental Impact Statement (EIS). The ESF should also be used to document any previously conducted yet still viable environmental analysis if used for this federal proposal. 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/ESF)

1. Complete Step 1. Check Project Amendment 6(f) Conversion Proposal Box
2. Complete Step 3B –Section 6(f) (3) Conversion Proposal
3. Complete Step 5. – Summary of Previous Environmental Review
4. Complete Step 6. Environmental Screening Form (ESF) (Parts A & B)
5. Step 7. - be completed by DCNR
6. Sign and date (page 9)

<b>Name of LWCF Proposal:</b>		<b>Date Submitted to NPS:</b>	
<b>LWCF Project Number:</b>	<b>Prior LWCF Project Number(s) and Park Name(s) Associated with the Assisted Site(s):</b>		
<b>Local or State Project Sponsoring Agency</b> ( <i>recipient, or sub-recipient in case of pass-through grants</i> ) Commonwealth of Pennsylvania, Department of Conservation and Natural Resources			
<b>Name of Local or State Sponsor Contact:</b> Alex L. Tatanish		<b>Title</b> Alternate Liaison Officer	
<b>Address</b> Rachael Carson State Office Building, P. O. Box 8475 5 <sup>th</sup> Flr.		<b>City</b> Harrisburg	<b>State</b> PA
<b>Phone</b> 717-783-4735		<b>Fax</b> 717-787-9577	<b>Zip Code</b> 17105-8475
		<b>Email Address</b> atatanish@pa.gov	

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

Step 1. Type of LWCF Proposal	
<input type="checkbox"/> <b>New Project Application</b> <b>Acquisition</b> Go to Step A	<input type="checkbox"/> <b>Development</b> Go to Step 2B
<input type="checkbox"/> <b>Combination (Acquisition and Development)</b> Go to Step 2C	
<b>New Project Application</b>	
<input type="checkbox"/> <b>Increase in scope or change in scope from original agreement.</b> Complete Steps 3A, and 5 through 7.	
<input type="checkbox"/> <b>6(f) conversion proposal.</b> Complete Steps 3B, and 5 through 7.	
<input type="checkbox"/> <b>Request for public facility in a Section 6(f) area.</b> Complete Steps 3C, and 5 through 7.	
<b>Request for temporary non-conforming use in a Section 6(f) area.</b> Complete Steps 4A, and 5 through 7.	
<b>Request for significant change in use/intent of original LWCF application.</b> Complete Steps 4B, and 5 through 7.	
<b>Request to shelter existing/new facility within a Section 6(f) area regardless of funding source.</b> Complete Steps 4C, and 5 through 7.	
Step 2. New Project Application (See LWCF Manual for guidance)	
<b>A. For an Acquisition Project</b>	
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 proposal 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>B. For a Development Project</b>	
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.	
<b>C. For a Combination Project</b>	
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. 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.	
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. For a Combination Project**

- 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 any 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 for 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 responses with 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, donation, and in-kind contributions. 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 federal resources may be used as a match if specifically authorized by law.

Source	Type of Match	Amount

- 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. **A critical first step is for the State and NPS to agree on the size of the Section 6(f) park land impacted by any non-recreation, non-public use, especially prior to any appraisal activity.** Any previous LWCF project agreements and actions must be identified and understood to determine the actual Section 6(f) boundary.

The Section 6(f)(3) conversion proposal including the required NEPA environmental review documents (CE recommendation or an EA document) must focus on the loss of public outdoor recreation park land and recreational usefulness, and its replacement per 36 CFR 59, and not the activities precipitating the conversion or benefits thereof, such as the 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: 1) focus on "resource impacts" as indicated on the ESF (Step 6), including the loss of public park land and recreation opportunities (ESF A-15), and 2) the 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 site. Section 6(f)(3) conversions always have more than minor impacts to outdoor recreation (ESF A-15) as a result of loss of parkland requiring an EA, 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. A detailed explanation of 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. An explanation of how the conversion is in accord with the State Comprehensive Outdoor Recreation Plan (SCORP).
4. Completed "State Appraisal/Waiver Valuation Review form in Step 7 for each of 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 park land proposed for conversion, a detailed description including the following:
  - a. Specific geographic location on a map, 9-digit zip code, and name of park or recreation area proposed for conversion.
  - b. Description of 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.** Include a description of 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. Description of the community and population served by the park, including users of the park and uses.
  - d. For partial conversions, 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 each proposed replacement site:
  - a. Specific geographic location on a map, 9-digit zip code, and geographical relationship of converted and replacement sites. If site will be added to an existing public park/outdoor recreation area, indicate on map.
  - b. Description of the site's physical characteristics and resource attributes with number and 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. Identification of the owner of the replacement site and its recent history of use/function up to the present.



