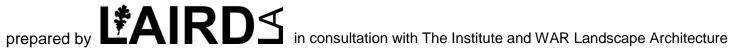


## **NEWPORT TOWNSHIP OHV RECREATIONAL PARK FEASIBILITY STUDY**

November 2022 | BRC-ATV-25.5-5





## Acknowledgements

Thank you to the staff, municipal leaders, agencies, community groups, and residents who contributed to the Newport Township OHV Recreation Area Feasibility Study. We are truly grateful for your time and efforts. A special thanks to the many individuals who took the time to email, call, attend our public meetings, and complete the public survey. Your thoughts, questions, and general enthusiasm have been vital to the study's success.

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This feasibility study was funded in part by a grant from the Community Conservation Partnerships Program through the ATV Management Restricted Account, under the administration of the Pennsylvania Department of Conservation and Natural Resources, Bureau of Recreation and Conservation.

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## **List of Acronyms**

ACS American Community Survey
ADA Americans with Disabilities Act

AMD Acid Mine Drainage AML Abandoned Mine Land

AMLER AML Economic Revitalization Program

ANF Allegheny National Forest

AOAA Anthracite Outdoor Adventure Area ARC Appalachian Regional Commission

ATV All-Terrain Vehicle

ATVFS All-Terrain Vehicle Feasibility Study (2005) C2P2 Community Conservation Partnership Program

CFA Commonwealth Financing Authority

CO Conservation District

CRA Catawissa Recreation Area (DCNR)

D&L Delaware & Lehigh (Trail)

DCED Pennsylvania Department of Community & Economic Development DCNR Pennsylvania Department of Conservation and Natural Resources

DEP Pennsylvania Department of Environmental Protection

DEP BAMR
DOT
DEP Bureau of Abandoned Mine Reclamation
Pennsylvania Department of Transportation

E&S Erosion and Sediment EC Earth Conservancy

FRO Famous Reading Outdoors
GNCC Grand National Cross Country
HOP Highway Occupancy Permit
ICVATV Indian Creek Valley ATV Club

IRC Internal Revenue Code LUP Land Use Plan (1995)

LCD Luzerne Conservation District

MI Mining District

NAI Natural Areas Inventory Luzerne County (2006)
NEPSAT Northeast Pennsylvania Sno & ATV Trails
NPDES National Pollutant Discharge Elimination System

NTMP Newport Township Master Plan (2019)

OHV Off-Highway Vehicle
OPC Opinion of Probable Cost

OSMP Lower Wyoming Valley Open Space Master Plan (1995)
OSMRE US Office of Surface Mining and Reclamation Enforcement

PEC Pennsylvania Environmental Council PGC Pennsylvania Game Commission

PHMC Pennsylvania Historical & Museum Commission

PNDI Pennsylvania Natural Diversity Inventory

ROW Right-of-Way

RULWA Recreational Use of Land and Water Act
SALDO Subdivision & Land Development Ordinance

SC Steering Committee

SCI State Correctional Institute

SCORP Pennsylvania Statewide Comprehensive Outdoor Recreation Plan

SVPSouth Valley ParkwayVPDVehicles per DayZHBZoning Hearing Board



# SECTION 1 Executive Summary

#### **Project Overview**

In 2020, Earth Conservancy (EC) retained LAIRD Landscape Architecture to determine the feasibility of developing an off-highway vehicle (OHV) recreational area in Newport Township, on approximately 10,000 acres of land. The impetus for this study was three-fold. First, there were few legal places for OHV users to ride locally. Second – and not unrelated – trespassing by OHVs had become a significant problem on EC property. Third, EC's mission is to reuse its legacy minelands for community benefit, and to conserve a significant portion of its holdings for greenspace and recreation, both of which an OHV facility would support. These three needs of EC are still at the core of the proposed feasibility study.

Objectives of the study were to:

- Assess suitability of area for motorized recreation and review opportunities and challenges;
- Evaluate market trends and motorized recreation needs
- Understand wants, expectations, and concerns of stakeholders
- Develop a phased implementation plan, with estimated costs
- Investigate potential ownership and management models

Funding for the Newport Township OHV Feasibility Study was provided by the Pennsylvania Department of Conservation and Natural Resources (DCNR) and EC.

#### Site Characteristics

The 10,000-acre study area encompasses land with five main landholders, approximately 2,500 acres of which are owned by EC. As the study progressed, DCNR proposed the addition of  $\pm 1,400$  acres along the southern edge of the study area, along the Penobscot Ridge. Thus, the total study area was expanded to 11,400 acres.

While much of the land is forested, there is extensive mine-scarring, creating a highly irregular topography of steep slopes and spoil piles. These characteristics lend themselves to OHV riding, and an extensive unauthorized trail network already runs throughout the entire study area. Other outdoor recreation opportunities also are plentiful, including developed hiking and biking trails, rock climbing areas, and river access. All of these features draw both local and outside visitors.

#### Market & Trends, Demand Analysis, & Public Participation

Key to determining feasibility was identifying and understanding the current OHV market, riders' needs, and public views about the project. Data obtained as part of this process included:

- Market analysis
- Review of trends
- Public survey (2,981 unique responses)
- Stakeholder interviews (17 interviews)
- Public meetings (February 11, 2021, August 4, 2021; [\*\*\*DATE\*\*\*])

Together, these resources provided valuable insight into the strengths, opportunities, and challenges of an OHV recreation area in Newport Township. Key findings included:

- The enormous boon outdoor recreation is in Pennsylvania, especially in relation to community health, economic development, and environmental sustainability.
- The continued growth of motorized recreation in Pennsylvania generally, and in Luzerne County specifically. Both, however, rank poorly in terms of managed, legal trail miles.
- The identification of the Newport Township study area as highly suitable for motorized recreation by DCNR.
- Broad support for the project, with an emphasis on *all* the high-quality recreational resources (e.g., hunting, hiking, rock climbing) within the study area.
- An understanding that, of those opposed to the project, predominantly lived or recreated within the study area. Concerns raised were reasonable, including the fear of losing access to current recreational pursuits.

## **Legal & Compliance Considerations**

Legal and liability issues related to an OHV recreation area in Newport Township fell into five main categories:

- Ownership and use of OHVs
- Recreation liability and insurance
- Zoning
- Property ownership
- Development

All of the items presented are essential to the proper design, construction, and operation of an OHV facility. However, acquiring proper zoning to allow for motorized recreation use – specifically in mining areas – is prerequisite to everything else.

#### **Ownership & Operations**

A priority of this study was to analyze the most feasible models for park ownership and its management. Government, nonprofit, and private ownership were explored. Ownership and/or management of an OHV park by EC is not an option, as it does not fit within the scope of the organization's mission. Several successful OHV areas in Pennsylvania were examined. Of those, the most feasible structures were ownership by the state; a private owner; or a nonprofit. Whichever model is pursued, each structure will affect other plan elements, such as zoning, insurance, and grant eligibility.

#### **Recommended Concept Plan**

Based on the physical characteristics of the study area, research into the OHV market, and stakeholder and public input, a high-level, preliminary concept plan was created for a motorized recreation park within the 11,400-acre study area. The recommendation is to begin with the core area owned by EC. The emphasis initially should be on enhancing the existent trail network and providing modest amenities. The goal is to build a strong consumer base in order to achieve financial solvency. Later phases can focus on expanding the trail network, enlarging the physical plant, and adding specialty features (e.g., event venues).

#### **Economic Impacts**

An Opinion of Probable Cost was developed to contextualize costs associated with initial development/construction of an OHV facility, concentrating on EC's 2,500 acres. Depending on use of in-house, volunteer, and in-kind services (vs. paid consultants, construction contractors), start-up costs could range from \$1.2 million to \$3.9 million.

To assess financial viability, conceptual models were developed using projected construction costs and revenue models. Projections were based on available information from existing OHV facilities in Pennsylvania; however, because of their maturity, calculations were made using conservative percentages. During the initial construction phase, it was estimated a new OHV facility would create seven jobs and generate nearly \$1 million in economic impact. When operational, it was estimated the facility would support nearly 14 jobs and generate over \$1 million in total output. Early on, it is likely a park will experience an operating loss, primarily due to costs required for construction and lower visitor levels. Because financing is partly dependent on the organizational structure, financing is not included. A list of potential grant resources is provided.

## **Recommended Next Steps**

Based on current information regarding land use, market trends, community input, and the success of similar facilities within Pennsylvania, we believe an OHV riding facility in Newport Township is suitable, feasible, and sustainable. The project would set aside an enormous area as greenspace, and would create opportunities for conservation,

abandoned mine land reclamation, outdoor recreation, and economic development.

The most significant obstacles to moving forward with the project are ownership and zoning. However, we strongly believe both can be overcome by an entity with a strong vision, perseverance, and a willingness to collaborate with the multiple stakeholders involved. Thus, if an owner steps forward and zoning variances are obtained, we recommend beginning development with EC's core properties. From that point, we recommend:

- 1. Continuing discussions with relevant parties (e.g., zoning department, adjacent landowners, OHV and other community groups);
- 2. Working with an engineer and/or landscape architect to further evaluate the study area, and to refine plans and costs through a master site development plan;
- 3. Develop realistic funding and operating models;
- 4. Identify and pursue funding resources (e.g., grants, fundraisers); and
- 5. Begin development.

#### **Study Limitations**

This study, done in support of EC's mission of environmental, economic, and community revitalization through the reuse of abandoned mine lands, sought to determine if an OHV recreation area would a suitable use of the land in question, and if current interest and demand would support it. At this time, feasibility is confirmed.

The resulting report represents a general inventory and analysis of current conditions, opportunities, and challenges in relation to an OHV recreation area. It does not address future land use, infrastructure, transportation, or other factors that may impact development. Future planning should use this document as a tool to understand the whole of the area in question, and to inform early decision-making. A more concentrated planning process will be required to advance an OHV recreation area further.

# SECTION 2 Study Background, Site Inventory, & Analysis

#### 2.A Earth Conservancy: A Mission in Progress

EC is a 501(c)(3) nonprofit organization dedicated to addressing the negative impacts of historic anthracite coal mining in northeastern Pennsylvania. Its focus: reclamation, conservation, and economic revitalization. In 1994, EC purchased the lands of the former Blue Coal Corporation, which had declared bankruptcy in the mid-1970s. Generally located to the west of Wilkes-Barre, many of the 16,000 acres situated among the small towns and villages have been ignored, seen only as permanent eyesores and reminders of the past. EC, however, viewed these lands as an opportunity for transformation, progress, and growth.

Since that time, EC has worked determinedly to achieve its vision of leading "local communities in the reclamation of mine-scarred lands and streams, returning strong economic, environmental, and social value to the region by creating a well-planned vibrant valley, protected by green ridgetops." In partnership with government, business, educational, and environmental entities – and local residents – EC has completed more than ten land use plans and feasibility studies, which span abandoned mine land (AML) reuse, watershed restoration, open space, heritage tourism, and recreation; reclaimed over 2,000 mine-scarred acres, now available for or already in productive reuse; constructed three acid mine drainage (AMD) treatment systems in the Nanticoke Creek watershed; and initiated restoration of 4,750LF of destroyed stream channel, which will include riparian forest buffer.

In regard to conservation, a key element of EC's mission is to allocate 10,000 acres of its holdings to recreation and greenspace. Steps to accomplish this have taken many forms, including

- Construction of three trail systems on its properties, plus donation of a key segment to the Delaware & Lehigh (D&L) Trail;
- Reclamation of 65 acres to build the multi-sport Greater Hanover Area Recreation Park; another 30-acre regional park is in the planning stages;
- Transfer of more than 6,300 acres to DCNR for inclusion in the state forest system, with an additional 1,400 acres in process.

EC's overall approach to land use is to balance economic development with environmental considerations, in order to enhance the region's quality of life. The current feasibility study for a motorized recreation area in Newport Township follows in that vein, drawing on community interest, preserving green areas, and pursuing creative opportunities for smart, equitable growth.

#### 2.B Precedent Studies

EC's original Land Use Plan (LUP, 1996) set the goal of earmarking 10,000 acres for recreation and greenspace. To figure out how to meet that objective, additional studies followed. Several of those are pertinent to the current study.

#### 1999 | Lower Wyoming Valley Open Space Master Plan

Upon completion of the *LUP*, EC engaged consultants to assess open space opportunities and constraints on its properties, and to prioritize projects for implementation. The resulting *Lower Wyoming Valley Open Space Master Plan (OSMP)* emphasized incorporating the region's natural beauty and rich history into network of parks, trails, and recreation facilities throughout the region. The aim was to create a plan that "improves and conserves the Earth Conservancy lands, provides enhanced and sustainable recreational opportunities for future generations, and focuses on economic development" (p. 1-4). Figure X shows the final result.

Public input was essential to the *OSMP*. As identified during interviews, focus groups, and surveys, trails – of all kinds – were a priority. Additionally, there was a high level of interest in all-terrain vehicle (ATV) riding. Based on these responses, two recommendations were made pertinent to the current feasibility study. First, was development of the 15.9-mile **Central Valley ATV Trail**, part of approximately 27 miles designated for motorized recreation in the *OSMP*. It would then connect into the **Newport Motor Sports Park**. Planned as a full-scale, income-producing destination, the

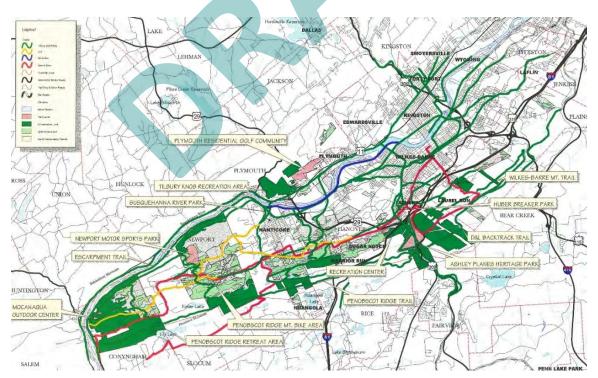


Figure X: Map from OSMP (1999), including the Central Valley ATV Trail (in yellow) and the Newport Motor Sports Park (western-most pink area).

178-acre park boasted nine miles of trails and a 2.5-mile racecourse, as well as a welcome center, grandstand, equipment sales, gas station, picnic areas, and RV and camping facilities. Links to other recreational activities (e.g., hiking trails) were also included, and appropriate buffers were emphasized. The authors believed the facility "would be a destination point for ATV users both from within the Wyoming Valley and beyond" (p. 2-28).

#### 2005 | All-Terrain Vehicle Feasibility Study

In 2002, EC issued an RFP for an *All-Terrain Vehicle Feasibility Study (ATVFS)* to "identify and investigate all possible land areas that may be amenable to motorized uses" within EC's land holdings. The need for the study was three-fold. First, there were few legal places for ATV users to ride locally. Second – and not unrelated – trespassing by ATVs increasingly had become a problem on EC property. Third, setting aside land for legal ATV use would support EC's goals of allocating space for recreation/greenspace areas and reusing legacy minelands for community benefit.

Two areas were evaluated for an ATV facility: one to the north of the Susquehanna River in Plymouth Township; the other to the south of the river in Newport Township. Based on consideration of several criteria (e.g., infrastructure, municipal interest, environmental concerns), it was ascertained the latter location, extending from Nanticoke to Glen Lyon, would be preferable. The area possessed large and open tracts of land and a diversity of desirable riding terrain. Public reaction to the feasibility study was largely favorable. Several ownership and management alternatives were explored. Feasibility was confirmed. However, no entity emerged to move the project forward.

#### 2019 | Newport Township Master Plan

In 2019, EC sponsored a study of its remaining holdings in Newport Township, which included the area targeted for a facility in the *ATVFS*. According to the resultant *Newport Township Master Plan (NTMP)*, the majority of land was unsuitable for traditional development. The topography was steep and mine-scarred; infrastructure requirements and costs were impractical. Consequently, the authors wrote, "The project area could build upon recent conservation efforts and implementation of previously proposed recreation ideas (i.e., an ATV riding facility), all while adhering to EC's mission statement" (p. 23). They added that because of the low demand for development in the study area, there existed an opportunity "to approach adjoining landowners of large tracts of land to assess their willingness to participate in a conservation effort on an even larger scale" (p. 23).

The recommendations of the *NTMP* prompted EC to reevaluate the feasibility of a motorized recreation facility in the Newport Township area. There also was the anecdotal knowledge that motorized recreation in the area had continued to grow in volume since the *ATVFS*; as had the range in types of vehicles (e.g., ATVs, utility task vehicles, motorbikes, jeeps) operating on its properties. For this reason, EC sought to reevaluate partners and demand, conceptualize a park layout, and, importantly, ascertain management options and financial viability.

In 2019, EC applied for and was awarded grant funding from DCNR's Bureau of Recreation and Conservation through its Community Conservation Partnership Program (C2P2, Grant Agreement #BRC-ATV-25.5-5) to conduct a new study for motorized recreation in the Newport Township area. Recognizing the variety of motorized recreational vehicles, we will use the term OHV (off-highway vehicle) in this report. Only when discussing specialty trails/amenities will other terms (e.g., off-highway motorcycles, utility terrain vehicles, jeeps) be used.

#### 2.C Study Area Context & Character

The study area for the current feasibility study initially encompassed 10,000 acres, approximately 2,500 acres of which are owned by EC. Following the recommendation of the *NTMP*, EC approached adjacent property owners to participate in the study. This included DCNR ( $\pm 4,100$  acres) and two private land owners. As the study progressed, DCNR proposed the addition of  $\pm 1,400$  acres along the southern edge of the study area, along the Penobscot Ridge extending eastward to Wanamie. This property, at the time of writing, is owned by EC, but slated for sale to DCNR through a C2P2 grant. Thus, the total study area for the feasibility study is  $\pm 11,400$  acres, demarcated in Figure X. A larger, pull-out version follows.

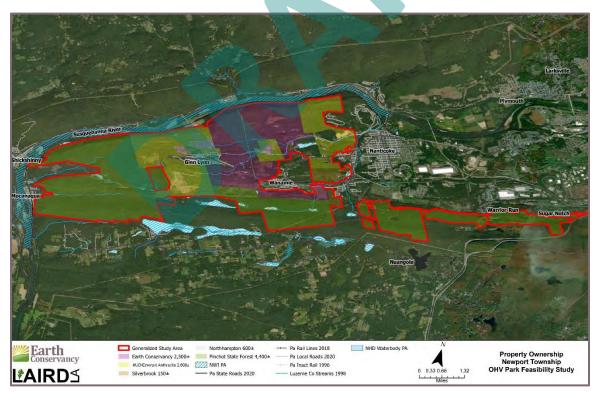
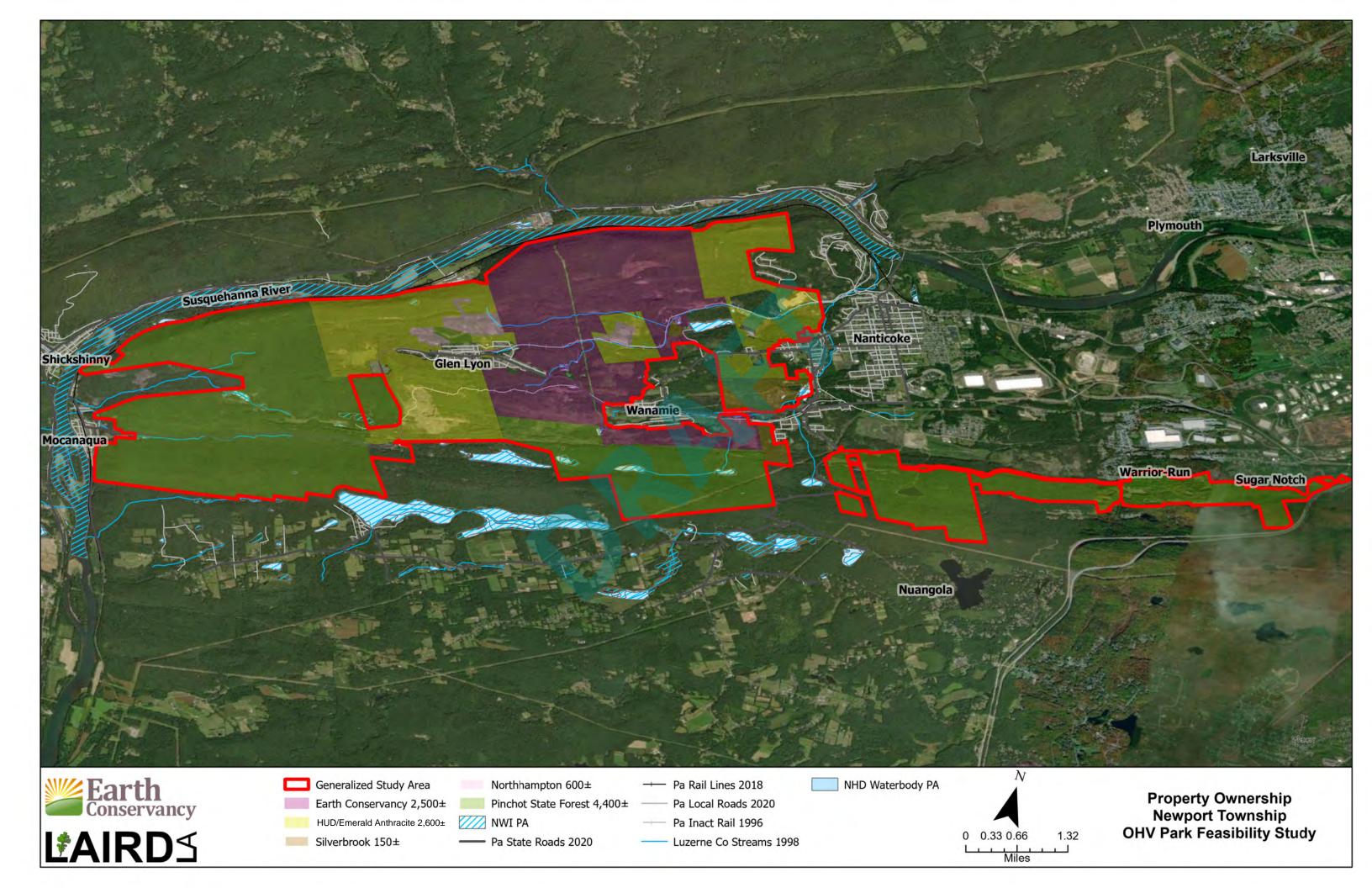


Figure X: Properties in the 11,400-acre study area. Note, there are five primary land holders.

**Geology:** The study area is located within the Anthracite Valley Section of the Ridge and Valley Province, towards the western end of the crescent-shaped area. The mountains are



characterized by long, even ridges, with long, continuous valleys in between.

Bedrock geology contains four formation types: the Llewellyn Formation (Pl), the Pottsville Formation (Pp), the Mauch Chunk Formation (Mmc), and the Pocono Formation (Mp). Generally, these formations consist of sandstone, siltstone, shale, conglomerate, and anthracite coal. The Llewellyn Formation comprises the central part of the study area. As the valley floor transitions to steeper slopes, the other three formations are exposed.

**Hydrology:** The majority of the study area is located within the Newport Creek watershed, a tributary to the Susquehanna River, which bounds the northern and western sides of the property. There are three branches to the Newport Creek (North, Middle, and South, shown on Figure X). A large percentage of the watershed is characterized as impaired from acid mine drainage, although upper sections of some tributaries (e.g., Reservoir Creek) run clean.

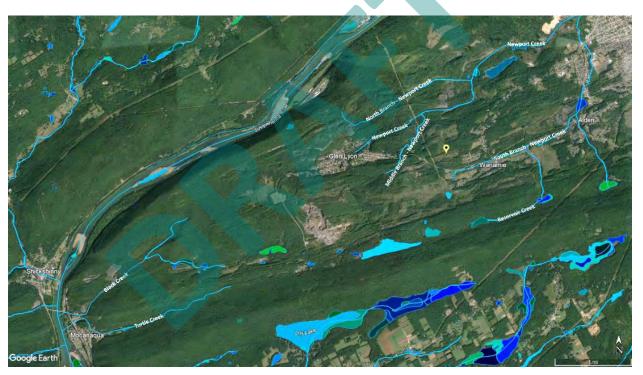


Figure X: Primary streams in the study area, all of which are tributaries to the Susquehanna River. Larger wetlands are also shown (US Fish & Wildlife Service, 2005).

Black Creek and Turtle Creek watersheds are on the western edge of the study area, flowing through the Pinchot State Forest into the Susquehanna River. Although both are marked as healthy by the Pennsylvania Department of Environmental Protection (DEP) in its *Integrated Water Quality Monitoring and Assessment Report* (2020), on the ground, the Black Creek shows impairments. There also are numerous freshwater ponds and identified wetlands in the study area, which range from less than an acre to over 13 acres in size. Most notable is the Hanover Reservoir, which is located in the southeastern portion of the study area. Many more waterbodies are likely present, due to higher rates

of omission for smaller wetlands by the National Wetlands Inventory.

