

**From:** John Bennett  
**To:** [REDACTED]  
**Subject:** LWCF Grants  
**Date:** Thursday, January 15, 2015 2:02:00 PM

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[REDACTED] I've reviewed the 12 DPOR LWCF Grants and related background materials. Pulling some excerpts from my attached notes:

- Are these the full grant files or excerpts? They seem to be a bit thin.
- DPOR as far as I can tell has accepted \$3.5 million in grants to purportedly encumber 495,000 acres of the CSP (One of 4 largest state parks in the nation) with LWCF 6(f) restrictions. If this was an unintended result of DPOR's acceptance of the grants, and NPS is asserting 6(f) controls over the entire park based on the ambiguity of the grant descriptions, it would seem that their position would be difficult to maintain without a very specific authority.
- The 2011 Chugach State Park Management Plan states that *"All of Chugach State Park is considered an LWCF protected area and is subject to the program provisions."* What is the basis of this statement? Are the 6(f) controls considered by DPOR to be beneficial to the protection of the CSP and so they have interpreted them in that light? Or has NPS issued a written declaration that the entire park is subject to 6(f)?
- The NPS LWCF site does state that *"In many cases, even a relatively small LWCF grant (e.g., for development of a picnic shelter) in a park of hundreds or even thousands of acres provides anti-conversion protection to the entire park site."*, however the 6(f)3 Boundary Map of the LWCF area is intended to ensure that both the grant recipient and NPS agree on the boundaries of the site at the time of grant award.
- Applying the 6(f) control relating to a small grant to the entire park is explained in part in the NPS LWCF Manual: *"Except in unusual cases where it can be shown a lesser unit is clearly a self-sustaining outdoor recreation resource, the area subject to Section 6(f) protection will be the park, open space, or recreation area being developed or expanded. Exceptions will be made only in the case of larger parks where logical management units exist therein resulting in smaller viable public outdoor recreation areas."* It would seem that the logical management units would include the various campgrounds, visitors centers, trail heads and so on that are specified in the grant descriptions.
- The current NPS LWCF Manual says that included within the grant application will be a Section 6(f) boundary map, *"hand signed and dated"*. And that the map shall clearly delineate the area to be included under the conversion provisions of Section 6(f)3 of the LWCF Act.
- Alaska DNR's website provides an example of an acceptable LWCF Boundary map that includes a stamp for dating and signature of the LWCF Grants Administrator as would be required in the NPS LWCF Manual.
- The required, signed and dated LWCF Boundary Map appears to be a key issue in arguing that there was no clear agreement between the State and NPS regarding the unambiguous delineation of the lands subject to the 6(f) controls. Of the 12 LWCF grants for the CSP, most of the included maps were crude and indefinite. None were signed or dated. Two grants included no maps at all. Most of the grant descriptions can lead to a definable and

specific area that reasonably would fall under the 6(f) provisions. There is no language in any of the grants that suggest the 6(f) provisions incurred by grant acceptance would apply to the entire 495,000 acre park.

- When the LWCF grant relates to acquisition of replacement or new property, the rule is that at a minimum, the area of acquisition is subject to the 6(f) provisions. This would be entirely reasonable.

It would seem that the next step would be to get some answers to these questions from Jean Ayers, the DPOR LWCF Grants Administrator. I would find it hard to believe that our higher management would readily accept that 6(f) encumbers the entire park based on the weak support found in these grant files and given the cost it will entail to deal with 6(f) conversion it for all of the Seward Highway corridor projects.

Let me know what if anything you would like me to do with this. JohnB

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