- d. Detailed explanation of how the proposed replacement site is of reasonably equivalent usefulness and location as the property being converted, including a description of 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. Identification of owner and manager of the new replacement park?
  - f. Name of the new replacement park. If the replacement park is 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. 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. New Section 6(f) map for the new replacement park.
7. NEPA environmental review, including NHPA Section 106 review, for both the converted and replacement sites in the same document to analyze how the converted park land and recreational usefulness will be replaced. Except for "small" conversions (see LWCF Manual Chapter 8), conversions usually require an EA.

**Proceed to Steps 5 through 7** 

**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 indoor and/or non-recreation 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 and enhancements for the entire park. In most cases, development of a non-recreation public facility within a Section 6(f) area constitutes a conversion. For NPS review, the State/sponsor must submit a proposal to NPS under a letter of transmittal from the SLO that:

- 1. Describes the purpose and all proposed uses of the public facility such as types of programming, recreation activities, and special events including intended users of the new facility and any agency, organization, or other party to occupy the facility. Describe the interior and exterior of the facility, such as office space, meeting rooms, food/beverage area, residential/lodging area, classrooms, gyms, etc. Explain how the facility will be compatible with the outdoor recreation area. Explain how the facility and associated uses will significantly support and enhance existing and planned outdoor recreation resources and uses of the site, and how outdoor recreation use will remain 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. Indicates the exact location of the proposed public facility and associated activities on the site's Section 6(f) map. Explain the design and location alternatives considered for the public facility and why they were not pursued.
- 3. Explains who will own and/or operate and maintain the facility? Attach any 3<sup>rd</sup> party leases and operation and management 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 user or other fees that will be instituted, including the fee structure.
- 4. Includes required documents as a result of a completed NEPA process (Steps 5 – 7).

**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. Consult with NPS for early determination on the need for a formal review. 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 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.
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 7** 

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

To avoid duplication of effort and unnecessary delays, describe any prior environmental review undertaken at any time and still viable for this proposal or related efforts that could be useful for understanding potential environmental impacts. Consider previous local, state, federal (e.g. HUD, EPA, USFWS, FHWA, DOT) and any 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.
8. Any formal decision and supporting reasons regarding degree of potential impacts to the human environment.
9. Was this proposed LWCF federal action and/or any other federal actions analyzed/reviewed in any of the previous environmental reviews? If so, what was analyzed and what impacts were identified? Provide specific environmental review document references.

Use resource impact information generated during previous environmental reviews described above and from recently conducted site inspections to complete the Environmental Screening Form (ESF) portion of this PD/ESF under Step 6. Your ESF responses should indicate your proposal's potential for impacting each resource as determined in the previous environmental review(s), and include a reference to where the analysis can be found in an earlier environmental review document. If the previous environmental review documents contain proposed actions to mitigate impacts, briefly summarize the mitigation for each resource as appropriate. The appropriate references for previous environmental review document(s) must be documented on the ESF, and the actual document(s)

along with this PD/ESF must be included in the submission for NPS review.

**Proceed to Steps 6 through 7** 

**Step 6. Environmental Screening Form (ESF)**

This portion of the PD/ESF is a working tool used to identify the level of environmental documentation which must accompany the proposal submission to the NPS. By completing the ESF, the project sponsor is providing support for its recommendation in Step 7 that the proposal either:

1. meets criteria to be categorically excluded (CE) from further NEPA review and no additional environmental documentation is necessary; or
2. requires further analysis through an environmental assessment (EA) or an environmental impact statement (EIS).

An ESF alone does not constitute adequate environmental documentation unless a CE is recommended. If an EA is required, the EA process and resulting documents must be included in the proposal submission to the NPS. If an EIS may be required, the State must request NPS guidance on how to proceed.