**Topographic Features:** As is common in the Anthracite Valley, the land in Newport Township is characterized by long, narrow, sinuous ridges and broad, flat valleys resulting from erosion. In the study area, elevation ranges from 1,500' along the Penobscot Northern Ridgetop to an elevation of 550' near Kirmar Avenue. Approximately one-third of the project area has a slope exceeding 20%. Because of the steep topography, traditional types of development in much of the area generally is considered impractical/unfeasible.

While urbanization in the study area is limited, much of the land has been impacted by anthracite coal mining. Mining started locally in the mid-1800s, and some portions are still actively mined. Culm banks, open mine shafts, and AMD pools exist. AML inventory sites are shown in Figure X. Beginning in 1980, some of the land has been reclaimed by the US Office of Surface Mining Reclamation & Enforcement (OSMRE) and DEP's Bureau of Abandoned Mine Reclamation (BAMR), including on EC properties.



Figure X: Inventory of abandoned mine lands in study area (DEP, 2022).

It is important to note this topography is a primary draw to the area for motorized recreationists, as it presents varied terrain challenges for riders.

**Ecological Considerations:** Despite the mine-scars, many areas are revegetating naturally and/or are forested (see Figure X). Closed canopy areas are comprised of white pines, hemlocks, oak, aspen, and black and grey birch. Other areas, especially along higher elevations, present more as an open canopy with oak, maple, and chestnut trees, shrubs like mountain laurel and blueberry, and intermittent grasses, ferns, and moss

amidst the rock outcroppings. There are also open shrub/grasslands, often on areas disturbed by past mining.

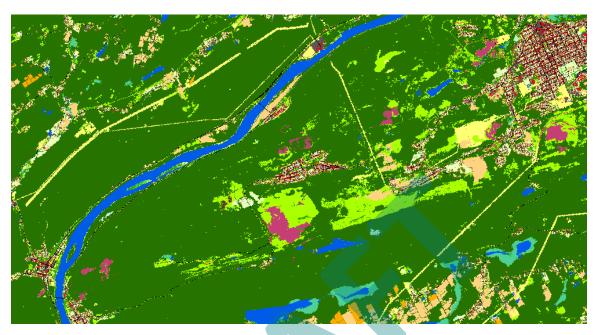


Figure X: Landcover in study area. Green areas, depending on shade, represent forest, tree canopy, and natural succession areas. Pink signifies extractive areas (Conservation Innovation Center at the Chesapeake Conservancy, 2022).

This rich vegetation hosts a diversity of wildlife. Several core habitat areas have been identified in the *Natural Areas Inventory Luzerne County* (*NAI*, 2006). Common animals include white-tail deer, black bear, racoon, and wild turkey. Populations of dace minnows, frogs, and crayfish frequent portions of the streams not impacted by AMD. Additionally, the *NAI* identified an Ephemeral/Fluctuating Pool Natural Community along Penobscot Mountain, noting the pools "had standing water up to 24 inches deep [.... and] have good potential for use by a variety of herptiles" (p. 156).

During the initial grant application process, a Pennsylvania Natural Diversity Inventory (PNDI) environmental review was requested. However, because of the size of the project area (i.e., >10 miles and/or 5,165 acres), the analysis was not completed. That said, based on the *NAI* for Luzerne County, several areas/species of concern are present within the study area. Chief among them is an area designated in the *NAI* as the "Glen Lyon Anthracite Mine," ranked as a Priority 2 in the county due to a bat hibernaculum for the Northern Myotis bat (species of special concern) and the Indiana bat (endangered). The *NAI* notes, "There is some evidence of human disturbance within the mine entrance, and of litter and use of the site as a party spot," and that "to persist, the species require not only the mine as a hibernacula, but also adequate nearby feeding areas" (p. 154). Sound will also be a concern. The bat hibernaculum is currently under management by the Pennsylvania Game Commission (PGC).

If an OHV project is to move forward in the area, a new PNDI will be required and coordination with the four jurisdictional agencies (i.e., DCNR, PGC, the Pennsylvania

Fish & Boat Commission, and the US Fish & Wildlife Service) will need to occur to determine species of concern and/or potential impacts of development. Protecting the hibernaculum will be paramount, with the *NAI* recommending "continued monitoring of the populations and protection of the mine entrance by gating or other means to prevent disturbance of the rare species" (p. 155).

**Land Ownership, Use, & Zoning:** With such a large study area, there are a variety of land uses. Generally, there are three primary use zones, as shown in Figure X:

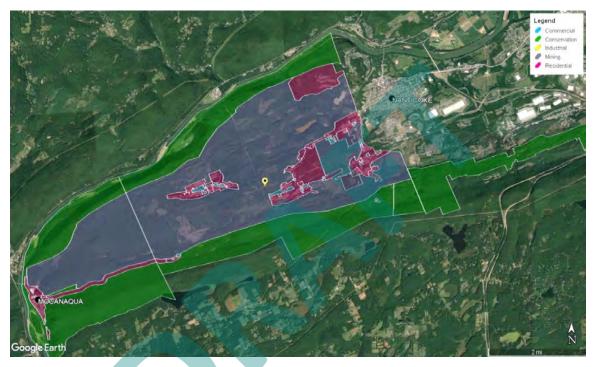


Figure X: Project area with land use zones indicated.

- Residential/Commercial Districts: Several small communities make up Newport Township, which primarily cluster around Wanamie and Glen Lyon. The unincorporated town of Mocanaqua is on the western edge of the study area in Conyngham Township. These areas each have a small main street, with businesses such as restaurants, specialty stores, and independent contractors. Residential areas then spread out from the downtowns. Homes are older, with approximately 58% having been built before 1939.
- **Mining:** Congruent with the area's history, approximately 3,350 acres are zoned for mining, held by three private landowners. One site includes an active quarry.
- Conservation/Pinchot State Forest: Managed by DCNR's Bureau of Forestry, the Pinchot State Forest property comprises 4,400 acres, which includes ±3,100 conveyed by EC to the state in 2015; and 1,100 acres transferred in 2018. An additional 1,400 acres currently under acquisition. There is one ±350-acre parcel of land still owned by EC in this area, leased for mining to a private entity. At the expiration of the

lease, EC will make first offer for its purchase to DCNR.

A handful of tracts are zoned for mixed-use and, at this time, are undeveloped. **Note that an unofficial OHV trail network runs through all of these areas.** 

**Transportation & Access:** The main route through the study area is SR 3004, travelling northeast from Mocanaqua towards the City of Nanticoke (see Figure X). Its name changes depending on the municipality, beginning as Lee Road in Mocanaqua to Main Road/Street in Glen Lyon, to West Kirmar Avenue by Wanamie. It changes again near Alden into Middle Road. This then leads to the newly constructed South Valley Parkway (SVP), which connects to SR 29 and I-81. Based on analyses done in the *NTMP*, the existing roadway network can handle some increases in residential and commercial traffic. However, moderate development may require transportation improvements, specifically at smaller intersections.

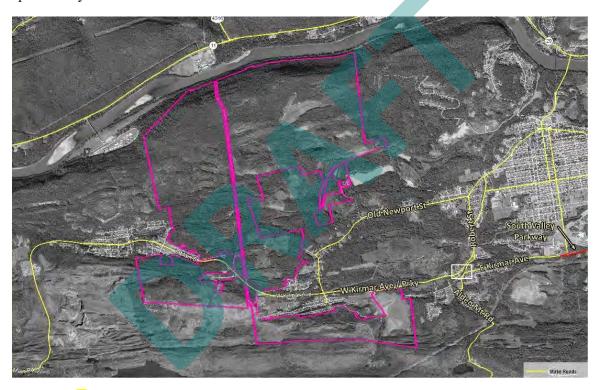


Figure X: Transportation routes within the study area, highlighted in yellow, from the *NTMP*. The pink outline defines EC's properties.

Starting in Nanticoke and along the northern edge of the study area is an active industrial rail line, operated by Norfolk Southern Railway. On the northeastern edge of the site is a discontinued spur.

**Utilities:** Future development will depend on proximity to and capacity of existing utilities. The locations of existing utilities are shown on Figure X.



Figure X: Utility resources in the study area, as depicted in the *NTMP*. The white outline defines EC's properties.

- Sewer: Water and sewer hookups are available to land close by Kirmar Avenue. Because most of the study area is higher in elevation than existing sewer lines, future sewer extensions likely would use a gravity-based conveyance system.
- Water: The area's topography may present a challenge for public water system connections, as the greater the elevation between a water main and service point, the more likely water pressure will become an issue. Facilities such as water towers and pumping stations may be used to address this hurdle.
- Gas: Penn American Natural Gas owns and operates nearby gas lines. The nearest gas line is a 6" main that terminates ±1/2-mile from the project area. Options for gas line connections include extending gas lines from Nanticoke; or extending the 4" gas line that services the State Correctional Institution (SCI) at Retreat.
- **Electricity:** UGI is the public utility responsible for supplying electricity to the area. Two primary connection points exist. First, a 13KV distribution line along Kirmar Avenue services local communities. Second, a 66KV transmission line transects the study area, originating from a gas power plant in Hunlock Township. While both options are viable, preliminary estimates suggest the 13KV line can handle moderate development in the area alone.

More detail regarding these and other topics concerning EC's property is available in the *NTMP*.

#### 2.D Existing Trails, Recreational Resources, & Key Destinations

EC, as one of the larger landowners in Newport Township, has chosen to allocate many of its properties towards its mission of recreation and greenspace. Initially, EC focused on building trails in the area. Later on, EC worked with North Branch Land Trust to convey thousands of acres into the Pinchot State Forest, specifically near Mocanaqua and Wanamie. However, even beyond this, the area is rich with a variety of outdoor recreational resources.

**Established Trails:** An extensive network of official and unofficial trails already exists in the study area. Some trails are wide and open, others tightly enclosed by tree canopy.

- Mocanaqua Loop Trail: This trail, opened by EC in 2003, is actually a system of four individual trails, comprising about 15 miles along the northern reach of Penobscot Mountain. Although the trails vary in difficulty, all take hikers along an unimproved path traversing the mountainside to its ridgetop, providing scenic overlooks of the Susquehanna River, surrounding mountains, and the small communities within the valley's floor. Some areas also hold industrial ruins, harkening back to Blue Coal's mining of the area.
- Penobscot Ridge Mountain Bike Trail: Located in Newport Township and owned by EC, the main Penobscot trail runs approximately two miles between its two trailheads, each with parking and picnic tables. There are many unofficial trails throughout the 1,557-acre area as well. Overall, the combination of trails, open fields, woodlands, valley views, and remnant mine features provide users a varied and rewarding ride.
- Unofficial OHV Trails: Based on satellite imagery and ground-truthing by the study team, the OHV trail system is extensive throughout the study area. It easily extends for hundreds of miles, including old mining roads and well-defined, usermade paths; as well as a variety of trail surfaces, elevation changes and, consequently, difficulty levels (see Figure X). Routes traverse the mountainsides, wind through reclaimed and unreclaimed mining areas, and encompass favorite destinations for locals, such as "Paradise" and "Hawaii." The trails provide breathtaking forest views and vistas overlooking the Susquehanna River. There also are existent connections into residential areas and the downtowns, including a tunnel under Main Street that provides direct access to Glen Lyon.

For these reasons, the need for formal trail-system design is limited. Rather, trail selection, routing, and grooming would be the priorities. This would include closure of some trails due to redundancy, safety concerns, or proximity to sensitive areas. The aim would be to develop a continuous, well-organized system of trail miles with varied features (e.g., hills, play areas, climbs) that could accommodate users of all levels and keep rides continuously interesting.



Figure X: Illustration of the variety of unofficial OHV trails in the study area.

#### **Outdoor Recreation Resources**

- Newport Township Recreation Area: Located to the east of Wanamie, this municipal park has baseball and soccer fields, tennis courts, a paved walking/bicycling path, playground equipment, pavilions, and restroom facilities.
- **Rock Climbing:** Select spots within the western portion of the study area are highly-regarded within the climbing community, drawing visitors from out-of-state. Popular sites include the Library (Figure X), Paradise, Squirrel Rock, and the Main Wall, among others.



Figure X: Study team at the Library, one of the most popular climbing sites in Newport Township.

- **Hunting:** In addition to within the state forest, hunting is permitted in other sections of study area through the PGC's Hunter Access Program. Started in 1936, the Hunter Access Program allows private landowners to enter into a termlease agreement with the PGC to allow for public hunting on their land. Currently, most of EC's Newport Township property is enrolled in the Hunter Access Program.
- Susquehanna River: Although outside the study area, the Susquehanna River is an unquestionable draw for outdoor recreationists, with several public access points for paddling and fishing.

**Nearby Trail Systems:** These nearby trails offer opportunities for connection, which could result in an expanded trail network.

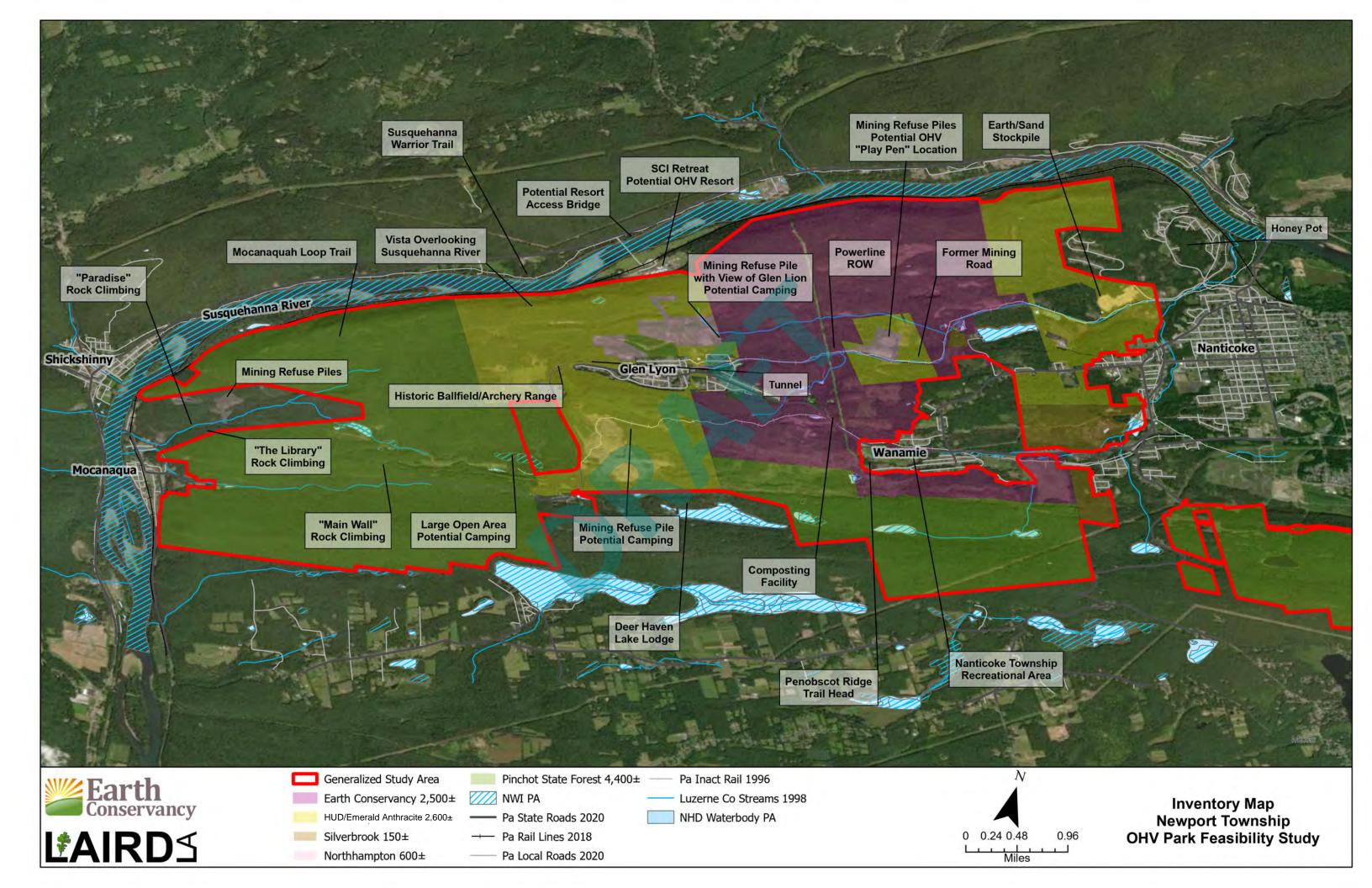
• **Sugar Notch Trails:** Approximately six miles northeast of the Penobscot Ridge Mountain Bike Trail, along Wilkes-Barre Mountain, is EC's Sugar Notch Trail system. There are two trails: the ±3-mile Ridgetop Trail, which runs from the Greater Hanover Area Recreation Park to west end of Sugar Notch; and the 0.64-mile Jacqueline Munro Trail, which provides a pedestrian route between Sugar Notch and the playing fields. In the *OSMP*, it was planned that this system, along with the Penobscot Trail (and others), would create a corridor linking Mocanaqua to the Seven Tubs Nature Area east of Wilkes-Barre.

- Susquehanna Warrior Trail: This 12.5-mile trail, located across the Susquehanna River from the study area, accommodates walking and biking. Extensions are planned to lengthen the trail to 16 miles, stretching from Riverlands Park in Salem Township to the Levee Trail in Plymouth Borough.
- **D&L Trail:** The D&L Trail stretches over 140 miles along old mining transportation routes, running from Mountain Top in Luzerne County to Bristol, outside of Philadelphia. Locally, additional links will connect the trail to downtown Wilkes-Barre. The Mountain Top trailhead is ±2.5 miles from the Sugar Notch Trail and passes through the historical Ashley Planes, for which EC completed a trail/heritage area study in 2012.

**Additional Recreation/Tourism Opportunities:** Finally, there are two undeveloped opportunities that could enhance recreation/tourism in the study area:

- Escarpment Trail: Planned for by EC but not constructed, the Escarpment Trail links to the Mocanaqua Loop, and consists of a nine-mile trail along the northern reach of Penobscot Mountain between Mocanaqua and Nanticoke. It parallels the Susquehanna River, offering superb views of the valley and river. An informal path currently exists.
- Retreat: Located above the Susquehanna River on the northern edge of the study area is SCI Retreat. The facility, comprised of 22 buildings, was built in 1878 as an almshouse. It then became a mental health hospital in 1900, and converted into a medium-security prison in the 1980s. In 2020, the state closed the site. Retreat presents a unique opportunity to build on both historical and prison tourism, should the property be offered for sale by the Pennsylvania Department of General Services. Access currently is via a bridge from SR 11, although an old mining road, ascending Penobscot Mountain, does connect the site directly into the study area.

Existing site features, including official and unofficial trails and recreation areas, are highlighted on the Inventory Map, included as Figure X.



#### **SECTION 3**

## Market & Trends, Demand Analysis, & Public Participation

The *ATVFS* identified EC's land in Newport Township as a highly suitable location for a motorized recreation area. Since then, OHV use on EC and neighboring properties has intensified. That includes within the Pinchot State Forest, where increased enforcement against OHV trespassers has occurred in partnership with local municipalities and elected officials (O'Boyle, 2020).

While anecdotal evidence offers a starting point, this study requires a more thorough understanding of the local community, OHV market, and OHV riders and their needs. Those insights can then inform conclusions and recommendations regarding feasibility. Information was obtained through demographic analysis, research into general recreation and motorized recreation trends, inventory of similar facilities in the region, and review of public input in relation to this project.

#### 3.A Community Background

As alluded to in Section 2, the study area encompasses several communities to the west of the small city of Nanticoke, commonly known as the Lower South Valley. The area, like many within Pennsylvania's anthracite fields, flourished with the rise of the coal industry. Anthracite was an efficient fuel source, becoming crucial in the Industrial Revolution. At its height, over 100 million tons of coal were culled annually from the region (Adams, 2010). Locally, this clout was magnified. Coal not only controlled the area's economy; it affected residents' entire way of life. Companies built towns around each colliery, keeping employees steps away from work. They also subsidized local businesses, financed banks, and owned associated industries like railroads and ironworks. In the Lower South Valley, over 20 collieries operated within a 2.5-mile radius of Nanticoke (Metzger, 2008).

After World War II, however, the need for anthracite declined. This, coupled with the deadly Knox Mine Disaster of 1959, which flooded the majority of underground mines, led to the industry's end locally. Company doors were closed and bankruptcies announced. Mining in the anthracite region, having once "employed 175,000 men and directly supported a population of about 1 million," dwindled to some "1,400 workers, supporting an overall population of perhaps 5,000" by 1992 (Dublin, 1998).

Without a doubt, the area is proud of its mining heritage. Mining fueled America's Industrial Revolution, and the industry attracted and provided for thousands of people. Nevertheless, the landscape left at the end of the coal era was grim. When the companies closed, operations were abandoned entirely, leaving a patchwork of towns abutting thousand-acre stretches of coal waste and stripping pits, and waterways destroyed or turned orange with AMD. This damage paralleled the breakdown of the region's economy.

Since that time, jobs with family-sustaining wages have been scarce. Local economic and industrial initiatives have failed to thrive. Luzerne County continues to have higher unemployment rates than the state (e.g., 6.0% vs. 4.8%; Center for Workforce Information & Analysis, 2022). For Nanticoke and its surrounding communities, socioeconomic disparities deepen.

	Population	Median Age	BS or Higher (≥25 age)	Median HH Income	Poverty
Newport Twp.	5,346	40.6	12.5%	\$47,652	13.6%
Nanticoke	10,304	42.9	17.0%	\$42,735	18.7%
<b>Luzerne County</b>	317,663	42.8	23.6%	\$53,473	14.7%
Pennsylvania	12.8M	40.8	32.3%	\$61,744	12.4%
<b>United States</b>	325M	38.1	32.9%	\$62,843	13.4%

Table X: Selected data from US Census Bureau, 2015-2019 American Community Survey 5-Year Estimates (ACS). Demographic statistics going forward will reflect data from the ACS, unless otherwise noted.

In Newport Township, these effects have been exacerbated by the closing of SCI Retreat, mentioned in Section 2, which incurred a loss of 400 well-paying jobs. In fact, Nanticoke received a distress score of 88 in the 2016 Distressed Communities Index (Economic Innovation Group, 2016). Glen Lyon, part of Newport Township, had a distress score of 99.4, making it the most distressed place in Pennsylvania.

#### 3.B Market Area

Northeastern Pennsylvania is a tightly-connected region. Residents frequently travel across county lines for work and entertainment. As shown on Figure X, the population center consists of a three-city metro area, with Scranton to the north, Hazleton to the south, and Wilkes-Barre in the middle. Scranton and Wilkes-Barre anchor the crescent-shaped anthracite coalfield. Newport Township is approximately seven miles to the west of Wilkes-Barre.



Figure X: Select municipalities in the Scranton/Wilkes-Barre/Hazleton metro area, with the upper anthracite coalfield shaded purple. Study area is indicated by the yellow placemark.

There are five counties within a 30-mile radius of the study area: Luzerne, Lackawanna, Wyoming, Columbia, and Carbon. As shown in Table X, the total population of the region is 697,035, with Luzerne and Lackawanna Counties home to over 75% of residents.

County	County Population	% of Area Population
Luzerne	325,594	47%
Lackawanna	215,896	31%
Columbia	64,727	9%
Carbon	64,749	9%
Wyoming	26,069	4%

Table X: County population data from the 2020 US Census (US Census Bureau, 2020).

Based on proximity, it is assumed the most frequent users of a potential OHV facility in Newport Township will come from this region. This area is indicated on the following map by the red ring.

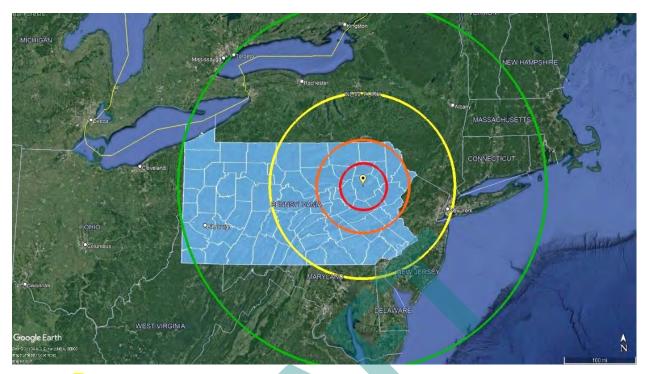


Figure X: County map of Pennsylvania and surrounding states with radius rings centering on Newport Township site.

Expanding the survey area to a 60-mile radius (orange ring) covers an additional 15 counties, which encompasses the whole of the coal region, the Poconos, and parts of the Northern Tier and Susquehanna and Lehigh Valleys. This adds another 1,947,982 people to the market population. It is expected that these residents also would be frequent visitors.

A 120-mile radius (yellow circle), includes central Pennsylvania, Philadelphia, parts of New Jersey, Delaware, and northern Maryland, and large sections of New York, including the New York City metropolitan area. A minimum of 28.6 million people live within this radius.

In total, over 31 million people live within 120 miles of the target area in Newport Township. It is entirely feasible for this population to make a day-trip to an OHV facility and – depending on the miles of trails, number of features, and services provided – extend their visits into multi-day trips. Moreover, these same amenities would provide interest to visitors from farther away. The rest of Pennsylvania, as well as the Virginia, and West Virginia, and New England markets are all within 240 miles (green circle).

## 3.C Trends Analysis

#### **General Recreation Studies**

As documented in Section 2.B, EC previously explored opportunities for *legal* OHV use on its properties. However, EC's interest is not unique. On the regional and state levels,

there has been growing recognition of the popularity of motorized recreation and the needs for offering resources to its riders.

- 2004 | Open Space, Greenways & Outdoor Recreation Master Plan, Lackawanna and Luzerne Counties, PA: Because of the interconnectedness of the region, Lackawanna and Luzerne Counties worked together to identify outdoor recreation and greenspace resources, determine environmental and community needs, and develop strategies to cultivate a regional system of recreation and greenspace, which could also contribute to economic growth. The Open Space, Greenways & Outdoor Recreation Master Plan (2004) set forth several goals that align with the Newport Township feasibility study, chief among them:
  - Preservation of important environmental areas and ecologically sensitive habitats for the benefit of present and future generations;
  - Utilization of existent corridors (e.g., transportation, utility) to develop a network of connective greenways;
  - Develop recreational resources for economic, public health, and community benefits; and
  - Offer a "variety of outdoor recreation opportunities [...] to meet the diverse interests of citizens and visitors" (p. 5.4).

An OHV recreational area would contribute to each of these goals. In fact, in order to provide varied activities, one objective explicitly stated "acquir[ing] land for a designated all-terrain vehicle facility" (p. 5.4). During the public participation process, this need was reinforced. Stakeholder, focus group, and public workshop participants all commented on the need for legal, designated riding areas and facilities for motorized vehicles. Specifically noted was allowing motorized recreation on damaged lands.

- 2020 | Pennsylvania Statewide Comprehensive Outdoor Recreation Plan, 2020-2024: In Pennsylvania's Statewide Comprehensive Outdoor Recreation Plan, 2020-2024 (SCORP), five priorities were identified to guide future actions and initiatives of DCNR: Health and Wellness, Recreation for All, Sustainable Systems, Funding and Economic Development, and Technology. While all are relevant to motorized recreation, three are particularly pertinent to the Newport Township study.
  - Health & Wellness: As stated in the SCORP, "New research regularly draws connections between green spaces, outdoor exercise, and better physical and mental health" (p. 37). Creating a designated area in Newport Township for OHV use will not only connect riders to the outdoors, but also has potential to educate them on the health benefits of outdoor activity. Off-roading yields benefits to participants, including increased cardiovascular and muscular activity, stress reduction, and elevated mood (Burr, Jamnik, Shaw, & Gledhill, 2010).

- Recreation for All: The SCORP underscores the need for additional efforts towards equity and inclusion in outdoor recreation, recognizing the multifaceted nature of diversity (e.g., age, race, gender). There have been increases in female ridership, and more families are now taking part. Mobility is another factor, the report noting "almost a quarter of Pennsylvania adults have some type of disability" (p. 46). Motorized recreation, however, removes many barriers to participation. Universal design of trails and facilities increases access further. All individuals have the chance to connect with the outdoors.
- Sustainable Systems: Sustainability requires equal consideration of environmental, social, and economic factors in relation to a project. It also is site-dependent, as the particulars of one location whether conservation needs, government plans, land ownership, or costs, for example can be far different from another.

Repurposing mine-scarred lands for outdoor recreation offers an opportunity to create a multifunctional landscape, one that can be tailored specifically to the needs of the local community. It can capitalize on natural assets, incorporate the region's history, and promote a sustainable economy. Design can utilize a variety of thoughtful approaches, including low-impact development, restoration of some areas, and conservation of others. To be sustainable, it must also be able to adapt if preferences and community goals shift. What is crucial is stakeholder engagement, effective communication, timely monitoring, and continual improvement are part of the process (Dale, 2019).

The *SCORP* applies to recreation initiatives broadly. Some of its appendices, however, speak more directly to OHV riding in the Commonwealth.

- 2019 Public Survey Final Report (Appendix E): Of the more than 6,700 open-ended comments received as part of the SCORP's public survey, approximately 15% related to motorized recreation. "Most," the report notes, "were seeking an increase in opportunities for ATV and motor bike riding" (p. 17). In fact, more respondents sought investments in trails and parks for motorized activities than in the previous SCORP, climbing from 28.8% to 32.9%. And for all respondents, motorized trail use ranked third as an activity they do not currently do but would like to try.

Despite this demand, there is strain between motorized and non-motorized recreationists on forestry lands. Currently, there are only 260 miles of trails designated for motorized recreation across 2.2 million acres of forestland. The general consensus is to allocate appropriate areas/trail for designated uses (e.g., OHVs, equestrian). Additional OHV trails will disperse use, reduce environmental impacts, and ease user conflict. Thus, as DCNR considers expanding its motorized trail system on state forest land, "it must build sustainable trails that minimize the impacts on other activities like wildlife watching and hiking" (p. 60).

Pennsylvania Land and Water Trail Network Strategic Plan 2020-2024 (Appendix I): This report includes a "Summary of Motorized Recreation Interests in Pennsylvania," which estimates there are approximately 285,000 registered ATVs in Pennsylvania, or about 2% of the population. Again, interest in "long-distance, landscape trail systems" is noted, with the desire that these trails "connect into communities and other places of interest" (p. 3).

Especially important is DCNR's updated "ATV Trail Development and Management Policy," which "rescinds the moratorium on new trail development in state forests [...] and authorizes DCNR to explore the potential for new ATV trails and connectors on state forest lands" (p. 4). The policy also encourages DCNR to work with private landowners and communities in developing motorized opportunities.

#### The OHV Market in Pennsylvania

The previous reports documented an undeniable, growing interest in motorized recreation. DCNR further investigated the OHV market in its *Pennsylvania All-Terrain Vehicle Area Suitability Study* (2019, *Suitability Study*). The first part described OHV users and their needs. Compared to results from the previous study (Lord, Elmendorf, & Strauss, 2004), there were increases in the average number of ATVs per household (1.6 vs. 2.2); and the average number of ATV riders per household (2.2 vs. 2.7) (p. 8). **Luzerne County ranked 5th for ATV registrations out of 67 counties.** There were also changes in:

- Female Ridership: Up from 37% to 40%;
- **Family Income:** Those with incomes greater than \$50,000 increased from 50% to 84%; over a third reported incomes over \$100,000 (vs. <15% in 2004).
- **Education:** The proportion of respondents with a high school degree or higher grew from approximately 50% to 69%.
- **Riding Experience:** In 2003, 50% of respondents had been riding for ten or more years. In 2019, that number rose to 72%.

Like in the *SCORP*, respondents ranked increases in motorized trails and longer-distance trails highly. The desire, when riding, was to spend time with family and friends (77%), and viewing scenery (68%) and wildlife (66%). All riders were looking for places to ride close-to-home; those in northeastern Pennsylvania, however, ranked it highest. That said, riders were willing to travel. Sixty-five percent of Pennsylvania respondents had taken one or more trips greater than 50 miles for OHV recreation; 30% of them taking five or more trips per year. There was also a willingness to pay for riding, with respondents averaging \$127 for a seasonal pass and \$22 for a weekly pass.

Interestingly, for respondents – all of whom were registered OHV riders – the highest ranked problems were riding in illegal areas and trespassing.

The second part of the study sought to identify areas in Pennsylvania most suitable for OHV recreation. Using a variety of GIS layers, the authors first evaluated topographic and

environmental features that would support/constrain OHV use. Areas deemed more suitable to OHV use were given higher levels of influence. Importantly, properties listed on DEP's AML inventory had the highest weight. Other areas were excluded based on policy prohibitions and environmental sensitivity. The first map (Figure X) displays and ranks all properties that met suitability conditions.

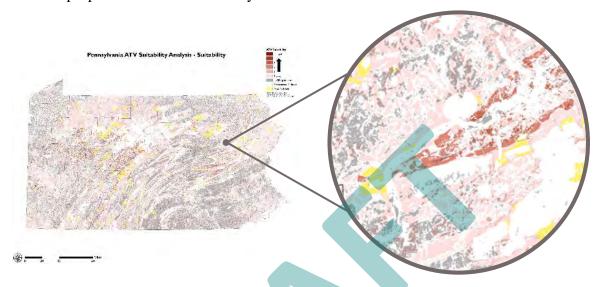


Figure X: Map from *Suitability Study* identifying areas suitable for OHV use. Note the prevalence of red in the crescent of the upper anthracite region, which includes the Newport Township study area.

Using the suitability data, further analysis was then performed to identify larger concentrations of land suitable for OHV use. Called "hotspots," these geographic clusters have a higher concentration of certain characteristics compared to an expected, random distribution. Again, the Newport Township study area had a high level of suitability for motorized recreation (Figure X).

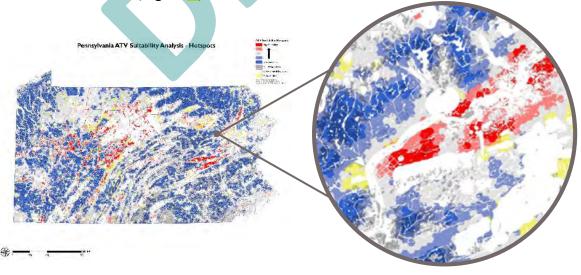


Figure X: Map from *Suitability Study* identifying OHV hotspots. Again, large sections of the Newport Township study area are identified as having high suitability.

These hotspots were further evaluated according to criteria deemed necessary to a successful OHV facility. In addition to suitable land, these included:

- Local Champion(s)
- Willing Partner/Operator
- Land Area Acreage (larger site = higher ranking)
- Number of Property Owners (fewer owners = higher ranking)

Fifty-two areas were identified and ranked in the Commonwealth. Although most of the Newport Township lands were identified as suitable, they were not named a priority area for DCNR. Further analysis will be required to determine reasons for exclusion. In addition, the report emphasizes that while DCNR can use these priority areas "to identify where they want to invest ATV funding, [....] if opportunities arise at sites not listed as a Priority A site (highest priorities) the PA DCNR should not hesitate to support them" (p. 28).

#### **Economics of the OHV Market**

Although few in number, several studies have analyzed economic impacts of OHV riders and motorized recreation.

- Iowa Off-Highway Vehicle Association: Based on a survey of registered OHV users, this study sought to evaluate the expenditures, activities, and economic impacts of OHV ownership and operation in Iowa. For 2018, it was estimated approximately \$72.4 million was spent in-state on operating/personal expenses related to riding; about \$28.9 million was spent out-of-state. Approximately 1,018 jobs were generated, with an average annual wage of \$42,850 (Imerman, 2019, as cited in The Institute, 2021).
- Hatfield-McCoy Trails: This study, done by a team at Marshall University, updated the economic impacts of the Hatfield-McCoy Trails in West Virginia from a 2006 report. The estimated economic impact for 2019 was more than \$38 million, nearly triple the amount in the original study. Approximately 77% of that impact was from non-local visitor spending. Additionally, the trails directly sustain 24 full-time equivalent (FTE) jobs each year; and help support ±430 FTE positions across the state (Marshall University Center for Business & Economic Research, 2020, as cited in The Institute, 2021).
- MO-MOTO OHV: Sponsored by a nonprofit organization, this study focused on the potential economic impacts of OHV tourism in a five-county region of southeastern Missouri. It found OHV riders spend a minimum of \$100 on a single day trip, which includes expenditures at gas stations/convenience stores, restaurants, and lodging (Southeast Missouri State University, Economic & Business Engagement Center, 2018, as cited in The Institute, 2021).

#### **Summary of Trends in Motorized Recreation**

After reviewing all the previously discussed resources, several trends – on the national,

state, and local levels – are clear in relation to motorized recreation.

- As documented in the *SCORP*, motorized recreation is gaining in popularity and has the ability to satisfy stated recreational goals.
- There is an increased desire for motorized trails and facilities in the Commonwealth. Particularly in the northeast region, riders are seeking trails closer to home.
- Compared with earlier studies, the experience-level of OHV-users in Pennsylvania has grown.
- Riders also report higher income and education levels. This may correlate with increased adherence to OHV rules and safety precautions (Vittetoe, et al., 2021).
- Luzerne County has a high number of OHV registrations, yet currently offers no legal areas to ride.
- The study area located in Luzerne County has been recognized numerous times as suitable if not ideal for motorized recreation use. One key piece of that recommendation is its already existent informal trail network.
- Luzerne County, and specifically the communities of the study area, lag in socioeconomic indicators and need economic development. As evidenced in the *SCORP*, outdoor recreation can generate tourism dollars. Moreover, based on case study analysis, there is a documented positive relationship between OHV trail systems and economic benefits.

## 3.D Demand Analysis

The previous section described trends on the state and regional levels favorable to motorized recreation, pointing to several unmet needs among OHV riders – especially in the northeast region – as well as the riding community's growing economic power. To corroborate these findings locally, the study team did additional research and engaged area stakeholders, including the public, to ascertain interest, concerns, and opportunities in relation to a Newport Township OHV Recreation Area.

#### **Existing OHV Facilities**

There are three major riding areas within a  $\pm 60$ -mile radius of the study area (Figure X). The closest facility is the 2,000-acre Lost Trails ATV Park in Dunmore, PA, just over 30 miles away. The other two sites – the 8,000-acre Anthracite Outdoor Adventure Area (AOAA) and the 20,000-acre Famous Reading Outdoors (FRO) – are at the periphery, operating in the western middle and southern anthracite coalfields.



Figure X: Map of northeastern Pennsylvania with locations of closest motorized recreation marked in orange. The study area is indicated in yellow.

As part of the information-gathering process, the study team interviewed key staff from AOAA and FRO. The conversations covered park development, successes and challenges, and the financial benefits of the facilities. Both organizations were favorable to the Newport Township OHV study, indicating how the large market size and varied attractions likely would not impact their businesses negatively. They underscored that the needs of the OHV community were not being met. Further information about these riding areas is presented in Section 5.

In addition to these three riding locations, Northeast Pennsylvania Sno & ATV Trails (NEPSAT) oversees one of the largest trail systems in Pennsylvania. Started in 1991, the membership-based club encompasses over 200 miles of trails in Lackawanna, Wayne, and Susquehanna Counties, with over 200 participating landowners. Trails are multi-use, with snowmobiling in the winter, and OHV use from April to November. NEPSAT offers an excellent opportunity for potential long-distance trail development.

As this report was being prepared, DCNR announced the acquisition of a 5,600-acre parcel of land in Luzerne and Schuylkill Counties, to be developed into a motorized recreation area. It includes property that had been Paragon Adventure Park, a now-defunct OHV recreation area. DCNR plans to manage the property during planning, and then contract out for management and operations. The park is expected to open in 2024. It is important to note that during the press conference, DCNR officials noted the presence of sensitive ecological resources in the area. The park, they underscored, would help protect these assets, as well as "manage natural resources, restore water quality, and rehabilitate abandoned mine lands in the area" (DCNR, 2022).

#### **OHV Feasibility Study / Public Survey**

In January 2021, the study team released a public survey to assess interest in a potential OHV facility in Newport Township. The survey was available both online and in print. A copy is included as Appendix X. Responses were solicited via social media and local press. Over the course of three months, approximately 3,000 unique responses were received.

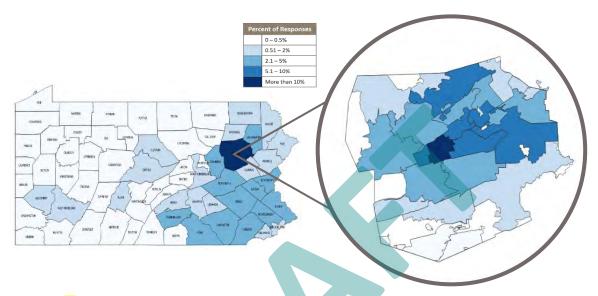


Figure X: Map of aggregated responses to public survey by residence. The inset of map of Luzerne County is by zip code, with the highest number of responses coming from Nanticoke.

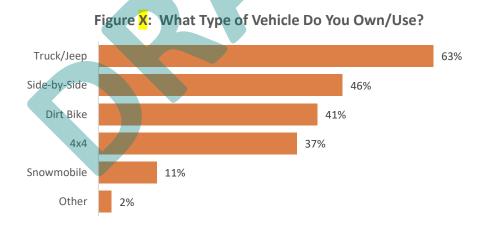
Seventy-five percent of respondents were from Pennsylvania. Of those, approximately 39% were from Luzerne County, the majority of whom were from the Nanticoke, Ashley/Hanover Township, and Glen Lyon zip codes. The neighboring counties of Lackawanna, Columbia and Schuylkill also had a higher share of responses. That 25% of responses came from out-of-state is significant, indicating a real interest by non-local riders in travel to motorized recreation destinations.

• **Demographic Profile of Respondents:** The majority of respondents were male (80%), white (90%), and between the ages of 25 – 55 (78%). Three-quarters of respondents had a household income of \$50,000 or more; with 39% reporting incomes over \$100,000. Nearly 70% had completed at least some college coursework, with almost 50% receiving a technical, college, or post-graduate degree. The responses echo those of the Pennsylvania *Suitability Study*, pointing to higher income and education levels among the riding community. A summary of selected demographic characteristics of survey respondents follows as Table X.

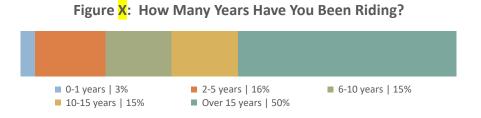
Newport Township OHV Public Survey – Summary of Demographics								
Gender	Male 80%	Female 17%	Non-Binary 3%					
Race	White 90%	Other Race 4%						
Age	Under 18 1%	18-24 8%	25-39 39%	40-55 39%	55+ 13%			
HH Income	< \$25,000 2%	\$25-49,999 10%	\$50-74,999 18%	\$75-\$99,999 18%	\$100-\$149,999 23%	≥ \$150,000 16%		
Education	Some HS	HS/ GED	Some College 20%	Associates/ Technical 22%	4-Year Degree 19%	Graduate Degree 8%		

Table X: Demographic profile of respondents to Newport Township OHV Recreational Park Feasibility Study public survey. Note: Respondents could select "prefer not to answer," so percentages do not always equal 100%.

• **Riding Profile of Respondents:** For those respondents who were OHV users, the survey asked a series of questions about riding experience. This included the type of vehicles respondents used or owned. As shown in Figure X, many respondents owned and/or used a variety of motorized machines.

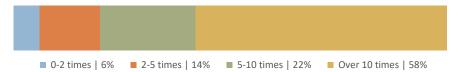


Riders were also experienced, with 65% of respondents riding 10 years or more.



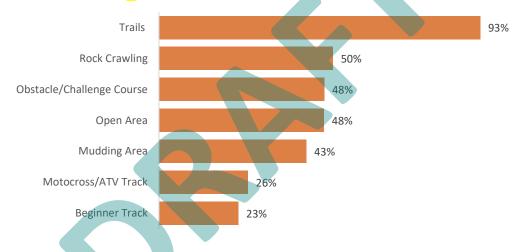
And they rode frequently: As shown in Figure X, 58% had gone riding more than ten times in the past year.

Figure X: How Many Times Have You Gone Riding in the Past Year?



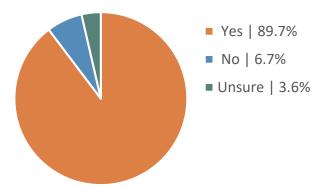
Rides, on average, were five hours or longer (78%); on weekends (60%); and with others (98%). Trails, far and away, were the preferred type of course (93%), but rock-crawls, challenge courses, open areas, and mudding areas also ranked highly (Figure X).

Figure X: What Type of Course(s) Do You Prefer?

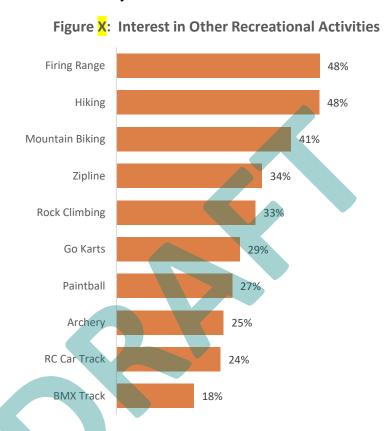


• Riders Wants: Overall, nearly 90% of respondents supported an OHV recreational area in Newport Township (Figure X).

Figure X: Would You Be in Favor of an OHV Recreation Area in Newport Township?

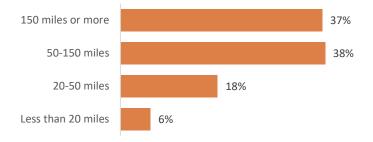


Reminiscent of the *SCORP* and *Sustainability Study*, there was strong support for regulated connectivity to town, amenities (e.g., food, fuel), and importantly, other trail systems (92%). Moreover, as shown in Figure X, there was interest in the availability of activities beyond OHV use. This not only indicates a demand for outdoor recreation more generally, but also aligns with the numerous outdoor recreational resources already available in the area.



• Economics: Respondents were willing to travel for motorized adventures, with 75% indicating they'd go 50 miles or more to reach an OHV park (Figure X). According to registration data, there are 72,000 registered OHVs within a 60-mile radius of the Newport Township site (Institute, 2021).

Figure X: How far are you willing to drive from your home to visit an OHV park/riding area?



Where overnight stays were involved, many respondents went camping (42%). Others rented cabins or homes (25%), or stayed in a hotel (20%). Spending included an average of \$82 on fuel, and an additional \$147 on other expenses. Asked for a fair price for a season pass, 52% said \$150-\$250; for a day pass, 44% said \$20-\$30.

It's important to recognize these results are unscientific; respondents were highly motivated to contribute to the survey and cannot be considered representative of the general population. Moreover, credence must be given to those opposed to and unsure about the park concept (6.7% and 3.6%, respectively). Environmental damage was the primary concern; however, overcrowding, noise, safety, and traffic also ranked highly. This is unsurprising, as 58% of those responding "no" or "unsure" lived within the study area. That said, OHV-users also cared about these topics. Unregulated riding impedes enjoyment, causes conflict, and results in higher levels of risk. As stated before, should master planning for a motorized recreation area proceed, developers will need to be keenly aware of and design for protections to wildlife, buffering of residential areas, and well-organized routing of trails.

#### **OHV Feasibility Study / Public Survey Open Comments**

In addition to answering the standardized questions, respondents to the public survey were invited to add open-ended comments to their submission. A total of 430 comments were received. These were then coded by the research team for emergent themes. Remarks were thoughtful and informative, and the majority supported the idea of an OHV recreation area in Newport Township. Generally, two primary reasons were voiced. First, respondents mentioned the quality of the trail system in the area, and the lack of local, legal places to ride.<sup>1</sup>

- The reality, as you know, is that riders have been using these lands for many years. If we had a legal alternative, we'd be willing to pay.
- Please bring a riding park to the area. I travel about an hour and half on average to go riding when I don't want to break the law to ride on private land. Something closer to home would be excellent and I would frequent regularly. So much potential for riding there.
- Just bring us somewhere legal to ride. Please.

Within this category, individuals explained the benefits trail access provided, including the opportunity to get outdoors (especially for those with a disability); to mentally unwind; and to spend time with family and friends. Parents highlighted how motorized recreation allowed their kids to participate in a safe, group-based, and screen-free activity. To this end, there was also an emphasis on pricing, keeping the park affordable for residents and families.

<sup>&</sup>lt;sup>1</sup> Comments have been edited for conciseness and clarity.

- Keep it family friendly. That should include access for younger children.
- I hope this comes to fruition. I love taking my daughters out in my Jeep to go driving in the woods. The lack of legal options in the area have cut that time drastically.
- Take care of local riders and keep prices down.
- Keep it simple and cheap, don't need lots of frills, just a place that a guy can take his family of four out.

- We ride responsibly. We enjoy nature and love the outdoors.
- Bringing an OHV park to this community would be highlighting the natural beauty that NEPA has to offer. This would bring people together, create lasting memories, and set a perfect atmosphere for families to bond. These mountains offer stunning views to enjoy.
- We need to embrace our outdoor community and the mountains. Great step in the right direction!

The second major justification for an OHV area concerned economics. Many respondents, without somewhere local to ride, travelled instead to other destinations. As one stated:

It would be great to have somewhere to go closer to home and not have spent half the day driving there.

More importantly, a park in Newport Township not only would keep residents' dollars local; as discussed in Section 3.B, it also may draw visitors from a larger market. Together, the potential for economic and community development was seen as the greatest benefit of an OHV facility. Current riders commented on the high quality of the existent trail system. Others remarked an OHV park may be a better, more sustainable use of the land compared to other development projects.