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 for your type of LWCF action so planners have an opportunity to design alternatives to lessen impacts on resources, if appropriate. When used as a planning tool in this way, the ESF responses may change as the proposal is revised until it is ready for submission for federal review. Initiating or completing environmental analysis after a decision has been made is contrary to both the spirit and letter of the law of the NEPA.

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 be invited to participate in scoping out the proposal (see LWCF Manual Chapter 4). 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 must justify the NEPA pathway that was followed: CE recommendation, production of an EA, or production of an EIS. The resource topics and issues identified on the ESF for this proposal must be presented and analyzed in an attached EA/EIS. Consult the LWCF Manual for further guidance on LWCF and NEPA. The ESF contains two parts that must be completed:

**Part A. 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 for each listed resource that may occur directly, indirectly and cumulatively as a result of federal approval of your proposal. For each impacted resource provide 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 and is still viable, include the citation including any planned mitigation 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 A.24 on the ESF) if not included in the list.

Use a separate sheet to briefly clarify how each resource could be adversely impacted; any direct, indirect, and cumulative impacts that may occur; and any additional data that still needs to be determined. Also 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.

<b>A. ENVIRONMENTAL RESOURCES</b> Indicate potential for adverse impacts. Use a separate sheet to clarify responses per instructions for Part A on page 9.	<b>Not Applicable -</b> Resource does not exist	<b>No/Negligible Impacts -</b> Exists but no or negligible impacts	<b>Minor Impacts</b>	<b>Impacts Exceed Minor</b> EA/EIS required	<b>More Data Needed to Determine Degree of Impact</b> 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. <i>Most conversions exceed minor impacts. See Step 3.B</i>					
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>B. Mandatory Criterial</b> <i>If your LWCF proposal is approved, would it...</i>	<b>Yes</b>	<b>No</b>	<b>To Be Determined</b>
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			

<b>Environmental Reviewers</b>
<p>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. The ESF may be completed as part of a LWCF pre-award site inspection if conducted in time to contribute to the environmental review process for the proposal.</p>
<p>1. 2. 3.</p> <p><b>The following individuals conducted a site inspection to verify field conditions.</b> <i>List name of inspector(s), title, agency, and date(s) of inspection.</i></p> <p>1. 2. 3.</p> <p><b>State may require signature of LWCF sub-recipient applicant here:</b> _____ <b>Date:</b> _____</p>

**Step 7. Recommended NEPA Pathway and State Appraisal/Waiver Valuation**

First, consult the NPS list of Categorical Exclusions (CEs). If you find your action in the CE list and you have determined in Step 6A that impacts will be minor or less for each applicable environmental resource on the ESF and you answered "no" to all of the "Mandatory Criteria" questions in Step 6B, the proposal qualifies for a CE. Complete the following "State LWCF Environmental Recommendations" box indicating the CE recommendation.

If you find your action in the CE list and you have determined in Step 6A that impacts will be greater than minor or that more data is needed for any of the resources and you answered "no" to all of the "Mandatory Criteria" questions, your environmental review team may choose to do additional analysis to determine the context, duration, and intensity of the impacts of your project or may wish to revise the proposal to minimize impacts to meet the CE criteria. If impacts remain at the greater than minor level, the State/sponsor must prepare an EA for the proposal. Complete the following "State Environmental Recommendations" box indicating the need for an EA.

If you do not find your action in the CE list, regardless of your answers in Step 6, you must prepare an EA or EIS. Complete the following "State Environmental Recommendations" box indicating the need for an EA or EIS.

**State NEPA Pathway Recommendation**

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 LWCF Proposal Description and Environmental Screening Form (PD/ESF) is accurate based on available resource data. All resulting notes, reports and inspector signatures are stored in the state's NEPA file for this proposal and are available upon request. On the basis of the environmental impact information for this LWCF proposal as documented in this LWCF PD/ESF with which I am familiar, I recommend the following LWCF NEPA pathway:

This proposal qualifies for a Categorical Exclusion (CE).

- CE Item #: F (5)
- Explanation:

This proposal requires an Environmental Assessment (EA) which is attached and has been produced by the State/sponsor in accordance with the LWCF Program Manual.

This proposal may require an Environmental Impact Statement (EIS). NPS guidance is requested per the LWCF Program Manual.