- I think this is a great use of otherwise unusable land. Off-Roading is the future of outdoor recreation. Northeastern and central PA are very well suited for this activity.
- I lived in Glen Lyon and know lots of locals. Some of those guys grew up in those woods. The idea of an industrial park...doesn't sit well. To have an off-road park would mean so much more. It would be a positive for the area. It would attract the attention of lots of people, and bring a boom to Newport Township with minimal development.

To this end, respondents offered many ideas as to what would create a truly desirable venue. Recommendations ranged from the basics like clean bathrooms and showers; to overnight accommodations (e.g., camping, cabins); to specialty trails and community events. Connection to the community was noted repeatedly, both through physical connections and general hospitality. Many wrote of wanting to support the local economy. The emphasis was on making this possible.

- Connectors and involving the local economy are key. I love supporting the local towns and business sponsors who make these opportunities available.
- As someone who travels from NY to PA four or five times a year with a large group, OHV trails are an EXCELLENT opportunity to bring money into northeastern PA. We rent a house, support local restaurants, and buy gas and parts local.

- I've been riding/wheeling in this area for some time now. I have a friend that lives extremely close to all this land. He plans and schedules rides almost weekly and has people come from as far as Florida to tackle the trails he's helped make. I've been to a ride where there was well over 20 rock crawlers some of them costing six-figures to own/build. The closest thing we have to this is AOAA, and my opinion is our area has more to offer.
- Start with OHV riding and just letting people get out in the woods without the fear of breaking the law. NY, NH, & WV are extremely rider-friendly. It's not so much about making a grandiose resort. This is about letting people enjoy the area and do something they enjoy. When I travel to other states to ride, it's a great experience and the riding community is welcomed. We spend money on food and entertainment and the local hotspots.
- This area has some of the best trails in the northeast. We're sitting on an off-road gold mine. Get it done.

The most frequently identified theme, however, was organization. Organization applied to a variety of categories, including mapping and marking of trail systems, limitations on vehicles (e.g., speed, exhausts), an engaged management team, volunteer crews, and well-planned road use, where possible. Convenient trash disposal (and litter collection) was a must. As one respondent said, the facility and trails need to be "managed and maintained." Said another, "Maintenance and enforcement of rules are the keys to success." Other trail systems like Hatfield-McCoy in West Virginia and AOAA were frequently mentioned as models. One respondent wrote:

Take a page from AOAA. They are doing it right in terms of following the laws, access to town, camping, policing, liability, etc., and still expanding.

Interestingly, it was these same type of concerns – safety, trespassing, and public nuisances – that most opponents to an OHV park raised. Residents described the problems they currently face from illegal riding:

- I am concerned about environmental damage and pollution. I live smack dab in the middle of ATV riding territory in Newport Twp. I put up with noise from the vehicles at all hours of the day, including late at night and also in the very early morning hours. I would imagine if trails are permitted, the amount of riders would no doubt increase exponentially. It is annoying to sit outside in the summer and have to deal with all the noise these machines create. I am sure the majority of the riders would follow the rules and regulations of the proposed trails, however, there are always those who would continue to ride on the roads illegally and put others at peril by their reckless behavior.
- The local communities that would be most impacted by this park (Glen Lyon, Wanamie, and Sheatown) have major, pre-existing problems that have not been addressed nor managed well. ATVs are a constant source of noise and disruption in these communities. Illegal riding on the town streets, pollution, and damage of the local woods by riders; partying/drinking/drug use at all hours; and intoxicated drivers are a weekly occurrence. Many riders go through private properties that border the wooded areas. All of this negatively impacts quality of life for local residents and defies many ordinances, particularly regarding noise, litter, and property damage.

Fear of these impacts worsening is understandable, and many pointed out how the township's resources already are stretched thin (e.g., infrastructure, services, staff). However, in using demonstrated best practices of design, regulation, management, and maintenance from other facilities, this park actually might improve upon the current situation.

We present one final comment, which stood out to us:

Nobody is going to want to pay for this. It's what they've been doing for how long for free? This is going to create trouble especially with people from out of town who do not respect others' land. This would be overcrowded for the people who live in Newport Township. We have nothing close by for people to stop at. It's a horrible location for this. Glen Lyon is a rundown coal town and has nothing nearby. Nobody is going to like this. This would be a waste of money unless you want your woods to be trashed.

Whether for or against the park, the majority of respondents steadfastly believed in Newport Township and its potential. As detailed in Section 2, the area boasts amazing recreational resources and, based on the survey, they are highly valued and frequently used. Thus, while the vision for this land may have differed among respondents, their appreciation for the land and the community – and their optimism for its future – was nearly unanimous.

#### 3.D **Public Participation**

In addition to the public survey, the study team carried out a multi-pronged effort to involve a variety of individuals and organizations in assessing feasibility of an OHV recreation area. This included the formation of a steering committee, public meetings, and key person interviews.

#### **Steering Committee**

Early on, a Steering Committee (SC) of key stakeholders was formed to offer advice and support for the feasibility study. The twelve members were selected based on their organization/agency ties to the project, subject-area expertise or interests, and/or knowledge of the study area. Four meetings were held with the committee at the Newport Township Recreation Area: September 17, 2020; April 4, 2021; June 16, 2021; and [\*\*\*DATE\*\*\*]. The study team had smaller/individual meetings with members about specific items. The SC's comments, concerns, and recommendations were then integrated into the planning process. SC members are recognized in the Acknowledgements.

#### **Public Meetings**

Three public meetings were held with the public to share information about the feasibility study and field questions and concerns from attendees. Due to COVID-19, the meeting

on February 11, 2021, was virtual. The other two meetings – held on August 3, 2021, and [\*\*\*DATE\*\*\*], at Luzerne County Community College – were hybrid. These meetings were publicized through press releases, social media, and email notifications. The events were well attended, with approximately 100 attendees for the first (virtual) meeting; 85 in-person attendees for the second meeting (30 online); and [NUMBER] individuals in-person for the final meeting.

Topics covered at the meetings included an overview of prior studies; goals of the current study; review of survey data; discussion of key findings from site visits; and presentation of concept plans and possible ownership models. Those attending were predominantly in favor of the project, noting the lack of legal places to ride locally, the ongoing trespassing of OHVs on private property, and the potential economic benefits. However, attendees also voiced important concerns, which included environmental impacts, trail maintenance, and security of nearby residential properties, as well as increases in dust, noise, and litter. The study team emphasized the importance of continued feedback from the community and potential users. Responses to unanswered questions during the meeting were answered in written documents published to EC's website. These responses are included as Appendix X.

#### **Key Person Interviews**

In addition to the public meetings, EC and the study team identified numerous individuals who had specialized knowledge about OHVs, land use conditions, and/or community needs, and therefore could help inform the planning process. Interviews (in-person, by phone, and virtual) were held. Key persons included:

#### **Motorized Recreation & Industry**

- Pat Mack, AOAA
- Pat Leyo, Director, Rock Run Recreation Area
- Dan Kowalski, Black Diamond ATV Club
- Chris Kopetz, Two Jacks Motorsports

#### **Government/Agency**

- Nick Lylo, DCNR District Forester
- Dave Pedri, Manager, Luzerne County
- Matt Jones, Luzerne County Planning Commission

#### **Local Community Interests**

• Steven Phillips, Newport Township Community Organization

#### **Economic Development**

- Wico Van Genderen, Greater Wyoming Valley Chamber of Commerce
- Ted Wampole, Executive Director, Luzerne Co. Convention & Visitors' Bureau
- Brian Swingle, Five Mountain Outfitters Co.

#### Non-Motorized Outdoor Recreation

• Joe Carey, Crazy Rabbit Paint Ball

- Joe Forte, Eastern PA Alliance of Climbers
- Mike Morin, Regional Director, the Access Fund
- Phil Cable, cyclist
- Gene McDonough, Anthracite Bicycle Coalition

#### **Other Interests**

Ken Pollock, HUD/Emerald Anthracite

Like with comments from the public survey, stakeholders' remarks coalesced around three main themes: organization and management, economic development, and the value of the outdoor recreation resources in the study area.

• Organization & Management: The area's extensive, existent trail network was recognized. Motorized recreation is part of the region's culture; the trails are heavily used and off-road riding is not going away. The problem, many saw, was some riders lack of concern for the land and the environmental damage they wrought. Trespassing, littering, illegal dumping, and noise were other complaints.

Respondents allowed a formal OHV recreation area might reduce these negative impacts. The experience of current park representatives – which surprised even them initially – was that "most people riding want to be safe, responsible, and are willing to pay for access." They noted the large uptick in families coming to their facilities and how this was creating a demand for family-oriented activities and events. They also gave credit to the many riders who volunteered for cleanups, work projects, and patrols. In short, the philosophy of current facilities was to create an environment that supported responsible riding, making it the norm. Trespassers accounted for a small percentage of riders. Moreover, they often were the same people who caused problems, in other words, not the park's visitors.

To support responsible riding, park representatives made use of buffers (both natural and man-made) and signage. This was particularly important near park perimeters and homes/businesses, and included caution signs and speed limits. They advised working with property owners to understand and address problems or concerns that may arise, and to see if compromises could be made.

These recommendations aligned with other stakeholders' suggestions. They wanted to see a solid management plan for the park with clear guidelines for operations, riders, and behavior. Rules needed to be consistently enforced. This included checking all vehicles for registration; one respondent noted the large number of unregistered vehicles in the area. Park representatives stressed the need for good liability coverage and strong waivers.

Several respondents mentioned completing a thorough inventory of all resources on the property and the creating trail maps/guides for all activities. The aim should be on keeping patrons in their designated area(s) and away from sensitive, dangerous, or private property. When paired with signage, safety would also be

enhanced. Signs could help pinpoint a person's location and mark set rescue points. A helipad was recommended to accelerate emergency response time.

This also relates to comments regarding liability. Strong trail and facility maintenance can help to lower insurance premiums; if they are not, fees will likely increase. To this point, trail design should be performed by a consultant familiar with motorized recreation. This will ensure trails are designed with vehicles and environmental issues (e.g., erosion) in mind.

• Economic Development: While many different topics fell under organization and management, economic development was the single-most specified benefit of an OHV recreation area, even by those who had concerns. In general, respondents believed it made sense to capitalize on the strengths of the area and the activities already occurring there. Mention was made of the great need in local communities, like Glen Lyon.

A park, it was held, would create revenue. To this point, businesses interviewed reported a boom in sales and services – both for motorized vehicles and recreational supplies more generally – in the wake of COVID-19. Increases created waiting-lists, boosted the number of in-state and out-of-state clients, and prompted a need for more staff. Anecdotally, one respondent reported seeing outfitted vehicles at an area facility that likely cost \$50,000.

To attract visitors, respondents listed several amenities they would like to see, including restrooms, showers, and a welcome center. Camping facilities were encouraged, both as a formal campground and as a dispersed, back-country opportunity. Events were a big draw at current facilities, with sponsorships, dealership promotions, and hundreds of attendees. It was reported that hotels and restaurants fill up within a 50-mile radius. To get to this point, however, a phased implementation was recommended. One park representative explained that after opening their facility, comment boxes were set out for patrons. The feedback received was crucial to the design of Phase 2, after which visitation grew dramatically. "We nailed it…because we listened to the riders."

Several stakeholders, including park representatives, stressed the need for government support on all levels. Locally, municipal and county governments assisted with zoning, management, and some regulation. They encouraged park activities, like with connector roads and special downtown events for riders. The facilities, in turn, often provided donations, held fundraisers, and sponsored environmental initiatives to support the communities. The relationship was cooperative, something which became even more important when partnerships were needed. Several respondents commented how this support was crucial for seeking grants and for policy change, emphasizing the benefits of the park to the state, county, and local community. DCNR seeks responsible organizations to help build the motorized recreation industry within Pennsylvania. There is a vision to be able to compete with areas like Hatfield-McCoy in West Virginia, with a belief Pennsylvania has even more to offer.

• Value of Natural Resources: Of the local stakeholders, all made mention of either the natural beauty of the area ("the river is right there") or the array of outdoor activities it already supports through the widespread recreational resources in place. Climbers, in particular, revered the area; its rock formations have national renown. Those who hunted noted the importance of maintaining access to the state gamelands. The recommendation was to make the area available for "all kinds of outdoor recreation that really utilizes the strengths of the site."

To do so, respondents emphasized that park design should embrace and include the area's current, multiple uses. Separate, buffered areas for motorized and non-motorized recreation should be established; as well as for specific types of trail use (e.g., singletrack vs. doubletrack). Such forethought would enhance users' experiences, promote safety, and strengthen the sustainability of resources. There was also a belief that the area could include more than is currently available. Several cited a regional lack of different recreational resources. The area, because of its size, presents the opportunity to add things like paved bike courses, fitness loops, and paintball and archery facilities. The aim should be to create challenges for a variety of interests and skills levels and create a space where "there is something for the whole family to do."

The consistent view was that, at present, no one is maintaining the land. All visitors, no matter how respectful, are impacting the environment. The property has the potential to become a more valuable and sustainable asset if time, money, and energy are put into it. The focus should be on balancing needs: that the environment is respected and, where needed, well-protected; and that visitor access and experience is enhanced. One stakeholder put it succinctly, stating the goal would be to "maximize and get the highest and best use out of the land." Costs and benefits on all levels (i.e., environmental, economic, and community well-being) need to be evaluated well. The lingering question: Would the project move forward once the study was done?

## 3.E Conclusions Based on Market, Trends, & Public Input

Of all the items highlighted in this and the previous sections, the wealth of outdoor recreational opportunities in the study area is paramount. For this reason, it is recommended the concept of an OHV park be expanded to include other forms of recreation, making it an "Outdoor Adventure Area." Although the remainder of this study will concentrate on development of OHV trails and amenities, integrating other activities into a park system has several advantages:

• First, it aligns with activities already prevalent in the study area, including the Pinchot State Forest. As opposed to excluding certain pursuits, this approach accommodates them, making sure through planning and design that appropriate buffer and safety considerations, maintenance strategies, and oversight policies

- are employed. One attendee at the second public meeting stated as such, commenting, "I'm excited to see how a model like this can teach users to coexist and utilize the land together, respectfully."
- Second, formally sanctioning multiple activities provides a defined repertoire of new pursuits for visitors, and structures participation in them to accommodate varied abilities/experience levels. Moreover, whether hiking, biking, climbing, or OHV-use, visitors may stay longer to sample several recreation offerings, thereby encouraging multi-day visits to the area.
- Third, diverse offerings allow for marketing to a broader audience. As stated in the *SCORP*, Pennsylvania is among the top states in the nation for consumer spending on outdoor recreation, generating \$29.1 billion annually. The more recreational resources available at a site, the greater the appeal to outdoor recreationists of all types, and thus the larger health, wellness, and financial impacts.

In relation to OHVs, the common perception is of a rider recklessly tearing through terrain, smiling wildly, with the engine roaring as small animals scurry for cover. Undeniably, there are riders who fit this characterization – inexperienced, insensitive, or outright destructive. However, the findings for this study do not support this image. Presently, riders are an experienced group, with higher levels of education and increased spending power. They value the outdoors, and their ability to recreate with family and friends outside. They do not want to ride illegally.

Unfortunately, there are few lawful riding areas near Luzerne County, despite the *Suitability Analysis* illustrating that the area – and Newport Township in particular – is a hotspot of OHV activity. This is supported by the results from the public survey: Based on the preponderance of respondents from Luzerne County and the frequency of their riding, some of it must be occurring on local, unofficial trails. Site visits, furthermore, confirmed the trail system is well-established.

Therefore, the question is not whether the foundation for an OHV recreation area exists. In terms of trails and demand, it is already there. Instead, what should be emphasized are the benefits a formal park system could provide, such as

- 1. **Reduction in OHV Trespassing:** Offering a local, legal riding area for OHVs removes the need for operating on private lands.
- 2. **Avoidance of Areas of Concern:** Proper trail routing can circumvent environmentally-sensitive, legacy mining, and residential areas. Specifying trail usage also will decrease conflict among different motorized groups (e.g., ATVs, off-highway motorcycles), as well as hikers and mountain bikers.
- 3. **Moderation of Environmental Impacts:** Requiring vehicles to stay on designated trails and providing appropriate infrastructure (e.g., bridges) will reduce environmental damage, especially when compared to illegal riding. Soil erosion, water degradation, and habitat destruction are all common problems with unmanaged trails.

- 4. **Increases in Safety:** In addition to avoiding areas of concern, well-planned trails can reduce congestion, address unsafe conditions (e.g., trail width, sight lines, and intersections), and provide difficulty rankings. Moreover, the park may implement additional requirements on riders, including vehicle registration, insurance, age, and helmet use. Patrols to enforce regulations are encouraged.
- 5. **Improvements for Residents:** As mentioned, many of those opposed to an OHV park had understandable qualms about the bad behavior of riders. For decades, residents in Newport Township have encountered frequent trespassing, property damage, littering, and noise at all hours. A park, by regulating activity, attends to these issues. Like with safety rules, responsible behavior is enforced: hours of operation are specified; alcohol and drugs are disallowed; trail cleanups are organized; things like parties and racing are prohibited.
  - Moreover, the park's success is highly dependent on the community's support. Thus, the park should work with residents on issues of concern. For instance, commenters from the public survey asked for a discounted rate for locals. Others worried about the loss of hunting lands. Genuinely listening to and addressing these items equitably (e.g., designating hunting hours during a given season) can go a long towards sustainability.
- 6. **Economic Opportunity:** Within the *SCORP*, economic development is a priority. Pennsylvania, in addition to investing in outdoor recreation, aims to strengthen communities through drawing on their recreational assets. The economic need is real in Newport Township. Its outdoor resources are well-defined. An OHV facility will create employment opportunities, as well as generate customers for local businesses. Amenities like restaurants, retail outlets, service shops, and campgrounds will be required. An adventure park increases demand, with more visitors and longer stays. Commerce can unquestionably strengthen a community. Moreover, those revenues can be reinvested, protecting and enhancing local outdoor resources and helping to shape a positive future.

# **SECTION 4 Legal & Compliance Considerations**

For the purposes of this study, legal considerations related to an OHV recreational area fall into five main categories:

- Ownership & Use of OHVs
- Recreational Use Liability
- Zoning
- Ownership
- Development

This section serves as a general overview of laws and regulations that may be relevant to the project. However, the final location and ownership/management structure of the park will impact applicability. Please note this section is for informational purposes only; it is not a definitive legal authority. For legal advice on these matters, one should consult with an attorney.

## 4.A Ownership & Use of OHVs

Currently, Pennsylvania OHV regulations, which are part of the Vehicle Code (75 Pa. Code, §7701¹), only apply to certain OHVs. Some recreational vehicles, such as off-highway motorcycles, are not eligible for registration.

For those that are eligible, vehicles fall into two classes, dependent on width of the vehicle and its weight. Registration and titling are required for these vehicles with the state through DCNR, unless the OHV is used exclusively as a farm or business vehicle. A title currently costs \$22.50. A general registration, valid for two years, is \$20.00 (owner receives a registration plate, card, and expiration sticker). If a vehicle will be used on property not owned by the operator, liability insurance coverage is also required (§7730). Note: Out-of-state registrations are not honored in Pennsylvania. Consequently, visitors must register their vehicle with the Commonwealth and provide proof of liability insurance.

There are specific guidelines for youth, which include being at least 8 years old to operate an OHV, and a minimum of 16 to operate an OHV on public lands. Youth must possess a valid safety certificate, obtained through an approved training provider.

Generally, the Snowmobile & ATV Law disallows operation of OHVs on streets and highways (§7721). However, the Pennsylvania Department of Transportation (DOT) – or local authorities – may designate roads exclusively for OHVs, or for shared use (§7722). Such roads must be appropriately posted and, if managed by DCNR, barricaded (17 Pa. Code §51.82). The Commonwealth (or any political subdivision) assumes no liability "as

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<sup>&</sup>lt;sup>1</sup> All subsequent sections referenced are from 75 Pa. Code, unless otherwise noted.)

a result of designating any highway, road or street as...an ATV road" (§7722).

OHVs are expected to be operated in a safe manner (§7726). Prohibited behaviors include riding

- At an unreasonable or improper rate of speed under existing conditions or in excess of the maximum limits posted for vehicular traffic;
- In any careless way so as to endanger the person or property of another; and/or
- While under the influence of alcohol or any controlled substance.

Furthermore, riders may not operate an OHV with a firearm in their possession; or disturb, drive, or pursue wildlife (§7727). Vehicles must also comply with set regulations involving head and tail lamps, brake systems, and sound control (§§7741-7743). In regard to liability, negligence in the use or operation of an OHV is attributable to the owner (or to an operator with the "express or implied" permission of the owner) (§7729). This includes "death or injury to person or damage to property resulting from negligence" in the use or operation of an OHV.

These requirements establish the base level for operating an OHV in the Commonwealth; their violation comes with fees, dependent upon the offense (see §7730, §7752). It would be expected that, in relation to a potential OHV park in Newport Township, they inform the design of a trail network, and the conditions for patrons and vehicles for entry.

## 4.B Recreational Use Liability

First enacted in 1966, Pennsylvania's Recreational Use of Land and Water Act – or RULWA – limits landowners' liability for personal injury and property damage if they make their land available free to the public for recreation (68 P.S. §477). Moreover, there is no requirement for owners to keep their land safe for this use, so long as they have not willfully failed to warn against a dangerous condition and that no charge is required for entrance. As discussed by Goldstein and Loza (2019), RULWA "does not prevent landowners from being sued; it provides them with an immunity defense to claims that their negligence caused the plaintiff's injury" (p. 2). Part of this hinges on the class of an individual who has suffered an injury: Is s/he a trespasser (lowest duty of care, with special considerations for children); a licensee (invitation by landowner on to property "for social purposes that have no economic value"); or an invitee (from which the landowner gains financial benefit)? Landowners have the highest level of responsibility to invitees. They are required not only to warn invitees of potential hazards, but also to actively monitor and address dangerous conditions, when possible.

In 2018, several amendments were made to RUWLA. ATV riding was added to the definition of "recreational purpose." Also, exceptions were granted to landowners to receive some forms of remuneration, including voluntary contributions, in-kind contributions, and contributions not retained by the owner (e.g., used to pay for maintenance, insurance, or taxes on the land).

In relation to the proposed OHV/adventure area, while some aspects of RULWA do align with the park concept (e.g., openness, location), others do not. Specifically,

- 1. **Extent of Improvements:** In short, the more developed a facility is, the less likely it is that it will be covered by RULWA. Highly developed areas, like ball courts, playgrounds, and swimming pools, are usually outside the scope of RUWLA. However, incidents occurring on unimproved trails or in parks with basic facilities have been covered. There is ambiguity surrounding this issue.
- 2. **Admission Fee:** RULWA generally does not cover owners/entities that charge for access to a recreation area, i.e., set an "admission price or fee asked in return for invitation or permission to enter or go upon the land" (68 P.S. §477-2). As noted above, some exceptions were made in the 2018 amendment; however, it is unlikely these will apply to the anticipated organization of the proposed OHV/adventure area.

With these issues unsettled and the owner/management entity unknown, RULWA should not be relied upon exclusively.<sup>2</sup> Other liability protections will need to be put in place. A comprehensive insurance policy geared to businesses in outdoor/adventure sports will be required, covering basic items like general liability, property damage, and workers compensation; as well as collision and bodily injury protections. Owners of the facility should also develop and implement strong operation, maintenance, and security policies, and document their efforts to meet these requirements, thereby demonstrating due diligence. A well-crafted release of liability for *all* visitors is also mandatory. This signed statement absolves owners from responsibility should damage or injury occur from on-site activities and, when signed by a "legally competent adult, is *highly effective* in Pennsylvania" (emphasis in original; Pregmon & Loza, 2011). It is not as effective for those under 18, however, even if signed by a parent/guardian. We recommend consulting with legal counsel to draft appropriate release of liability documents.

## 4.C Zoning

Both Newport and Conyngham Townships fall under the jurisdiction of the *Luzerne* County Zoning Ordinance of 2021 (Zoning Ordinance). The majority of properties in the study area are zoned as Mining or Conservation districts, which are defined as follows:

**Mining (MI) District:** The purpose of this Zoning District is to provide for the extraction of minerals, rock quarries, sand, etc. while serving to buffer these uses from other uses and districts (p. 3-3).

Conservation (CO) District: The purpose of this Zoning District is to provide for the preservation and protection of natural areas and resources including, but not limited to, surface waters, environmentally sensitive soils, steep slopes, woodland and wildlife, while sustaining a rural atmosphere, open spaces, scenic beauty, but

Note: RULWA may provide protections to neighboring property owners who allow access to their lands without charge.

yet allowing agricultural development and farming activities. Different types of development are permitted provided that there is sufficient area to promote and maintain the public health, welfare and safety and not interfere with the natural features of the Zoning District (p. 3-2).

Current zoning classifications in the study area are shown on Figure X. A larger pull-out version follows.

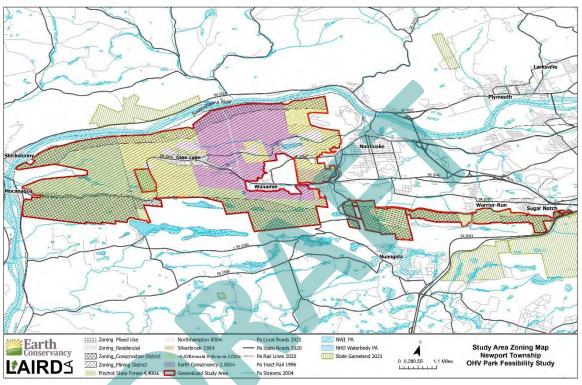


Figure X: Project area with primary zoning districts indicated.

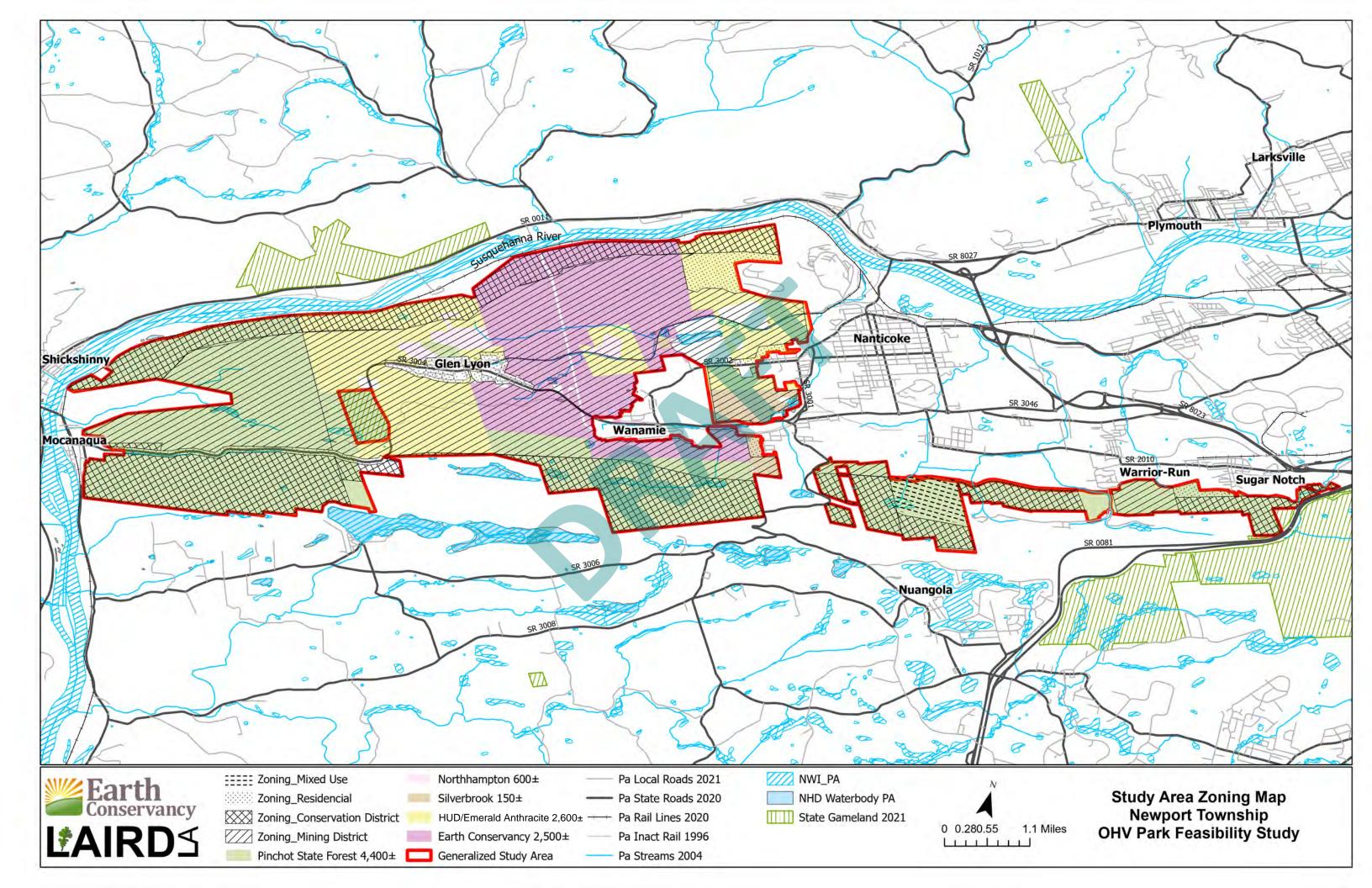
Many of the uses associated with an OHV recreation area, while not specifically defined as a use in the *Zoning Ordinance*, appear to fall into the use category of 'Recreational Facility' for which there are three sub-categories: public, commercial, and private.

**Public:** Recreational facilities operated by a governmental entity and open to the general public.

**Commercial:** Recreational facilities operated as a business and open to the public for a fee.

**Private:** Recreational facilities other than commercial or public, not operated for a profit, and only open to its members and their guests.

Private recreation facilities are an approved use in CO zones; public and commercial facilities require special exception approval from the Zoning Hearing Board (ZHB). However, none of these uses are permitted in the MI district. Therefore, action will be required to achieve congruency.



#### **Zoning Change Mechanisms**

To better understand implications related to zoning and an OHV recreation area, EC and the consulting team met with staff from Luzerne County's Department of Planning and Zoning. All participants recognized zoning compliance and ownership/management decisions were important. Paramount was understanding routes to compatibility between recreation uses and current zoning: For any recreation area to move forward, zoning compliance and/or modification of ordinances must occur. A prospective owner<sup>3</sup> could purchase properties on speculation; however, we would advise that coordination take place with the Planning and Zoning Department prior to sale or as part of a land use commitment to determine if and how zoning compliance issues can be addressed.

Based on our discussions, there are three primary avenues for addressing the zoning issue.

- 1. Variance: A variance is a permitted violation of the official zoning ordinance. As stated in Pennsylvania's *Municipalities Planning Code* (53 P.S. §10910.2), it is used when zoning provisions "inflict unnecessary hardship" upon a property owner, disallowing reasonable use of the property. Variances must be applied for, to be reviewed and considered by a municipality's ZHB, as well as open to public comment. A ZHB may also attach conditions and safeguards to the variance before granting approval. Most relevant to this project is a use variance, which permits specific uses of a property contrary to a given zoning ordinance.
- 2. **Rezoning:** Rezoning MI parcels to CO, especially where an MI parcel adjoins CO parcels, is another potential action. A developer may file a request to have the property rezoned via an amendment to the Zoning Ordinance. Public notice of the rezoning request with a public hearing in front of the ZHB must be completed.
- 3. **Recreational Overlay:** Overlays offer a way to set special zoning requirements to selected tax parcels meeting certain criteria, which supersede zoning regulations already in place. A recreational overlay would emphasize the importance of recreational activities in a given area, encourage their development, and provide the opportunity to preserve and protect sensitive wildlife habitat.

An overlay district cannot be put into effect, however, until it is recorded on the official zoning map. This, consequently, requires application by the property owner for a zoning map amendment. The applicant must demonstrate the parcel(s) meet minimum requirements for the overlay, provide a management plan, and then submit documentation to the ZHB. If approved, the applicant will receive special permit approval from the ZHB. Annual renewals of the special permit and other requirements may be required to maintain the overlay's status.

Again, we stress the zoning question must be addressed before development of a recreational area is pursued. It is our opinion that a use variance may be the most suitable approach for addressing the zoning issue. It allows for development to occur

<sup>&</sup>lt;sup>3</sup> Because legal ownership of the facility will depend on the type of ownership model chosen (i.e., public, private, nonprofit), we use the term "Owner" to mean the entity, person(s), or board entrusted with the highest level of management, operations, and/or decision-making for the facility.

beyond currently defined use (i.e., mining), but also aligns with the character of the land, which already is used extensively for motorized recreation, albeit illegally.

In pursuing a use variance, an attorney should be consulted. Generally, application includes:

- Develop conceptual plans that lay out <u>in detail</u> planned activities and facilities within the park and are <u>specific to each identified parcel</u>. Items for inclusion would likely include trails, parking lots, restrooms, office and maintenance buildings, campgrounds, picnic areas, training and/or event areas, service shops/retail venues, or other structures. The aim is to be as comprehensive as possible, including all immediate and future uses.
  - During this process, the applicant should consult with the Luzerne County Planning & Zoning Department. A final draft of the concept plan(s) will then be submitted to them for review <u>before</u> the use variance application is made. Department staff will identify concerns, highlight issues, and suggest revisions before final application.
- After addressing all items raised in the draft review, a formal use variance
  application can be completed. In addition to the park schematic, it should include
  a narrative summary detailing physical considerations (e.g., stormwater
  management, noise and buffers, trail maintenance), as well as operational issues
  (e.g., business plan, park rules and regulations, insurance coverage, proposed
  activities and events). An application fee will be required.
- The final application is submitted to the ZHB for review. In Luzerne County, the ZHB is comprised by three members, appointed by the County Council. At the time of writing, meetings are held the first Tuesday of every month at 7:00pm. The application deadline should be verified to ensure action can be taken on a given meeting date. Based on this deadline, the ZHB also notifies adjoining property owners of the use variance request. ZHB meetings are open to the public, and any comments received can be considered in the approval or denial of the application. As stated, the ZHB may also attach conditions on the variance approval to address the concerns.
- Note: A use variance application is a one-time request. If changes to the use variance were necessary, the entire process would need to be repeated. Therefore, the use variance application should 1.) be prepared with the direct involvement of the future owner/developer; 2.) include all acreage anticipated for the park footprint (again, at present and in the future); and 3.) delineate all potential uses for each parcel under consideration.

Having EC spearhead the variance/re-zoning/overlay process should be considered, as it will kickstart the project. Regardless, because of differences among ownership/management models, all options should be thoroughly explored.

Finally, we recommend any proposed zoning modifications reference the recently adopted *Lackawanna-Luzerne Regional Plan* (Michael Baker Intl., 2021), as the envisioned OHV/adventure area could directly support several of its goals. These include

land preservation and physical connections to the outdoors, with the specific remark: "Increasing recreation is a positive trend that will hopefully garner increased support for expansion of the trail network to help meet current and future demands" (p. 64). To help realize the stated goals, it was suggested planners contain development to core areas, revitalize properties for new uses, and encourage "less intensive development" in natural areas that "clearly take advantage of scenic vistas and are focused on natural resource preservation" (p. 122), each of which is highly applicable to an OHV park.

#### 4.D Land Ownership

While ownership and management models will be described further in Section 5, it should be noted here that EC's parcels – totaling  $\pm 2,500$  acres – are able to be conveyed to a new owner now (pending appraisal, valuation, negotiation, and sale through a typical real estate transfer). A fee simple purchase, with long-term control of the property, is preferred. As discussed, addressing zoning for parcels currently classified as MI and CO should be the first priority, and can be made part of an agreement of sale.

Other parcels included in the study area, but not owned by EC, either will need to be purchased by the same entity, or made useable for recreation under a formal lease agreement or permanent easement.<sup>4</sup>

- Lease Agreement: A land lease is an arrangement in which a landowner (lessor) rents out his/her land to a tenant (lessee). In this case, a long-term lease is preferred so that project investments are in place long enough to generate returns. This is especially true if grant monies are used, as the minimum lease term for DCNR is 25 years. Any lease should clearly describe the land area that is the subject of the agreement; and should have the option of renewal, with clear terms for renewal, extension, and/or transfer.
- **Permanent Easement:** A permanent easement is another option, permanently allowing an individual access to and/or use of land not owned by him/her. It can be modified to include or exclude certain areas, which is particularly useful in this situation for properties still being mined. Actively mined areas can be designated as off-limits; inactive areas can be opened to trail use. Furthermore, a permanent easement is attached to a parcel's deed, staying in place through subsequent changes in ownership.

Coordination with multiple landowners poses both opportunities and challenges to the OHV park concept. Acquiring a permanent easement may be the best alternative to purchasing the land outright. Landowners may desire to keep mining/mineral rights. If sufficient deposits were found, areas could be plotted, signed, and patrolled; and mining activity could resume. An OHV facility would be responsible for informing visitors of off-limits area/trail closures. Patrons would be required to abide by all cautions.

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<sup>&</sup>lt;sup>4</sup> Operation of motorized vehicles within the Pinchot State Forest currently is not allowed. This topic is discussed further in Section 6.3 (Phase 3).

## 4.E Development

Once zoning and ownership are settled, work can begin on design and permitting for a recreation area. There are many considerations, including concurrent land uses, the zoning code, and development permits.

#### **Concurrent Land Uses**

Coordination with parties holding existing covenants, easements, and rights-of-way (ROW) will need to occur to avoid interfering with specified rights. For example, a ROW for a UGI transmission line bisects the study area, from north to south. Based on discussions with the utility, it is believed that continuation of limited and specific surface crossings of the ROW will be allowed. However, this needs to be confirmed with the utility and explicitly detailed in future design and during the permit phase. Similarly, mining operations are active in some areas and hauling permits in place. Mining land, facilities, and operations fall under the US Department of Labor's Mine Safety and Health Administration, DEP, and other state/local regulators. Special guidelines and regulations will apply.

Finally, the potential for other projects in the area should be considered, as it may affect trail/facility design. The rail line along the northern edge of the site remains active and private property owners may consider other types of development. For example, EC has had discussions with several developers for solar photovoltaic projects in the Newport Township. A large natural gas-to-gasoline plant is also proposed in the area, affecting the available land; however, there may be certain areas when OHV use is allowed. As part of the due diligence process, a potential owner should investigate current and possible land uses, and ascertain if there are opportunities and advantages in shared land use.

#### **Code Compliance & Permits**

As design activities proceed, all proposed land uses, infrastructure, and facilities will be subject to Luzerne County planning and zoning regulations; as well as municipal subdivision and land development ordinances. Standard approvals and permits will also be required by DEP, DCNR, and the Luzerne Conservation District (LCD), among others. Common approvals/permits include:

#### Local

• Subdivision & Land Development Ordinance (SALDO): Under the jurisdiction of Luzerne County, SALDO outlines design standards for land development projects (e.g., streets, sewer, stormwater). If a project includes such improvements, plans must be developed by a professional engineer. Because development for an OHV facility is likely to occur in phases, this process can remain flexible based on time and selected improvements. Variances may also be requested. Because the project area involves multiple parcels, the future owner may want to consider merging the properties through a subdivision, which may help eliminate zoning issues such as property line setbacks or minimum lots sizes.

Both subdivision and land development can be considered in one application.

- Erosion and Sediment (E&S) Control Plan: E&S plans seek to estimate, plan for, and reduce sediment leaving a site during construction activities (e.g., through rainfall, erosion), or after a project is completed (e.g., amount of impervious material used). Plans must meet state requirements. While plans are required whenever disturbance activities are ≥5,000 sq. ft., formal LCD approval is only required of the disturbance is ≥20,000 sq. ft. (unless required by the municipality or DEP). Usually, the SALDO process requires an approved E&S plan.
- National Pollutant Discharge Elimination System (NPDES) Plan: NPDES permits depend on the type of watershed in which a project will occur. General permits are typically reviewed and approved by the LCD. Individual permits require approval through the DEP regional office. The Newport Creek, Black Creek, and Turtle Creek are Cold Water Fisheries and will likely require only a general NPDES permit. Typically, an approved NPDES permit is required for SALDO approval. Additionally, if earth disturbance (as discussed in relation to E&S plans) exceeds one acre, an NPDES permit will be required.
- Stormwater Management Plan Approvals: Similar to E&S plans, stormwater management plans are required by LCD and the Luzerne County Planning Department to explain how runoff will be addressed during construction and after a project's completion. As detailed in Table X, there are four categories of approvals, based on earth disturbance and/or impervious material placed:

Proposed Impervious Area (sq. ft.)	Proposed Total Earth Disturbance (sq. ft.)	Ordinance Exemptions	Stormwater Management Requirements	What is required to submit to municipality?*
< 1,000	< 5,000	Section 303, Section 304, and Article IV of this Ordinance	Ensure Section 301. General Requirements are met	N/A
1,000 to 5,000	5 000 to 10 000	Section 303, Section	Disconnected Impervious Area (DIA) as in Ordinance Appendix C.1	Ordinance Appendix C.1 Worksheet and Sketch (or equivalent) OR
1,000 to 5,000	5,000 to 10,000	304, and Article IV of this Ordinance	Capture and control first 1 inch of runoff over proposed impervious areas as in Ordinance Appendix E	Ordinance Appendix E Worksheet and Sketch (or equivalent)
5,000 to 10,000	10,000 to 20,000	Section 304 and Article IV of this Ordinance	Capture and permanently remove the first 2 inches of runoff over proposed impervious areas as in Section 303 B. of this Ordinance	Ordinance Appendix D Worksheet and Sketch (or equivalent)
> 10,000	> 20,000	None	All requirements of this Ordinance	SWM Site Plan

Table X: Stormwater Management Requirements and Exemptions from the *Luzerne County Stormwater Management Plan* (p. II-28).

In relation to this project, a developer should be aware that in Luzerne County, impervious surfaces not only include things like pavement, patios, and roofs, but also gravel surfaces such as paths and trails.

• Building Permits / Americans with Disabilities Act (ADA) Approvals:

Newport and Conyngham Townships each have code enforcement officers who review building permits for any new permanent structure (e.g., office building, permanent restroom facilities, building additions). All proposed structures must follow the Pennsylvania Uniform Construction Code. Compliance with the ADA Title III (Universal Design) is also reviewed. Accessibility accommodations are of particular importance if grant funding will be sought. Building permits cannot be issued for new construction unless both zoning and sewer permits have been approved.

#### State

- Chapter 105, Wetland & Waterway Obstruction and Encroachment General Permits: Whenever a stream, floodplain, or wetland is impacted by disturbance, a Chapter 105 permit is required. For projects that do not pose a significant threat for flooding or to the environment (e.g., a small dock, a temporary or minor stream crossing), a general permit may be acceptable. These applications are reviewed by the DEP regional office. Projects that do not qualify for a general permit due to size or location, for example require a joint permit. Applications for joint permits are classified as either a "Small Project," where the impacts are smaller and do not require detailed studies or engineering calculations; or "Standard," which involve analyses of things like environmental resources, hydrologic and hydraulic systems, and project alternatives, among others. Any project located in a wetlands area requires a standard application. A professional engineer would be required for the permitting process.
- Pennsylvania Sewage Facilities Act (Act 537): Sewage facility planning approval is a requirement of the SALDO process. If existing sewage facilities are available <u>and</u> the property proposed for development is part of the sewage planning area, an exemption can be applied for. This is done through a Sewage Facilities Planning Module mailer.
  - In this case, there is a 15-inch municipal sewer line along SR 3004 near the entrance to St. Nicholas Cemetery and across from EC's compost facility. The Sewage Facilities Planning Module first would be submitted to Newport Township. If the township agrees it meets exemption requirements, the application is forwarded to the DEP regional office for final approval. If it does not, a separate sewage planning module may be required.
- Pennsylvania Historical & Museum Commission (PHMC) Review: Projects receiving funding through state agencies typically require a PHMC review to ensure archaeological sites/historic resources are protected. More recently, it has

been proposed that <u>any project requiring a state permit or approval</u> must submit information to PHMC, unless exempted. Coordination with PHMC may also be required for projects using federal funds or federal permits, based on federal statutes.

• **PNDI Review:** A PNDI environmental review, which identifies any threatened or endangered species (plants or animals) in or near the proposed project area, is required for several permits, including NPDES, Chapter 105, and sewage planning. If species of concern are found, a developer would need to consult with the agencies identified in the PNDI in order to avoid/mitigate negative impacts.

For the Newport Township project, the Indiana bat (endangered) is found within the study area. One common conservation measure is to perform tree clearing activities only from November 15 to March 31.

- **Highway Occupancy Permit (HOP):** West Kirmar Avenue (SR 3004) is a state highway, and as such any proposed access from a park to the road requires an HOP. HOPs fall into four categories, depending on volume of traffic on the roadway:
  - Minimum Use: ≤ 25 vehicles per day (VPD)
  - Low Volume: between 25 and 750 VPD
  - Medium Volume: between 750 1,500 VPD
  - High Volume: > 1,500 VPD

HOPs are reviewed and approved by the district DOT office (here, District 4-0). Traffic projections and HOP plans would need to be developed by an experienced professional engineer. Specific requirements will depend on the traffic volumes predicted. At a minimum, improvements will likely be required in relation to West Kirmar Avenue (e.g., curbing, lane striping) and signage.

Because of legacy mining features in the study area, it is likely that OSMRE and/or DEP BAMR will be involved. Future owners will want to evaluate remnant mine features and plan for barring access (or their remediation). Also, as established in Section 2.C, environmentally-sensitive areas that may host species of concern (e.g., the bat hibernaculum) must be protected and/or excluded from visitor traffic.

Finally, plans should include ways to enhance and/or improve upon the area, where possible. For example, waterways of concern could be protected. Some areas might include interpretive panels highlighting environmental or historical features, especially those related to the mining industry. Planting programs could be implemented, seeking to rehabilitate mine-scarred areas and reestablish native species.

# SECTION 5 Organizational & Management Structures

As described in prior sections, there are multiple, timely factors that support development of an OHV recreation area in Newport Township:

- **High Demand/Low Supply:** Pennsylvania, and Luzerne County particularly, are among the highest in the country for OHV sales and registrations, but among the lowest in public trail miles for OHV use.
- Suitability of Location: The lands targeted for this feasibility study have been identified by DCNR as highly suitable for motorized recreation. Moreover, a highly-developed trail network already exists within the study area.
- Environmental Management: While much of the study area is comprised by legacy mine lands, other parts are naturally being reforested, and still others contain sensitive species and ecosystems. Development of a managed OHV facility creates the opportunity to attend to mining impacts, mange areas of OHV use, and thereby keep motorized vehicles out of areas of concern.
- Economic Development: As established in Section 3, outdoor recreation is one of Pennsylvania's biggest economic generators. Moreover, OHV riders have expendable income and are willing to pay for quality, legal riding opportunities. An OHV recreation area in Newport Township would not only keep Pennsylvania residents in-state, but also draw out-of-state visitors to enjoy what northeastern Pennsylvania has to offer.

Beyond these already favorable elements, a fifth element recommends action on an OHV/adventure area now: In addition to the usual allocation of funds from DCNR's C2P2 grant program, significant monies have become available through the Bipartisan Infrastructure Law and the American Rescue Act, both of 2021, some of which specifically target legacy mine lands and outdoor recreation. This influx of new funding could be pivotal in moving plans forward.

With this in mind, we offer an overview of selected OHV parks operating successfully within the state, which can serve as a starting point to consider the opportunities and challenges of different organizational and management structures.

## 5.A Organizational & Management Models

For the purposes of this study, ownership and management arrangements fall into three primary categories: those owned by a government entity, those owned by a nonprofit, and those privately owned. Subsets of each category are further detailed below.

#### 5.A.1 Government

Precedent models for government ownership of OHV trails and facilities exist for the federal, state, and local levels. If a governmental entity moved forward with the project, the park would be owned by that entity, considered a public asset, and thus be required to be available to the general public. Although we provide examples of park ownership at each level, the most applicable models in this situation would be via the state or county:

**State:** State parks and forests are regulated by all rules, policies, and restrictions set by the Commonwealth. Moreover, their use must support DCNR's mission to "conserve and sustain Pennsylvania's natural resources for present and future generations' use and enjoyment." Although the state-owned land is considered public property, that does not mean it is freely accessible. User fees may be charged. General funding – derived through taxes – would also provide financial support.

**County:** Counties have the ability to purchase, hold, manage, and dispose of land; levy and collect authorized taxes; and make and enforce local ordinances that do not conflict with general laws. Luzerne County is governed by a home rule charter, with 11 elected council members. Day-to-day operations are performed by the appointed county manager. Were the county to proceed with a facility, it would be responsible for all management, operations, and maintenance, as well as its financing.

**Authority:** An authority is a governmental entity – usually comprised of several municipalities or agencies – that is established to manage and finance specific public projects. Through this, the authority is not subject to general taxing of the affiliated municipality. Independent action by a municipality in regard to the authority is limited. Authorities often have a governing body, with representatives from the municipalities involved.

Based on our research and analysis, Luzerne County would be the most unlikely government entity to pursue an OHV facility, due to the staff and financial commitments required. The authority model, while well-established, may prove difficult due to the number of municipalities involved. As the Commonwealth of Pennsylvania is the largest landowner in the study area, it is the most likely type of governmental entity to own/operate an OHV park, presumably through DCNR.