*Reproduce this certificate as necessary. Complete for each LWCF appraisal or waiver valuation.*

**State Appraisal/Waiver Valuation Review**

**Property Address:** \$ \_\_\_\_\_ **Date of appraisal transmittal letter/waiver:** \_\_\_\_\_

**Real property value:** \_\_\_\_\_ **Effective date of value:** \_\_\_\_\_

**I certify that:**  A State-certified Review Appraiser has reviewed the appraisal and has determined that it was prepared in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions.

OR

The State has reviewed and approved a waiver valuation for this property per 49 CFR 24.102(c)(2)(ii).

**SLO/ASLO Original Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Typed Name

Alex L. Tatanish

Title

Alternate State Liaison Officer

Agency

PA DCNR

## NOTICES

### Paperwork Reduction Act Statement

In accordance with the Paperwork Reduction Act (44 U.S.C. 3501), please note the following. This information collection is authorized by the Land and Water Conservation Fund Act of 1965 (54 U.S.C. 2003 et seq.). Your response is required to obtain or retain a benefit. We use this information to obtain descriptive and environmental information about the proposal. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget control number. OMB has assigned control number 1024-0031 to this collection.

### Estimated Burden Statement

Completion times vary widely depending on the use of the form, from approximately 30 minutes to complete the cover page only to 500 hours for a difficult conversion of use. We estimate that the average completion time for this form is 8 hours for an application, 2 hours for an amendment, and 112 hours for a conversion of use, including the time necessary to review instructions gather data and review the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Information Collection Officer, National Park Service, 12201 Sunrise Valley Drive, MS-242 Rm. 2C114, Reston, VA 20192. Please do not send your completed form to this address; but rather to the address at the top of the form.





**Appendix F — List of Project 70 Funded State Parks**



**Source: History of Pennsylvania's State Parks – List of Project 70 Funded State Parks***Please note, this is not a comprehensive list.***Table I – Project 70 Public Hearings**

<b>Park</b>	<b>County</b>	<b>Date of Public Hearing</b>	<b>Date of Governor's Approval</b>	<b>Acreage</b>
Ohiopyle	Fayette	July 31, 1964	August 8, 1964	18,328.343
Addition to Ohio pyle	Fayette	June 17, 1968	July 18, 1968	155.00
Tyler	Bucks	Sept. 25, 1964	Nov. 17, 1964	1,680.16
Codorus	York	October 30, 1964	Dec. 10, 1964	3,235.80
*Robert Fulton Birthplace	Lancaster	Dec. 11, 1964	April 20, 1965	59.49
Addition to Nockamixon	Bucks	April 23, 1965	July 12, 1965	659.392
Addition to Valley Forge	Chester	April 30, 1965	July 12, 1965	217.137
Ridley Creek	Delaware	May 14, 1965	Dec. 6, 1965	2,489.50
Locust Lake	Schuylkill	June 4, 1965	Sept. 1965	1,143.51
Addition to Yellow Creek	Indiana	Aug. 13, 1965	Oct. 6, 1965	376.8
Addition to Moraine- Old Stone House	Butler	Dec. 2, 1965	March 23, 1966	71.47
Moraine	Butler	Dec. 2, 1965	March 23, 1966	1,091.60
Maurice K. Goddard	Mercer	Dec. 3, 1965	March 23, 1966	4,867.5
Addition to Pymatuning	Crawford	Dec. 4, 1965	July 25, 1966	259.30
Little Buffalo	Perry	Jan. 20, 1966	March 23, 1966	829.95
Lackawanna	Lackawanna	Jan. 28, 1966	March 23, 1966	1,288.48
Scranton Iron Furnace	Lackawanna	Jan. 28, 1966	March 23, 1966	3.84
*Landis Valley	Lancaster	Feb. 16, 1966	June 7, 1966	64.99
*Landis Valley	Lancaster	June 17, 1968	July 18, 1968	Incl. Above
Marsh Creek	Chester	March 11, 1966	June 7, 1966	1,705.35
*Hughes House	Greene	March 15, 1966	June 7, 1966	1.82
*Bushy Run	Westmoreland	March 16, 1966	June 7, 1966	21.21
Addition to Daniel Boone Homestead	Berks	April 27, 1966	July 25, 1966	359.81
*Addition to Fort Leboeuf	Erie	May 4, 1966	July 25, 1966	1.78