#### **Example Models**

• Federal / National Park Service / Allegheny National Forest Forest, Warren, Elk, and McKean Counties, PA

Established in 1923, the Allegheny National Forest (ANF) is Pennsylvania's only National Forest. Within it, there 109 miles of trails open to motorized recreation; approximately 76 miles are interconnected. Expansion of OHV trails within ANF is unlikely due to its limited acreage and several conservation initiatives. However, consideration has been given to linking these trails into routes in

adjacent counties. Regardless, there is little chance the study area would be incorporated into the National Forest System.

Miles of Trails: 109

**Vehicle Fees:** \$10/day, \$35/annual

**Seasonal Schedule:** Open from Memorial Day weekend through September

**Hours of Operation:** 24 hours

Website: https://www.fs.usda.gov/activity/

allegheny/recreation/ohv

#### State / DCNR Bureau of Forestry Various Locations

Eleven of Pennsylvania's state forests contain motorized recreation areas. These are managed and maintained by DCNR. Additionally, DCNR is in the second year of its ATV Regional Trail Connector Pilot. Located in northcentral Pennsylvania, it provides a new, 264-mile network of OHV-friendly routes using township, PADOT, and DCNR roads. Each governing authority is responsible for trail/route oversight within its boundaries.

Finally, although in the early planning stages, DCNR recently announced the acquisition of 5,600 acres that will be turned into an area for motorized recreation in the Weiser State Forest (Schuylkill and Luzerne Counties). Known as the Catawissa Recreation Area, the state will own the land and lead planning activities; however, a private entity will be contracted for most management and operations/maintenance activities.

Miles of Trails: 260 (connector trails excluded)

**Vehicle Fees:** For connector system, \$10/day, \$35/annual; otherwise,

only general Pennsylvania registration is required

Seasonal Schedule: Open from Memorial Day weekend through September

Website: <a href="https://www.dcnr.pa.gov/Recreation/What">https://www.dcnr.pa.gov/Recreation/What</a>

ToDo/ATVRiding/Pages/default.aspx

## Local Authority / Anthracite Outdoor Adventure Area (AOAA) Northumberland County, PA

Located outside the small city of Shamokin, AOAA encompasses 6,500 acres, much of it mine-scarred. The land is owned by Northumberland County. An authority was established in 2013 to lease the property for motorized *and* non-motorized recreation, as well as to actively control illegal OHV use in the area. The authority, which is led by a board of directors, oversees all management and operations for the facility. This includes paid staff and large events. AOAA also partners with organizations to address environmental issues on the site, such as through trash cleanups, reclamation and AMD mitigation projects, and tree plantings. A more detailed discussion of AOAA is included in Appendix X.

Funding Notes: As a quasi-governmental entity, AOAA is eligible to apply

grants. It has received over \$10 million in assistance from DCNR through the C2P2 program.

Acres: 6,500 Miles of Trails: 210

**Vehicle Fees:** \$35/day, \$200/annual; additional fee for passengers;

multi-day packages and resident rates available

**Seasonal Schedule:** open year-round, except during specified periods for

hunting season

**Hours of Operation:** 9:00am – 6:00pm

Website: <a href="https://www.aoaatrails.com/">https://www.aoaatrails.com/</a>

#### 5.A.2 Nonprofit

To begin, the Internal Revenue Code (IRC) recognizes nearly 30 types of nonprofit organizations, all of which fall under the 501(c) designation (26 USC §501(c)). Nonprofits generally have a central, guiding mission. They are also managed by a group (i.e., a board of directors). No one individual can benefit directly or indirectly from the organization's activities; any financial benefits or deficits are consigned to the nonprofit itself.

In this case, there are two relevant nonprofit classifications:

- Social & Recreational Clubs, 501(c)(7): According to the IRC, organizations in this category are "clubs organized for pleasure, recreation, or other nonprofitable purposes." All activities of the club would need to further this stated interest. A leadership team, established in accordance with the club's by-laws, would be responsible for management decisions. Participation in the club would require membership (e.g., annual dues), with members agreeing to abide by the rules and expectations set out in the club's organizing documents. Under this model, a park's facilities and services would be restricted to members and their guests only.
- Charitable Organizations, 501(c)(3): Generally, charitable organizations must be "organized and operated exclusively for religious, charitable, scientific, literary or educational purposes." The IRC also includes categories for public safety, amateur sports, and societal benefit. Like with a 501(c)(7), no individual can benefit directly or indirectly from a 501(c)(3)'s operations. Furthermore, although fees may be charged, access would not be restricted to members only. A board, established in accordance with the organization's by-laws, would be responsible for all management decisions. However, day to day decisions could be entrusted to a park manager.

To obtain nonprofit/tax-exempt status, numerous steps are required early on. These include:

• **Articles of Incorporation:** A document filed with the Pennsylvania Department of State to legally create an organization. Through it, the organization's name is

formally registered. Moreover, it limits the personal liability of the directors and members.

- **By-Laws:** By-laws establish the regulations and rules for an organization's operation. By-laws would likely include a definition of the organization's purposes; a non-discrimination statement; qualifications and roles of the board of directors; and procedures for initiating transactions or agreements on behalf of the organization, among others.
- Tax Exemption: Once an organization is legally established through approval of its Articles of Incorporation, it can then apply to the Internal Revenue Service (IRS) for tax-exempt status, which will allow the organization to conduct financial activities without being subject to taxation. Moreover, the organization can solicit charitable contributions.
- Charitable Organization Status: After receiving tax exempt status form the IRS, an organization should then register with the Commonwealth of Pennsylvania's Bureau of Charitable Organizations. This not only allows the organization to legally solicit contributions within the Commonwealth, but also is required for state grant eligibility.

We recommend that if a nonprofit structure is considered, professional guidance be sought in selecting the most suitable designation, applying for tax-exempt status, and ensuring compliance with IRS requirements.

#### **Example Models**

 Private Club / Indian Creek Valley ATV Club Fayette County, PA

Formed in 2000, Indian Creek Valley ATV Club (ICVATV) operates as a 501(c)(7), classified as a community recreational center. The club leases 796 acres from 12 property owners, and owns and additional 163 acres, part of which was purchased through its own funding.

As a 501(c)(7), oversight is handled by a five-member board, one of whom is responsible for membership activities. Membership is in the private club is required to access the trails. Currently, there are 255 family memberships, including 543 riders and 395 machines. Trail maintenance is completed by the membership. Discounts are given to those who assist with upkeep.

**Funding Notes:** The 501(c)(7) designation does limit the types of grants the club can pursue. That said, ICVATV has secured several C2P2 grants from DCNR, as well as grants from Polaris, among others.

Acreage: 950 Miles of Trails: 40

**Vehicle Fees:** \$95/annual; multi-vehicle packages available

**Seasonal Schedule:** open year-round, except for hunting season restrictions

**Hours of Operation:** dawn to dusk

Website: <a href="https://www.icvatv.com/">https://www.icvatv.com/</a>

#### Rock Run Recreation Area Cambria & Clearfield Counties, PA

Although similar to AOAA in that the majority of its land is leased from a government entity (Cambria County Conservation & Recreation Authority), Rock Run operates as a 501(c)(3), classified as a park or playground. This allows the organization to pursue grants. Oversight is provided by a 12-member board of directors. Daily facility operations are performed by seven paid employees, with two board members leading most of the daily facility operations. Rock Run host several large-scale events during the riding season, which include music, food, vendors, and guided night rides. The Summer Blast, in particular, is sponsored by Yamaha. A more detailed discussion of Rock Run is included in Appendix X.

**Funding Notes:** As a nonprofit, Rock Run is eligible for grants. It has received over \$10 million in assistance from DCNR through the C2P2 program.

Acreage: 5,800 Miles of Trails: 140

**Vehicle Fees:** \$20/day, \$140/annual; special event pricing and

multi-day and family packages available

**Seasonal Schedule:** April through October, 3 - 5 days/week

**Hours of Operation:** 9:00am – 7:00pm

Website: https://www.rockrunrecreation.com/

#### 5.A.3 Private

Private ownership means an owner is not legally associated with any governmental entity or any nonprofit organization. All management policies and decisions would be made in accordance with the owner's priorities. Any financial benefits or obligations would inure solely to the owner. The main advantage of this model is that responsibility for the facility would not be borne by the community. This also means, however, that the community has little to no input into park operations.

#### **Example Models**

Private Corporation / Famous Reading Outdoors (FRO)
 Northumberland, Schuylkill, & Carbon Counties, PA

Formerly run by Reading Anthracite, FRO became its own subsidiary company in August 2017. FRO boasts 20,000 acres of OHV trails. Like AOAA, much of them are on mine-scarred land. Although in noncontiguous parcels, the size, diversity, and challenge of the trail network draws a considerable customer base, attracting an estimated 175,000 visits/year (Graham, 2021).

Like any for-profit entity, FRO is responsible for sustaining itself through fee-

based services and activities. One primary avenue is through membership sales, which technically are permits given to an individual for specific land use(s). In addition to motorized recreation, mountain biking, hiking, and hunting require a permit as well.

FRO has a strong marketing presence with both large-scale, sponsored events and club-type meetups throughout the year. New properties are acquired/opened annually for riding. And they also are in the process of constructing a new, 10,000sF campground office and welcome center. All of these helps keep interest high and encourage repeat (and extended) visits to the park.

**Funding Notes:** Although FRO operates on a conventional business model, at one point it did receive a grant from DCNR to prepare a master plan (for-profit enterprises are eligible for Motorized Trail and ATV Project funding). However, FRO ultimately returned the funding due to contractual considerations (e.g., time involved, long-term obligations) and prepared the report in-house.

In 2020, FRO partnered with New Castle Township to seek funding for the aforementioned welcome center through DEP's Abandoned Mine Land Economic Revitalization (AMLER) Program. The project will reclaim the priority mine features on the site prior to building construction. It is estimated 10-20 jobs will be created.

Acreage: 20,000 Miles of Trails: 650

**Vehicle Fees:** \$225/annual; \$50/passenger

**Seasonal Schedule:** Open year round **Hours of Operation:** Dawn to dusk

Website: <a href="https://readingoutdoors.com/">https://readingoutdoors.com/</a>

#### Private Multi-Owner / Mountain Ridge ATV Park Somerset County, PA

Mountain Ridge, which is near the Flight 93 National Memorial, is framed as a recreational resort. The park accommodates a range of OHVs, with 40 miles of trails specifically tailored to motorbikes. It also has numerous camping areas (with and without electrical hookups) and several cabins.

The resort is owned by a group of private investors, who combined resources to found the facility. No outside resources, grants, etc., were employed. Operations are primarily funded through day and annual passes, but large group events are also held, including regular night rides. The main campus features an office, maintenance building, showers, and a pavilion, with paid staff. Because of their popularity, camping areas continue to expand annually.

**Funding:** Generally, Mountain Ridge has funded itself through its operations. However, it has received modest assistance through the Laurel Highlands Tourism Grant Program.

Acreage: 3,000 Miles of Trails: 150

**Vehicle Fees:** \$30/day; \$275/annual; multi-day and family packages

available

**Seasonal Schedule:** generally, May through October generally, 9:00am – 6:00pm

Website: https://www.mountainridgeatvtrails.com/

## 5.B Organizational Structure Recommendations

Each of the preceding OHV parks are well-established, successful ventures. They have not only been operating for years (some for decades), but also have built up their facilities as user demand has grown. All of them, excepting the ANF trail system, should be considered by a potential developer as potential models for a park's organization. That said, based on our analysis of the current situation, three models appear to be the most feasible. In order of suitability, they are state ownership, private ownership, and ownership by a nonprofit.

#### **State Ownership**

DCNR's plan for the Catawissa Recreation Area (CRA) provides an exemplary model of how a public/private partnership can work. The Newport Township area not only boasts similar mine-scarred features desired by OHV enthusiasts; but it also has interested collaborators, completed analyses, a robust trail network, and abuts thousands of acres of state forest land. It presents an excellent opportunity for addition to the state's motorized recreation portfolio. More specifically, the state-ownership model is the most suitable because:

- 1. As documented in DCNR's own *Suitability Study*, the study area including property in the Pinchot State Forest is classified as highly suitable for motorized recreation use.
- 2. DCNR, already owning nearly half the land in the study area, would provide the best means for cohesive operations across all properties. Were they to purchase the remainder of the land holdings, questions regarding boundaries, rules and regulations, and liability could be addressed as a unified whole. Challenges regarding zoning and permitting also may be lessened if the property is under state-control.
- 3. EC already has an established partnership with DCNR, having conveyed over 5,000 acres into the Pinchot State Forest, much of it within the study area. EC would be amenable to continuing this collaboration in regard to its other Newport Township properties. Similar agreements may be established with the other major land owners in the study area to provide connectivity.

- 4. As with other amenities/facilities run by DCNR, the agency can charge fees for public use of a trail system. This funding stream will be important to offsetting operation and management costs.
- 5. Like with CRA, an OHV park in Newport Township can involve multiple state agencies to produce a variety of environmental, economic, and community benefits, especially true when revitalizing mine-scarred lands. Again, if the Commonwealth is the primary owner, collaboration among agencies may be simplified.
- 6. Using the entire study area for recreation (motorized *and* non-motorized) increases the likelihood of visitors staying longer and coming more frequently, thereby boosting the area's potential as a tourist destination. Higher visitation can correlate with greater economic impacts, as restaurants, fueling stations, specialty stores, and hotels will see more traffic.

#### Challenges to the state-ownership model include:

- 1. Currently, the Pinchot State Forest does not allow motorized recreation on its property. We believe, however, policy for these properties can be amended. The lands are defined as suitable and, as with CRA, are minescarred and have an existant trail network. Moreover, DCNR has the expertise to provide oversight to *all* recreational offerings in the study area, allowing it to become a top asset in the state's recreational system.
- 2. Operational demands of an OHV facility especially with the large acreage under consideration are likely beyond DCNR's current capacity. This may necessitate use of an external private contractor to handle management and operations (as is being done at CRA).
- 3. Although a fee may be charged under state ownership, the trail system must be accessible to the general population.
- 4. The Commonwealth may be uninterested in adding, upgrading, and/or holding specialty features and events (e.g., motocross, mud bogs, jeep crawls), which can attract a larger OHV population.

#### **Private Ownership**

Private/corporate ownership is the second recommended avenue for an OHV park in Newport Township. As seen with FRO, the private, for-profit model has proven highly successful. Part of this, however, rests on the capital (land *and* finances) initially provided by the parent company (i.e., Reading Anthracite). Unquestionably, as seen with the forfeited planning grant, there are benefits to this arrangement: Corporations can proceed on their own timetable, and react more nimbly to changing circumstances. Yet those initiatives, for the most part,

must be self-funded. Grants for for-profit enterprises are limited. In light of this, a private owner:

- 1. Is more likely to have experience in/resources for operations and management, thereby getting a facility up and running more quickly. Similarly, this expertise may lend itself to hiring and training adequate staff.
- 2. May be more likely to provide specialty activities (e.g., motocross, mud bogs) and added amenities (e.g., training programs, pro shops), especially in response to visitor feedback. Such responsiveness may be more difficult if oversight is provided by a state agency or nonprofit board.
- 3. Can limit access through fee and registration requirements.
- 4. Can self-finance the facility and its growth based on revenue stream. Loans may also be considered.
- 5. Can attain and manage easements and land use agreements with private properties in informal annual renewals.

Challenges to the private-ownership model include:

- 1. Because there are multiple landowners, securing all of the acreage in the study area may be difficult. Easements or land purchases will be required, and adjoining property owners may be less willing to participate without legal or financial assurances from the owner.
- 2. Similarly, access to the Pinchot Forest will need to be obtained and, if possible, highly coordinated. If DCNR chooses to make these lands available for motorized use, agreements would need to be established regarding numerous issues including:
  - liability and insurance coverage
  - permitting, licensing, and registration
  - crossover of riders and access control
  - patrolling
  - trail maintenance
- 3. With multiple landowners public and private deterring trespassing will be a priority. Delineating boundaries will be crucial to making clear where activities are allowed or not. Trespassing has the potential to increase liability and decrease public support.
- 4. Extensive staffing will be required for management, maintenance, and patrol, which, even with paid users, will be a financial demand.
- 5. Although several entities have expressed interest in the park during the study period, no formal proposal has been submitted.

#### Nonprofit Ownership

Third, a nonprofit model is recommended for consideration. In this scenario, an organization, led by a board of directors, would purchase land and/or establish lease agreements with adjoining property owners. Rock Run Recreation Area demonstrates how an OHV park can thrive as a nonprofit entity. For 501(c)(3) status, an organization must have a dedicated mission and board oversight; and its earnings must be used solely for the advancement of its mission. Thus, rather than individual owners benefiting from profits, monies are plowed back into supporting operations. The organization would be responsible for oversight, management, and operations, and maintenance, which could be handled by paid staff and/or volunteers. Depending on the type of nonprofit formed, the organization may be eligible for a variety of grants (see Section 7.C for a list of funding opportunities). Grants, however, are time-sensitive, competitive, and often require a match. There is also much legwork involved, including mandatory reporting. These factors should be considered in estimating the personnel and financial demands that will be required.

#### Advantages of this model include:

- 1. Geared toward slow, cautious growth, with funding derived through membership fees.
- 2. Can limit access through membership/fee requirements.
- 3. Does not have to accommodate general/public interests; thus, has the potential to furnish niche services according to membership demands.
- 4. Lower to no staffing costs, depending on use of volunteers.
- 5. Can attain and manage easements and land use agreements with private properties in informal annual renewals.
- 6. Depending on type of nonprofit, may have access to grant funding.

#### Challenges to the nonprofit model include:

- 1. Will require a substantial capital investment for land purchase, which will be harder to raise on the nonprofit/club level.
- 2. Does not have to provide trail access for the general public.
- 3. Membership may fluctuate from year to year.
- 4. Assuming a limited budget,
  - There will be a heavy reliance on volunteer staff/in-kind services;
  - Regular fundraising initiatives will be required;
  - Insurance premiums will be a significant expenditure; and
  - Expansion can occur only when resources allow.

- 5. Securing access to adjoining properties may be difficult, especially in the beginning when staff and financial resources are limited, and the organization is unproven. Maintenance and security will require extensive coordination and assurances. This may be of particular concern to DCNR, if they agree to participate.
- 6. If access agreements are annual, trail gaps may occur due to changes in property owners or their interests.



# SECTION 6 Concept & Phased Implementation Plans

## **6.A** General Concept Plan Considerations

The goal of this feasibility study is to provide a high-level investigation into the potential for an OHV recreation park in the study area. Much of it concerns understanding the land, its resources, community and market interests, and potential opportunities and challenges. From that we can offer a vision as to what that facility may look like. The following concept map (Figure X) details a potential park layout for the entire study area. Individual, pull-out versions follow.

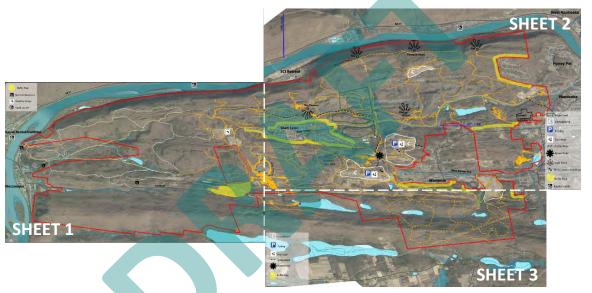
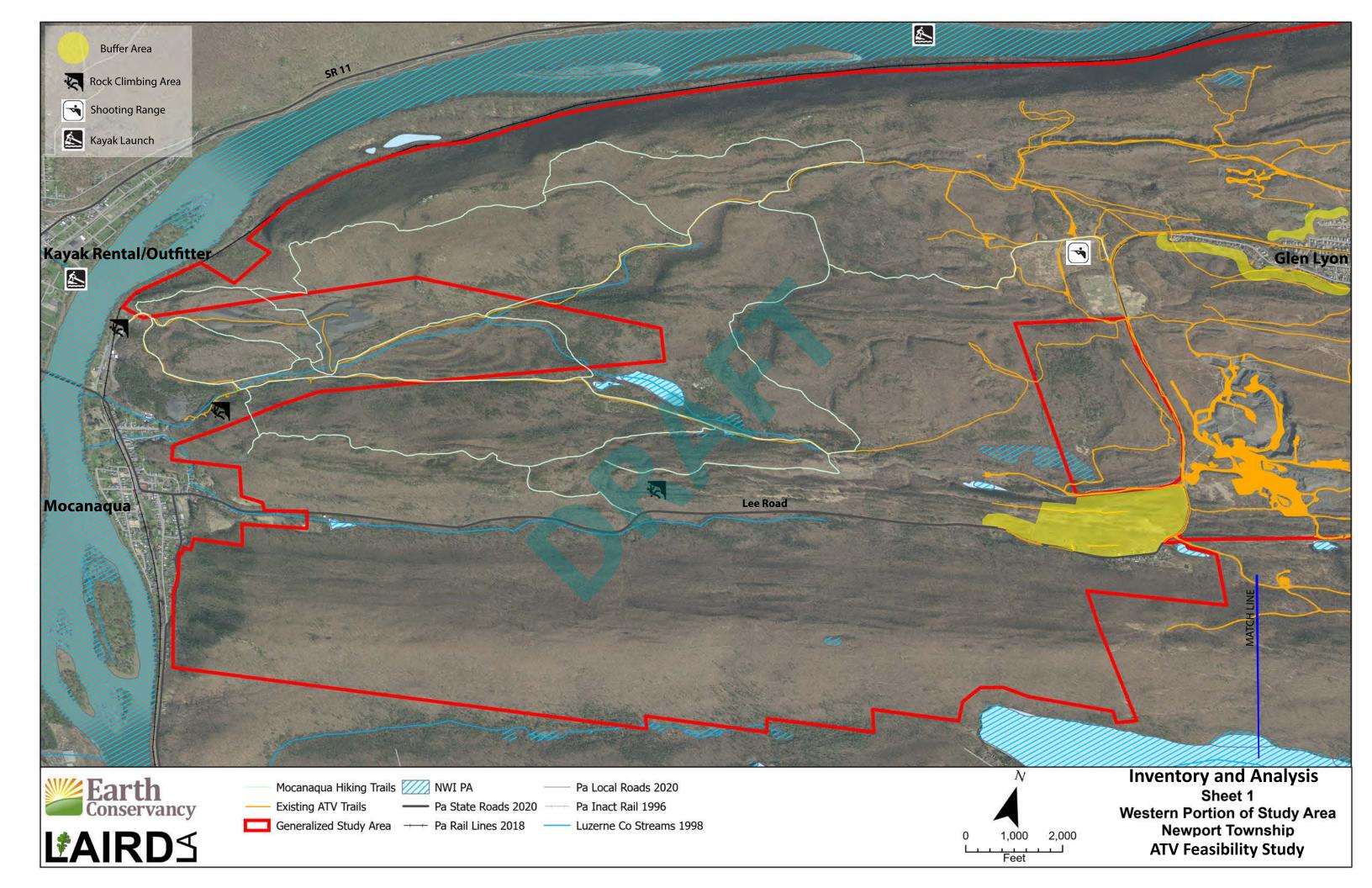
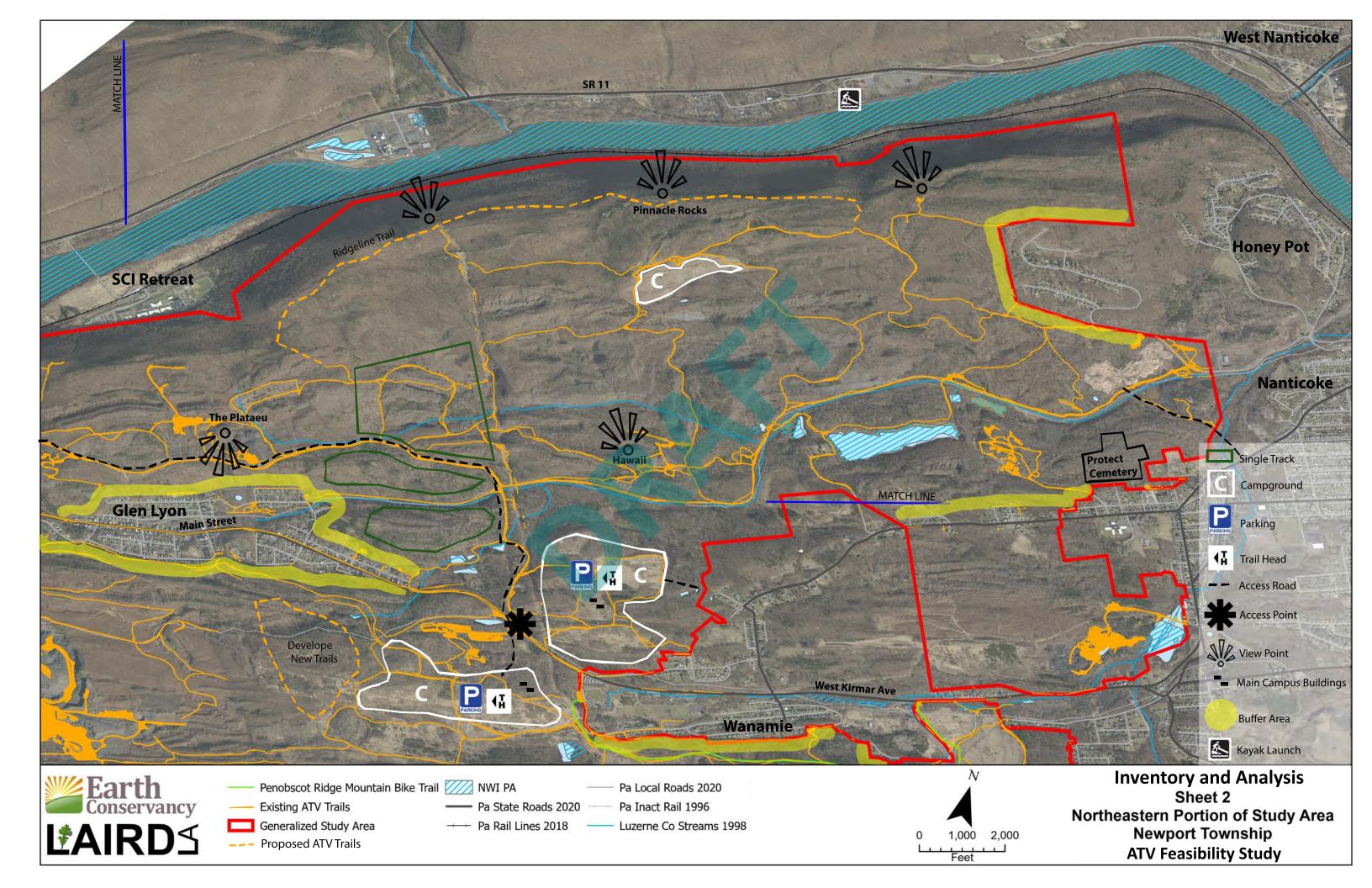


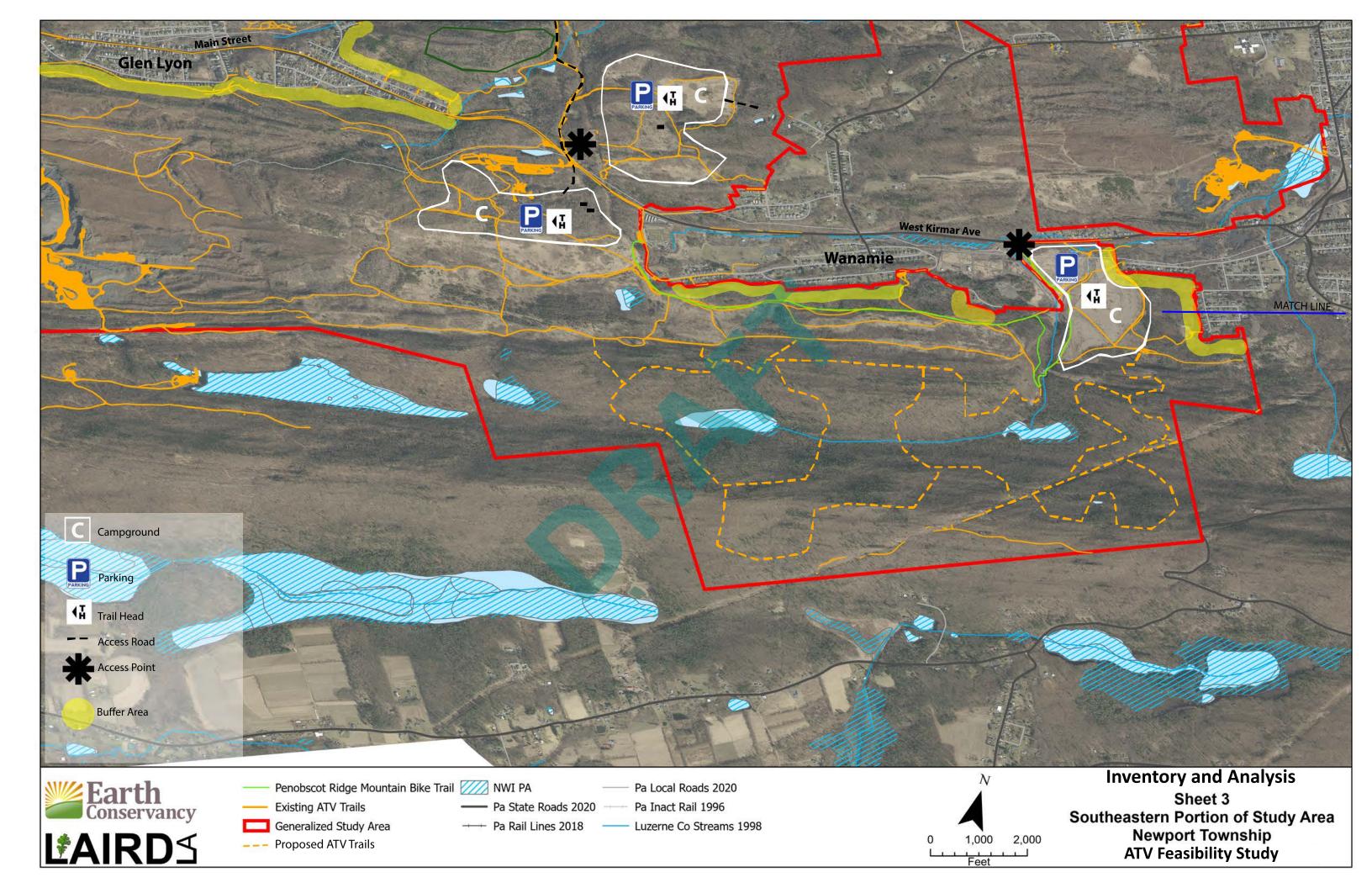
Figure X: Overview of park concept map. Individual sheets follow.

The caveat is that this plan is conceptual. It does not replace the need for input from the future owner/operator, further coordination with municipalities and agencies, a detailed master plan, or engineering design work. Furthermore, due to scheduling, budget, and construction realities – as well as the multiple landowners involved – priorities, plans, and timelines may require modification. That said, this section does give a thought-out starting point, based on expertise of riding markets and other facilities. The phased approach highlights the order of development and needed amenities, etc., and their chronological development. Phasing also allows for a gradual growth model, dependent on visitor interest, financing, and staff and maintenance requirements, which is more likely to support long-term viability.

To this point, based on our personal experiences as OHV enthusiasts, trails are what attract riders, not amenities. While a variety of comforts and conveniences are great, many successful areas (e.g., FRO, Mountain Ridge ATV Resort) started small, facility-







wise, to keep operations costs low. Their focus instead: developing a trail system that would draw visitors in and keep them returning. Every addition should be analyzed for its cost/benefit ratio, including long-term maintenance and sustainability. It should also consider visitor experience. While a motocross track might be fantastic for some; more may appreciate expanded parking or additional restrooms. Learning from precedent models and listening to clients is key.

Before proceeding, there are several items to note:

- As established in Sections 2 and 3, the area has a wealth of outdoor recreational resources with a strong interest in maintaining access by the public. Again, we recommend leaning in to this opportunity, and incorporating these passive pursuits (e.g., hiking, mountain biking, rock climbing, kayaking) where feasible. Accommodations should also be made for hunters, possibly by seasonal or time-based closures. This is one way the park can carry out the Pennsylvania SCORP's goal to provide "recreation for all."
- While the study area encompassed 11,400 acres, several areas (Kielar Lake, PGC property, leased land) were removed from the concept plan. The core of the concept plan concentrates on EC's property (±2,500 acres). This focus corresponds with the areas most suitable for development in the study area, as well as underscores a park's feasibility, regardless of participation by other landowners.
- EC, having experienced property destruction from illegal OHV riding for decades, views this project as an opportunity not only to satisfy a growing recreational demand; but also to structure this activity, thereby protecting local ecosystems from further degradation. Trails and facilities have been located with this in mind, and future planning initiatives should prioritize sustainable land use.

Finally, as trail planning begins, we highly recommend consulting DCNR's *Pennsylvania Trail Design Manual for Off-Highway Recreational Vehicles* (2004), which provides a start-to-finish guide for a design team into the design, permitting, construction, signage, and maintenance of various motorized trails.

#### Main Campus & Trailheads

The topography of much of the study area limits development potential. Therefore, the main campus, trailheads, parking, and prospective campgrounds have been located in the few, relatively flat areas.

The main campus, to the north of SR 3004 (Kirmar Parkway), is approximately 180-acres. This space, similar in size to other OHV park campuses, will be able to accommodate immediate user needs (registration, parking, restrooms) and later expansions (e.g., pavilions, welcome center, pro shop, specialty tracks).

There are two proposed trailheads: 1.) the western trailhead, located on the southwest side of SR 3004, south of EC's compost facility; and 2.) the eastern trailhead, located to the northeast of SR 3004, east of the powerline ROW. The powerline is a separate parcel, but EC has reserved rights to cross.

#### **Trails**

Miles of trails and connectivity factor in evaluating an OHV park's feasibility: The more miles of trails, the longer visitors will stay, and the more likely they are to visit again. The concept plan takes advantage of the already strong trail network on-site. Note there are many more existing trails than shown on the concept map. Trails will need to be strategically planned. It is likely some will need to be modified or closed due to safety, routing, and/or environmental concerns. Variables include soil type, slope, hydrology, vegetation, sensitive habitat, and other development (e.g., residences). Proper trail design will increase safety, minimize environmental impacts, and improve the system's sustainability. Design recommendations include:

- Appropriate trail width, surface, alignment, clearances, and grade; and incorporated obstacles (e.g., water, logs) to correlate with difficulty level
- Adequate sight distance, including for stopping
- Speed control structures
- T-Intersections (vs. four-way intersections)
- Turnouts and passing sections
- Separation of competing trail uses, where possible
- Use of natural sound barriers (e.g., terrain, vegetation)
- Water control (both to create features and prevent erosion)
- Trail signage (regulatory, warning, trail marking, and informational)

In the study area, there are several additional items to consider:

• **Habitat:** Given the high ecological quality of the south side of the Penobscot Ridge, trails have been located here selectively. They may include one or two connector trails only.

As noted, the bat hibernaculum, centrally located in the study area, is currently buffered and barricaded. It has been excluded from trail planning, and future trail design should avoid the area to protect it.

The northern edge of the study area encompasses several beautiful vistas overlooking the Susquehanna River, already accessible by OHV trails. These should be capitalized upon. Moreover, the river and steep terrain create a natural barrier.

- **Mining Features:** In coordination with DEP BAMR, priority mining features should be identified and addressed (e.g., pits, open shafts). That said, many features like the mining refuse piles are highly desirable challenges, providing opportunities for skill development and play areas. There also is the potential to use some of these sites for historical, geologic, or environmental education (e.g., through interpretive signage).
- **Buffers:** Buffers provide a physical separation between trails and residential properties. In some cases, a buffer may be created through distance. In others, it may include fences and landscaping. We note that if expansion of the park occurs

beyond EC's 2,500 acres, riders will be further dispersed, alleviating pressure on the core area.

• Connections: A historical narrow-gauge railroad line passes through a large metal culvert under Main Street, which could provide access from the trail system into Glen Lyon. It is currently privately owned. If this crossing is found to be undesirable, alternatives should be considered (e.g., another location at Main Street suitable for an at-grade crossing, a bridge, or a culvert.

Connection options also should be considered for residents adjacent to the trail system. A genuine discussion should occur with them regarding the benefits and challenges of having immediate access.

#### **Operations**

**Fees:** Entry to the park for motorized recreation will be fee-based. It is recommended that both day pass and annual pass options be offered, as respondents to the public survey were equally split on preference. Other activities, such as hiking or rock climbing, may simply consist of registration with a liability waiver. The owner may also consider donations or general membership passes. Regardless the structure, registration of all clients is recommended as a safety measure, as well as to document visitor demographics, which can guide future park investments.

**Rules & Regulations:** In addition to government/agency regulations (e.g., registration, decibel-level), the park will have its own rules for visitation, use, and expected behavior. Most importantly, as discussed in Section 4.B, is the release of liability waiver. Consideration also will need to be given to:

- Park operation (days, hours, and seasons)
- Equipment and safety gear requirements
- Speed limits, with appropriate signage/gear restrictions (especially near homes/community connector trails)
- Observance of marked trails
- Prohibition of alcohol and drugs
- Prohibition of firearms (except for hunters during specified times/seasons)
- Nuisance behaviors (e.g., offensive conduct, loud noise/music, littering)

Other matters like pets, campfires, etc., will need to be determined depending on the park setup. It is imperative that any recreational facility educates its visitors on these requirements through communications, signage, and/or trainings. Additionally, we recommend regular patrols of the property be implemented, not only to monitor guests, but also to inspect trail conditions and maintain good relations with neighboring properties.

**Trash Disposal:** For all users, the park should emphasize a carry in – carry out system. Trash receptacles should be provided, especially if an eating area is made. In addition to staff, we recommend the use of volunteer crews to assist with trail maintenance, including litter cleanup. This may be done in exchange for discounted pass rates. We

believe that these measures will help to decrease the amount of illegal dumping that currently occurs.

**Transportation:** A shuttle system, comprised of vehicles with large trailers, could be employed to transport riders and machines to particular riding locations where there are not connector trails. This could be a fee-based service.

Trespassing: At present, recreation within much of study area is considered trespassing – it is private property. Part of the rationale for an OHV park is to regulate this activity, which, unquestionably, will be a sizeable undertaking. Basic recommendations include eliminating unauthorized access points and routing trails away from areas of concern and the park's perimeter. Some areas may require fencing, bollards, or other physical barriers. Signage regarding trails and property boundaries should be highly visible. It should also be easy to identify who is a paid park visitor; a sticker, tag, or flag should be issued upon registration. Importantly, these control mechanisms need to be consistently enforced. This will require strong, ongoing collaboration and coordination with local and state police agencies. Moreover, private/park-issued patrols are encouraged and should be considered in staffing decisions.

**Overnight Accommodations:** Within EC's properties, the site of its composting facility, located immediately off of SR 3004, was identified as one the most suitable locations for a campground facility. There also is an area in the northern portion of EC's property that could be a more primitive campsite. It would be accessible only by OHV or on foot. Additional appropriate areas may exist on land owned privately or by DCNR.

# 6.B Recommended Implementation Strategy & Phased Implementation Plan

As discussed in Section 4, any attempt to move forward with an OHV/adventure area first requires the approval of zoning modifications by Luzerne County. The initial focus should be on the core tracts owned by EC, totaling 2,500 acres. This does not include the additional 1,400 acres EC owns that are in transfer to DCNR.

Second, attention should turn to the 2,750 acres in the study area that are privately owned, ascertaining if an agreement can be reached regarding purchase or permanent easement. In addition, the Pinchot State Forest includes 4,400 acres, 3,300 of which were originally owned by EC and purchased through a land acquisition grant. Because of current policy within the Commonwealth, as well as stipulations in the purchase agreement, there are restrictions on the types of recreation activities authorized on this property. However, as discussed further on 6.C (Phase 3), there may be opportunities for amendment.

A concept map detailing a phased implementation is provided as Figure X, with a larger, pull-out version on the next page.

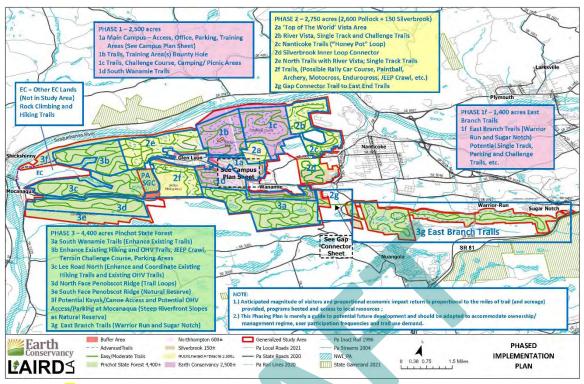


Figure X: Overview of park concept map with phased implementation.

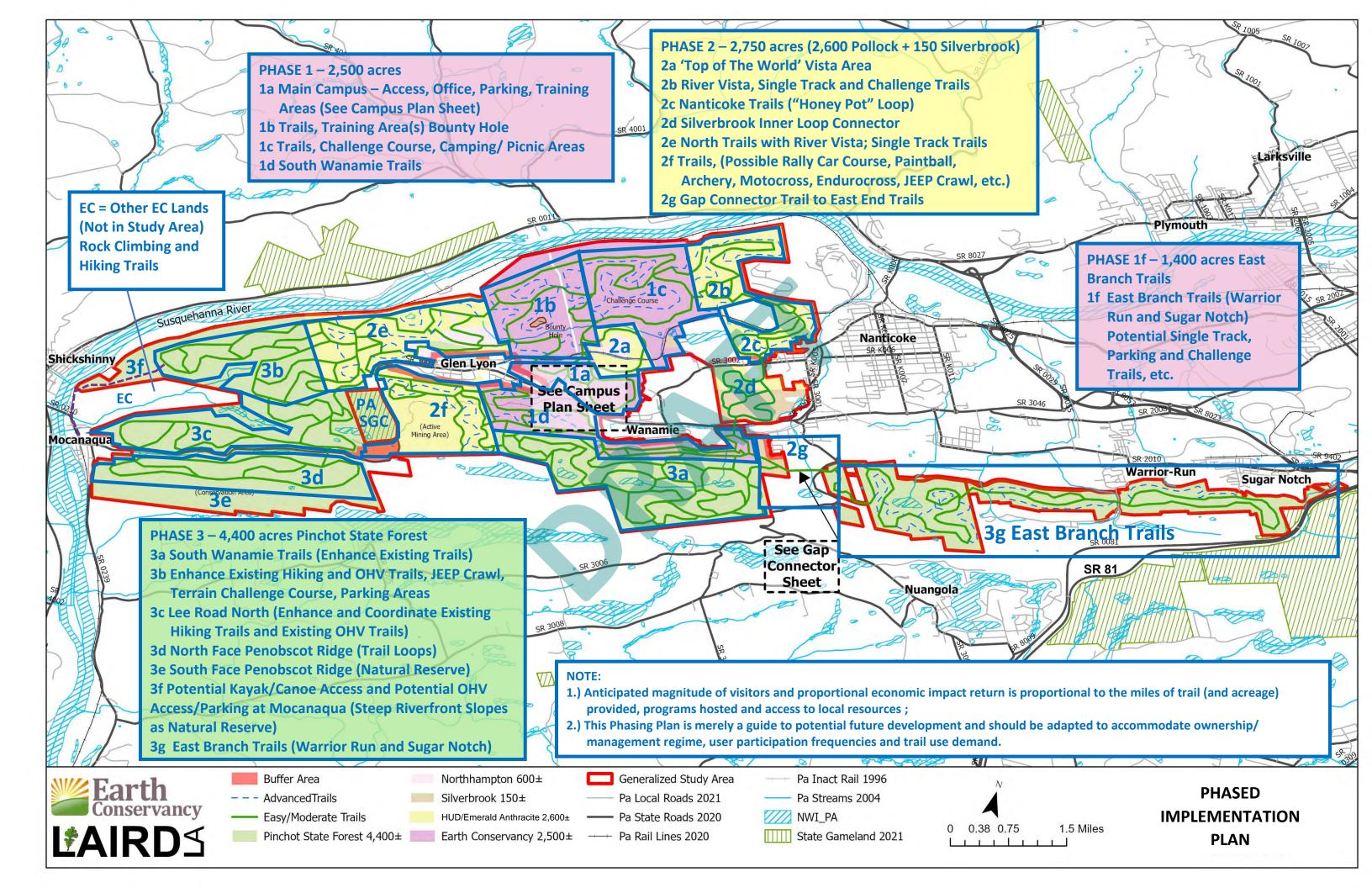
All combined, the concept plan encompasses over 11,000 acres of prospective recreation lands. A facility this size is well-capable of integrating a substantial OHV-trail network along with a variety of other outdoor pursuits. It has the potential, especially with the demand expressed in the public survey, of becoming a true recreation destination.

## 6.B.1 PHASE 1 - EC Property (2,500 acres)

Phase 1 concentrates on EC's property, excluding the 1,400-acre Wilkes-Barre Mountain tract, with the starting point on planning, design, and permitting. While the developer can take a more independent/hands-on approach to lower initial costs, we recommend a professional consultant be engaged to assist with this process. Some permits, moreover, require a licensed professional be involved.

A key element will be developing detailed designs of the planned facility. These will show existing features (e.g., terrain, streams, trees, extant trails); and proposed features (e.g., new trails, parking lots, picnic areas, stream crossings, utility connections). We advise plans contain as much of future phasing as possible. Approval agencies prefer to see the full potential scope of the project during the permitting process. The zoning and variance approval process can take 2-3 months depending on feedback received by the approval agency; permitting processes can sometimes take up to a year. Likely permits that will be required include

- Zoning/Use Variance Approval
- SALDO



- HOP
- E&S Control Plan
- NPDES Permit
- Building Permit

Once these steps are completed, a developer can move into construction phase. In our professional opinion, items listed as "Year 1" must be in place prior to opening a facility.

#### Phase 1a: Main Campus & Training Area (350 acres/Year 1)

Upon zoning approval, the first items required for park operations are:

- Access: A gravel road for entry and egress from the park;
- Parking Area: A gravel parking area, with paved ADA spaces;
- Main Office: A location for ticketing and administrative tasks, which could be as simple as an office trailer; and
- **Restrooms:** Rented portable toilets to begin, which are regularly maintained.

A training area is also recommended in this location, providing a space for beginner riders to develop their OHV skills. Depending on its design, it may include areas specifically for children and/or safety and skills education. Ideally, the training area will connect to beginner-level trails.

It should be clear from these descriptions that, early on, the main campus can be modest. Keeping facility costs low not only is fiscally prudent, but also allows money to be dedicated to the higher priority, trails. Improvements can then be made over time as demand and revenue allows. A comprehensive analysis of phases and costs should be part of the master planning process. A more detailed list of Phase 1a requirements is provided in the Campus Plan section (6.C).

#### Phase 1b: Beginner Trails & Mud Bogging (680 acres/Year 1)

Development of trails should be done concurrently with Phase 1a, starting as soon as access to the site is established. As noted, a robust trail network in the study area is already in place.

This phase needs to identify key routes; and map, clear, mark, and enhance them. Design also should consider where the landscape is best suited to particular trails, challenges, and vehicles. Some current trails may need to be closed for safety, flow, or environmental reasons. We recommend instituting a trail marking system similar to those used in other outdoor recreation sports in the United States, as shown in Figure X:



Figure X: Common symbols in outdoor recreation indicating difficulty levels.

Creating a mudding or mud bog area (aka, the Bounty Hole) is another option during this phase. Mud bogging – often a competition for full-sized off-road vehicles (e.g., pickup trucks and jeeps) – can be made to accommodate smaller OHVs for "open bogging." Bogging events can draw large crowds, as well as sponsorships.

# Phase 1c: Trails, Challenge Course, Picnic Areas (810 acres/Years 2-3) With a basic trail network established, new trails can be added. This includes intermediate and advanced zones with greater technical elements. A challenge area is included on the concept map to represent such an area, offering obstacles such as rock or log piles, steeper hills, narrower trails, and sharper turns to riders. Beginner trails from Phase 1b can be expanded, too.

At this stage, in addition to the cost/revenue ratio, design and implementation of the trail network always should consider clients: The novelty of new trails and routes will bring return guests, and increased technical sections will attract more seasoned riders. As a general rule, new trail experiences should be added annually.

We also believe a larger trail network will draw patrons from farther away. For this reason, eating areas should be added. These can be as simple as picnic tables and seating; or as complex as an enclosed pavilion with grills and other amenities. Camping opportunities would also be wise, encouraging longer stays. Long-term, RV hookups could be established.

#### Phase 1d: South Wanamie Trails (660 acres/Years 2 – 3)

Phase 1d adds an additional set of trails to the south of the main campus, expanding the available OHV and single-track mountain bike/motorized bike trail systems. Importantly, it also lays the groundwork for a connection to a privately-owned parcel (Phase 2g), which then connects to the 1,400 acres undergoing transfer to the Pinchot State Forest (Phase 3g). Strategically, it make sense to pursue easement/acquisition at this time.

#### 6.B.2 PHASE 2 - Private Property (2,750 acres)

Before discussing potential plans for a second phase of an OHV/adventure park, there are two important items of note:

1. Phase 1 does not need to be fully implemented in order to initiate Phase 2. Multiple trails can be worked on at the same time. This is especially true if a contractor is already engaged and mobilized, or a volunteer work crew is

available.

2. Each part of Phase 2 is contingent upon obtaining an easement or purchase agreement from the property owner. The estimated timeline is based on an ideal scenario, not including the time it may take to formally establish access.