\*PA Historical and Museum Commission project

<b>Park</b>	<b>County</b>	<b>Date of Public Hearing</b>	<b>Date of Governor's Approval</b>	<b>Acreage</b>
*Fort Loudon	Franklin	June 2, 1966	Nov. 18, 1966	207.39
Nolde Forest	Berks	July 15, 1966	Oct. 21, 1966	665.82
Addition to Shikellamy	Northumberland	Aug. 26, 1966	Nov. 18, 1966	46.52
**Sandy Bottom	Lycoming	Aug. 27, 1966	Oct. 21, 1966	504.87
Canoe Creek	Blair	Oct. 7, 1966	Jan 16, 1967	905.06
**Quehanna	Elk, Cameron, Clearfield	Feb. 21, 1967	April 21, 1967	8,372.45
*Addition to Drake Well	Venango	April 11, 1967	July 10, 1967	Lot
*French Azilum	Bradford	May 8, 1967	March 21, 1968	250.00
*General McCoy	Mifflin	May 9, 1967	July 10, 1967	Lot
Laurel Ridge	Somerset, Westmoreland, Indiana, Fayette, Cambria	May 18, 1967 May 19, 1967	July 10, 1967	15,037.70
Evansburg	Montgomery	June 15, 1967	April 18, 1968	3,359.05
*Johnson Tavern	Mercer	June 20, 1967	July 10, 1967	17.11
Oil Creek	Crawford, Venango	Aug. 10, 1967	Nov. 14, 1967	7,197.00
*Strasburg Railroad System	Lancaster	Sept. 27, 1967	Nov. 14, 1967	6.92
*Priestly House	Northumberland	Nov. 15, 1967	Feb. 9, 1968	2 Lots
*Addition to Somerset Historical Center	Somerset	May 1, 1968	July 18, 1968	12.6
Mt. Pisgah	Bradford	June 23, 1968	July 18, 1968	1,024.30
Jacobsburg	Northampton	Jan. 30, 1969	March 28, 1969	646.81
Blue Marsh	Berks	March 27, 1969	June 30, 1969	500.00
Allegheny River	Venango	May 2, 1969	July 29, 1969	3,207.40
*Curtin Village	Centre	May 22, 1969	Nov. 17, 1969	5.73
*Dennison House	Luzerne	July 10, 1969	Nov. 17, 1969	
*Old Mill House	Susquehanna	Sept. 3, 1970	Oct. 30, 1970	27.00

\*PA Historical and Museum Commission project

\*\*Bureau of Forestry

## **Appendix G — Joint Jurisdiction Project Checklist**



DCNR-2016-Acq  
Acq-GPM-2 Rev. 11-16

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES  
BUREAU OF RECREATION AND CONSERVATION



## Joint Jurisdiction Project Checklist

*Please submit the following items to DCNR for review and approval. We will coordinate with you on how to proceed once we determine the level of impact to the recreational site.*

**Project Site:** \_\_\_\_\_ **Project Title:** \_\_\_\_\_

- Proof of coordination with the State Park Manager indicating that the manager is ok with the proposed project.
- Letter to DCNR's Bureau of Recreation and Conservation requesting a non-conversion determination and agreement to pursue a joint jurisdiction agreement. The letter should include the following:
  - (1) Description of the project and the project needs
  - (2) Description of the Section 6(f) resource including the facilities present and the recreational activities that occur
  - (3) Permanent and temporary impacts including the acreage and what facilities/activities would be impacted, and the reasons for said impacts
  - (4) Benefits to the park, e.g., maintaining or enhancing access for pedestrians, bikes, or vehicles (including safety enhancements to the access), drainage improvements, mitigation, if any, etc.
  - (5) A paragraph proposing joint jurisdiction referencing an attached draft MOU
  - (6) A paragraph requesting a non-conversion determination
  - (7) Name of the State Park Manager with whom coordination has taken place
- PA Historical and Museum (PHMC) Section 106 clearance letter
- PNDI/T&E Agency clearance letters
- Draft MOU (for Commonwealth owned property); other agreements with landowner(s) as appropriate.
- Preliminary ROW plans

**Provide the following to DCNR when available:**

- Provide final construction plans prior to the start of construction.
  
  - DCNR will provide PENNDOT an acknowledgement e-mail or letter for an acceptable submission.
  
  - Provide DCNR a copy of the final ROW plans and an executed MOU once signed by PennDOT and DCNR
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