# Phase 2a: Vista Area (aka Top of The World) (250 acres/Year 2) Located to the northeast of the main campus, this property is adjacent to Phases 1a, 1b, and 1c. Current trails lead to a vista, locally known as Top of the World.

Phase 2b: River Vista; Single Track & Challenge Trails (450 acres/Year 3) Phase 2b runs along the northern edge of the study area, with trail offering views of the Susquehanna River. In addition to connecting with trails in 1c, this property could accommodate single-track and challenge trails.

Phase 2c: Nanticoke Trails (aka Honey Pot Loop) (300 acres/Years 3 – 4) Situated below 2b, this area runs near the Honey Pot section of Nanticoke, featuring both single-track and four-wheel trails.

# Phase 2d: Inner Loop Connector Trail (900 acres/Years 4 – 5) This phase would create a circuit from the Honey Pot Loop (2c) to the South Wanamie Trails (1d), connecting back to the main campus. It could also connect to the East Branch Trails (3g), if access is obtained.

Phase 2e: North Trails; Single Track Trails (900 acres/Years 5 – 6)
Phase 2e, to the northwest of the main campus, connects to 1b and opens up another area along the Susquehanna River. The North Trails would parallel the river, providing for numerous scenic overlooks. Features could include additional single-track trails and challenge areas. Note: If easement/acquisition occurs, we recommend this phase being pursued as early as possible.

Phase 2f: Specialty Trails, Tracks, and/or Other Facilities (700 acres/Year 6) Phase 2f is to the immediate west of Phase 1d, and to the south of Glen Lyon. Part of the property is actively mined, which narrows where activities can be located. For this reason, we envision placing alternative recreation facilities in this area that have a circumscribed footprint. For example, one of our stakeholder interviewees desired to build a paintball course. The public survey registered interest in a firing range, archery facilities, or a go-kart track. Spaces for motocross, jeep crawls, or mud bogging are other possibilities. This site may even be considered for a camping area, due to its proximity to the main campus.

Phase 2g: Gap Connector Trail to East End Trails (as early as possible)
Phase 2g is critical to expanding the trail system, as it would create a connection
from the main campus to the 1,400 acres comprising the East Branch Trails (3g).
It also could contain additional sports areas/amenities. As with 2f, portions of the
site are actively mined, and an easement or purchase agreement will be required.

#### 6.B.3 PHASE 3 - DCNR Pinchot State Forest (4,400 acres)

In 2020, DCNR updated its *ATV Trail Development and Management Policy*. Several elements are relevant to the current project, most importantly DCNR's willingness to expand OHV trail networks, stating:

This policy rescinds the ATV trail development moratorium and authorizes the Department to consider expansion of existing ATV trails and the construction of strategic connectors on state forest lands while also working with willing landowners and local communities to enhance long-distance riding opportunities off state forest lands. (p. 1)

It also acknowledges that the increasing use of OHV activity in Pennsylvania's state forests has strained the land and DCNR's staff:

Growth has resulted in an increase in both permitted and unlawful riding activity on state forest lands, which places additional management and enforcement challenges on forestry staff. Managing unauthorized riding in state forest lands is particularly challenging and adversely impacts many of the core functions that state forest lands were acquired to address, including protection of clean water, clean air, wildlife habitat, scenic beauty, rare and significant ecosystems, and wild plants. Unauthorized ATV use on land managed by DCNR not only impacts the natural resources but also puts visitors and staff at risk. (p. 4)

Consequently, DCNR is exploring opportunities for development of motorized recreation facilities. However, in considering a property, DCNR's policy requires it must meet one of two conditions: A project can either be located on 1.) private and public lands (*not managed by DCNR*); or 2.) lands newly acquired by the Department *specifically* for motorized recreation. The Bureau of Forestry would also need to evaluate:

- the benefits and impacts of a project to state forest "resources, uses, and values";
- the types of sustainable land management practices a project employs; and
- the administrative resources required by DCNR (e.g., planning, resource protection, maintenance, enforcement) as part of the project.

Thus, while DCNR does support increasing OHV riding opportunities and recognizes the pressure unmanaged riding is having on the state forest system; in regard to the current OHV study, the properties within the Pinchot State Forest do not meet the stated stipulations. However, that does not mean the issue is closed. The policy states: "The policies and procedures herein are not an adjudication or a regulation. [....] As such, it is within the Department's discretion to depart from the guiding principles established in this policy."

DCNR and the local Bureau of Forestry already have been valuable partners on this project. We recommend continued collaboration in order to ascertain potential routes

to tackling this issue. Should a resolution be reached, this section provides potential options for motorized and non-motorized use in this area.

#### Phase 3a: South Wanamie Trails (1,200 acres/Years 3 – 4)

Abutting the south edge of Phase 1d, expanding trails here would triple the riding area available south of the main campus. If access and funding allow, this should be pursued in conjunction with 1d.

#### Phases 3b - 3e: Trail & Recreation Area Development (Years 4 - 6)

The footprint of Phases 3b through 3d is large, as is its potential. Through a formal park, unofficial motorized trails can be better routed, managed, and enhanced. Moreover, *all* the outdoor recreation offerings in the Pinchot State Forest can be integrated into an organized whole. This includes the Mocanaqua Loop Trail, originally developed by EC, which traverses the area; as well as mountain biking and horseback riding trails; rock climbing sites; picnic areas; and gamelands.

In relation to OHV trails, our general recommendation is formalization of the trail network. Mapping should be done in consideration of the whole, and should assess if/where shared use is feasible. Specific items regarding each development area include:

- Phase 3b (Riverview/850 acres): Paralleling the Susquehanna River, trails here would lengthen routes from earlier phases and provide prime overlooks. There also is enough space to develop additional jeep crawl terrain and/or challenge areas with a dedicated parking area.
- Phase 3c (Lee Road North/900 acres): Phase 3c, to the south of 3b, continues integration of unofficial motorized and non-motorized trails with the park trail system.
- Phase 3d (Penobscot Ridge, North Face/750 acres): South of Phase 3c, this area is heavily wooded, with inclined terrain and varied soils. The two main spine trails that converse the area could be maintained. The trail network here could also be enhanced to accommodate multiple difficulty/challenge levels.
- Phase 3e (Penobscot Ridge, South Face/550 acres): As detailed in the Luzerne County *NAI*, Penobscot Mountain contains several environmentally-sensitive areas, including species of concern. For this reason, we recommend designating this area as a natural reserve, open only to passive activities like hiking, seasonal hunting, and birdwatching.

One final note: Sandwiched between Phases 3f/3b and Phase 3c is a  $\pm 330$ -acre tract owned by EC, which has been excluded from the study as it is currently under an active mining lease. That said, it should be considered in park planning: In addition to trails, it contains unique geologic formations, which are well-known within the rock-climbing community. When the lease expires, DCNR has a right of first refusal on the property.

Phase 3f: Water Access; Secondary OHV Access (150 acres/Years 4-5) Although not a large area, and defined by steep slopes, Phase 3f includes land ideal for a boat launch. This site could accommodate fishers, as well as kayakers and canoeists. Ideally it would be linked to access points upstream, creating a nearly 10-mile stretch of water trail.

#### Phase 3g: East Branch Trails (1,400 acres/Years 4-5)

At the time of writing, these 1,400 acres, which extend from Newport Township to the boroughs of Warrior Run and Sugar Notch, are under a conveyance agreement with DCNR. Again, an extensive motorized trail system is already present across the property. If this area is earmarked for motorized recreation, trail space increases by 56%. Moreover, if an easement is obtained for the land identified in Phase 2g, the total acreage of DCNR lands that could be allocated to a park totals  $\pm 5,800$  acres.

Yet even if access is not obtained, the 3g property has potential as a standalone recreation area. The 12-acre Hanover Reservoir is already a draw, and there is room for single-track trails, challenge trails, and even full-sized vehicle trails. For convenience, we recommend adding another gravel parking lot with restroom facilities and a picnic area.

## 6.C Main Campus Phased Implementation Plan

The preceding section described the facilities, trail networks, and land ownership considerations to be considered in developing an OHV/adventure area. Phase 1, in particular, delineated the minimum requirements for a park to open on EC land. We assume, however, that as popularity grows and, hopefully, as land access expands, the amenities offered also would increase. For this reason, a phased implementation plan has been developed solely for the main campus. A conceptual map of the campus is included as Figure X, with a larger pull-out map included on the next page. Any of the delineated items can be done in combination but, for fiscal responsibility, we recommend they only occur if supported by demand and revenue.

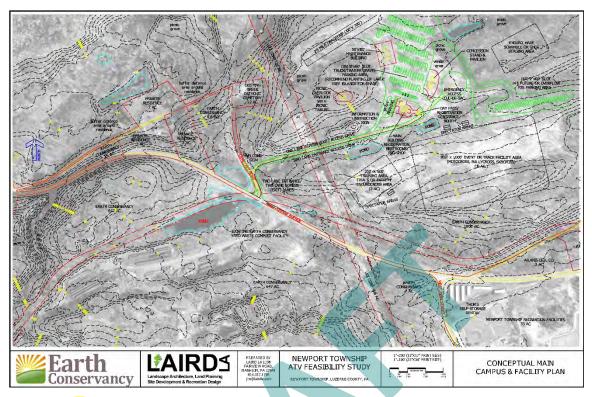


Figure X: Conceptual map of main park campus and facilities.

#### Campus, Phase 1 (Year 1)

- Main Access: Double-lane, gravel/crushed stone driveway, each lane measuring 12'; connects into Cemetery Road
- **Emergency Access:** Access drive design must follow local guidelines regarding cul-de-sac/turnaround design for emergency access (e.g., fire, ambulance, helicopter);
- **Ticket Booth:** Approximately 12'x16' ticket booth shed or office trailer (prepaid visitors and day pass arrivals);
- **Parking:** Base gravel or crushed stone parking area, able to accommodate the following:
  - Patron: 48 spaces measuring 12'x60' spaces, with a 40' access aisle for combinations of trucks and towed trailers; should accommodate a minimum of 100 truck/trailer combinations
  - Standard: 20 spaces measuring 10'x20', two of which are van accessible/ADA-compliant
  - Staff: 14 spaces measuring 10'x20', two of which are van accessible/ADA-compliant
- **Restrooms:** Rented portable toilets with regular cleaning/servicing; one toilet per 25 parking spaces is recommended.
- Training Area: 200' x 300' open space for beginner skills practice; if possible,

include seating areas for spectators (e.g., family members during a training session)

• Maintenance Shed: 50'x30' for equipment storage and repair space

#### Campus, Phase 2 (Years 2-3)

- **Maintenance Building:** Expand structure to 50'x100', with surrounding concrete apron and wash stations
- Access Road: Construct third 12' lane to accommodate larger entry queues
- Parking Lot: Expand available patron space
- Picnic Area: Install pavilion with picnic tables
- Motocross Area: Approximately two acres, this space can accommodate skills practice and/or extreme challenges for motocross riders, including natural and man-made obstacles such as rocks and boulders, downed trees, piles of tires and pallets, drainage pipes, etc. If possible, this area may be constructed during Phase 1 as required heavy equipment would already be on site.

#### Campus, Phase 3 (Years 4-6)

If parking has expanded enough to accommodate guests, we recommend developing an event or specialized track facility. Located to the southeast of the registration area, this 18-acre venue with spectator seating could contain track(s) for motocross, enduro races, or hare scrambles; or be used as a staging area for Grand National Cross County (GNCC) competitions. Note: This should only be pursued if 1.) adequate parking is available; and 2.) an intermediate trail has been constructed that meets the requirements for a particular sport.

#### Campus, Phase 4 (Years 7 – 10)

Assuming the park is well-established and revenues are healthy, this phase would make major improvement to the physical plant, including:

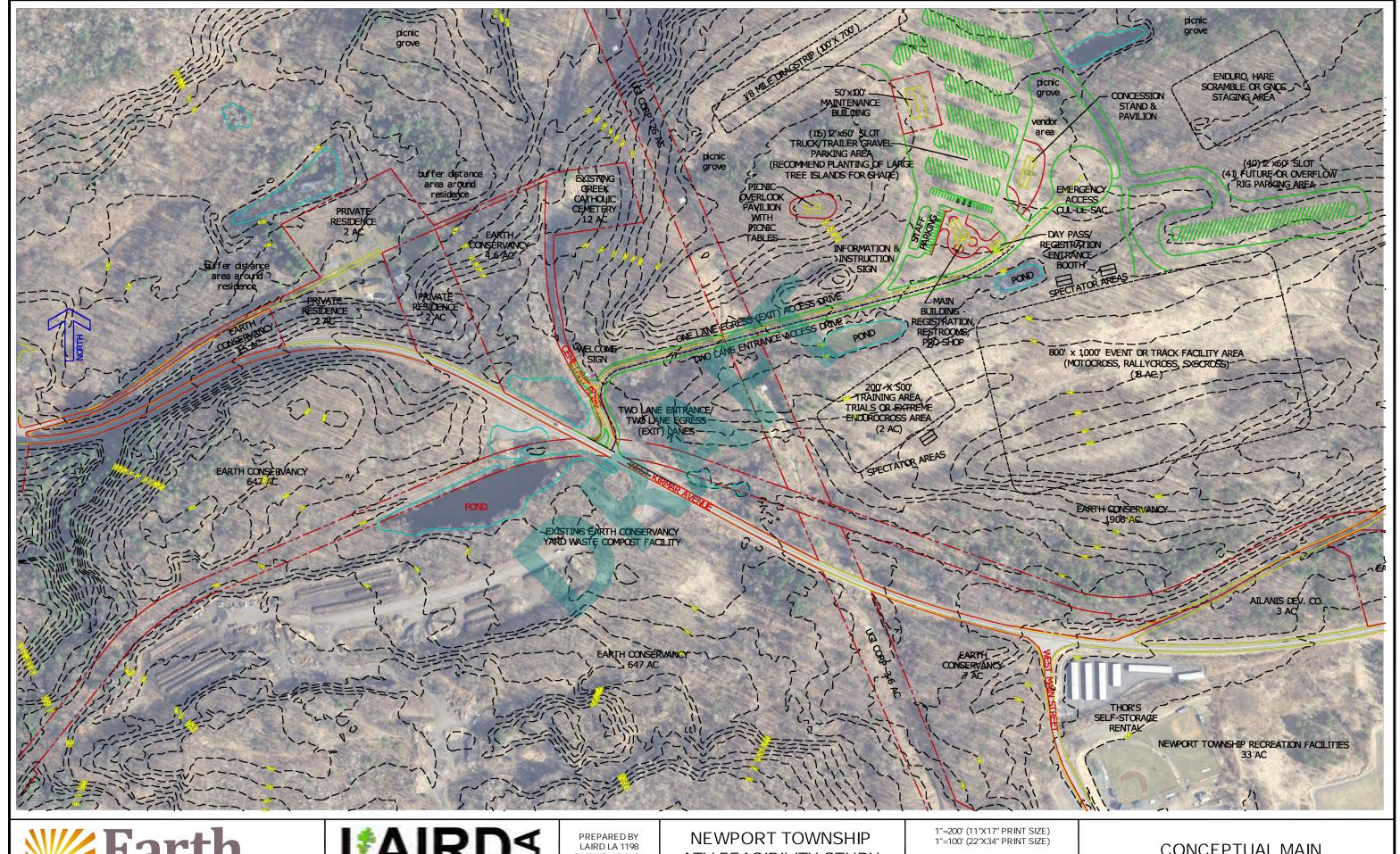
- Welcome Center: Design and construct main registration area (see Figure X) with office space (50'x40'); Phase 5 should be considered during design for potential expansions.
- **Restrooms:** Install interior restrooms with plumbing, electricity, and heat (20'x30'); should include eight (8) unisex restrooms, two (2) unisex ADA compliant/family restrooms, as well as utility space.

#### <u>Campus, Phase 5 (Years 8 – 12)</u>

- Expansion of welcome center offerings/footprint and/or individual structures, which may include:
  - Expanded Office & Registration Areas
  - Pro Shop/Parts Store

- Concession Stand/Restaurant
- Vendor Booth(s)
- Med-evac Heli-Pad





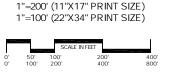




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ATV FEASIBILITY STUDY

NEWPORT TOWNSHIP, LUZERNE COUNTY, PA



**CONCEPTUAL MAIN** CAMPUS & FACILITY PLAN

# **SECTION 7 Economic Considerations**

## 7.A Opinion of Probable Cost

An Opinion of Probable Cost (OPC) has been developed to anticipate potential costs for initial design and construction of an OHV park on EC property in Newport Township. Because this is a feasibility study, it represents a high-level projection, and is based on the information available to the consultant and its experience and qualifications in regard to similar projects. The OPC is not a guarantee or quotation for work to be carried out. The OPC does not include:

- Property lease/acquisition costs
- Contingency

The OPC assumes the property at the time of construction will be similar to that at the time of writing. The cost of labor, materials, equipment, and services, and of general market conditions may change over time and thus differ from this opinion of probable cost. For a higher level of confidence in predicting anticipated construction costs, we recommend engaging a professional consultant and/or estimator to prepare a master site development plan.

The following opinion covers four phases of park development, anticipated to occur in the first three years:

- 1. Zoning, Design, & Permitting
- 2. The Main Campus & Training Area
- 3. Beginner Trails & Mudbogging Area
- 4. Intermediate/Advanced Trails, Challenge Course, & Picnic Area
- 5. South Wanamie Trails

Each phase provides a range of potential costs, based on conservative, average, and progressive development. Conservative development consists of smaller investments, less amenities, and more in-house/volunteer work, potentially over a longer period of time. Progressive development would entail major initial investments, including permanent facilities, with substantial assistance from attorneys, engineering consultants, contracted labor, etc. A separate OPC has been developed for Phases 2 and 3, and is included as Appendix D.

PHASE I / Zoning, Design, & Permitting						
Item/Activity Conservative Average Progressive						
Planning & Permitting	\$25,000	\$50,000	\$75,000			
Obtain Zoning Variance <sup>1</sup>	\$25,000	\$50,000	\$75,000			
Engineering & Permitting <sup>2</sup>	\$50,000	\$150,000	\$250,000			
Subtotals	\$100,000	\$250,000	\$400,000			

<sup>&</sup>lt;sup>1</sup> Variance application completed by owner independently vs. with the assistance of an attorney.

<sup>&</sup>lt;sup>2</sup> Site plan and permit applications completed by owner vs. with assistance of a consultant.

PHASE I / Insurance & Start-up Equipment							
Item/Activity	n/Activity Conservative Average Progressive						
Insurance <sup>3</sup>	\$25,000	\$137,500	\$250,000				
Computers, Registers, etc.4	\$5,000	\$15,000	\$25,000				
Maintenance Equipment⁵	\$210,700	\$404,100	\$597,500				
Subtotals	\$240,700	\$556,600	\$872,500				

<sup>&</sup>lt;sup>3</sup> Dependent on several variables including carrier, acreage, and accident record.

<sup>&</sup>lt;sup>5</sup> Rental vs. new; includes items like backhoe, skid steer, mowers, hand tools, etc.

PHASE 1a / Main Campus & Training Area					
Item/Activity	Conservative	Average	Progressive		
Access Drive <sup>6</sup>	\$40,000	\$65,000	\$90,000		
Parking Area <sup>7</sup>	\$50,000	\$62,500	\$75,000		
Main Office Structure <sup>8</sup>	\$60,000	\$405,000	\$750,000		
Training Area <sup>9</sup>	\$5,000	\$12,500	\$20,000		
Restrooms <sup>10</sup>	\$10,000	\$100,000	(included in building)		
Subtotals	\$165,000	\$645,000	\$935,000		

<sup>&</sup>lt;sup>6</sup> Gravel vs. paved asphalt

<sup>&</sup>lt;sup>10</sup> Portable toilet service vs. pre-fab facility vs.indoor facilities in welcome center.

PHASE 1b / Beginner Trails & Mudbogging Area							
Item/Activity Conservative Average Progressive							
Novice (Green) Trails	\$5,000	\$12,500	\$20,000				
Mudbogging Pit	\$15,000	\$82,500	\$150,000				
Subtotals	\$20,000						

PHASE 1c / Intermediate/Advanced Trails, Challenge Course, & Picnic Area						
Item/Activity Conservative Average Progressive						
Additional Beginner Trails <sup>11</sup>	\$250,000	\$375,000	\$500,000			
Intermediate (Blue) Trails	\$100,000	\$150,000	\$200,000			
Advanced (Black) Trails	\$50,000	\$75,000	\$100,000			
Challenge/BMX Course <sup>12</sup>	\$60,000	\$130,000	\$200,000			
Picnic Area(s) <sup>13</sup>	\$5,000	\$15,000	\$25,000			
Subtotals	\$465,000	\$745,000	\$1,025,000			

<sup>&</sup>lt;sup>11</sup> It may seem counterintuitive, but beginner trails are more costly than advanced trails because of the

<sup>&</sup>lt;sup>4</sup> Dependent on number of items and whether new or refurbished.

<sup>&</sup>lt;sup>7</sup> Majority gravel vs. majority paved

<sup>&</sup>lt;sup>8</sup> Pre-fabricated shed(s) vs. design, permitting and construction of fully-functional building. <sup>9</sup> Basic cones and flags vs. tough blocks, pit bike track, etc.

grading, alignment, and grooming required.

<sup>&</sup>lt;sup>13</sup> Simple cleared area with benches vs. multiple sites, pavilion, etc.

PHASE 1d / South Wanamie Trails						
Item/Activity Conservative Average Progressive						
OHV Trails	\$100,000	\$150,000	\$200,000			
Single Track Trails <sup>14</sup>	\$50,000	\$75,000	\$100,000			
Optional BMX Track <sup>15</sup>	\$60,000	\$155,000	\$250,000			
Subtotals	\$210,000	\$380,000	\$550,000			

<sup>&</sup>lt;sup>14</sup> Work done by club/volunteers vs. contracted labor

<sup>&</sup>lt;sup>15</sup> Basic/rustic course vs. professional-level with spectator seating

PHASE 1 / Total Opinion of Probable Cost					
Item/Activity	Conservative	Average	Progressive		
Zoning, Design, & Permitting	\$100,000	\$250,000	\$400,000		
Insurance & Start-up Equipment	\$240,700	\$556,600	\$872,500		
Main Campus & Training Area	\$165,000	\$645,000	\$935,000		
Beginner Trails & Mudbogging Area	\$20,000	\$95,000	\$170,000		
Intermediate/Advanced Trails, etc.	\$465,000	\$745,000	\$1,025,000		
South Wanamie Trails	\$210,000	\$380,000	\$550,000		
Totals	\$1,200,700	\$2,671,600	\$3,952,500		

# 7.B Economic Impacts

As part of the feasibility study, economic analyses were performed by The Institute using IMPLAN software, a widely used input-output modeling system that evaluates direct, indirect, and induced economic impacts.<sup>1</sup>

#### **Park Construction**

The construction model is based on information from the Opinion of Probable Cost, incorporating only construction activities required to get the park operational. Average costs (vs. conservative, progressive) were used, totaling \$645,000. Construction labor costs and a local purchase percentage were not presented in the cost estimates. Therefore, the system generated the variables based on the probable cost. A local purchase percentage of 100 was used.<sup>2</sup>

<sup>&</sup>lt;sup>12</sup> Basic/rustic course vs. professional-level with spectator seating.

Direct effects are the values representing expenditures made by both producers and consumers in a given industry (e.g., salaries, supplies, operating expenses). Indirect effects are business-to-business purchases in the supply chain that support the core activities of the initial industry (e.g., construction companies, consulting services). Induced effects are values generated by the spending of those within the direct and indirect categories on items in the broader economy (e.g., food, clothing, transportation, entertainment).

<sup>&</sup>lt;sup>2</sup> The local purchasing percentage is a value that indicates to the software how much of the economic exchanges occurred in the region of interest.

This economic impact report demonstrates a short-term bump in economic impact resulting from the early phases of construction to get the park operational. It is anticipated that the construction phase will support seven jobs and generate nearly \$1 million in economic impact.

Impact	Employment	Labor Income	Total Value Added	Output
Direct Effect	4.8	\$261,537	\$335,645	\$645,000
Indirect Effect	0.6	\$36,282	\$59,452	\$107,062
Induced Effect	1.7	\$474,028	\$125,203	\$218,959
<b>Total Effect</b>	7.1	\$371,847	\$520,300	\$971,021

Table X: Direct, indirect, and induced economic effects anticipated for the construction phase of an OHV facility, based on the Opinion of Probable Cost.

#### **Park Operations**

For this analysis, data inputs were derived from a similarly-sized, mature facility in Pennsylvania. Because this study represents a new operation, model inputs were based upon 60% of the comparison facility's annual operations. Revenues would likely increase as the facility gained recognition and built a reputation. Data points used included a \$175 annual pass; \$5,000 in merchandise sales; and the given operating expenses and local purchase percentage of the established comparison business. It was estimated that each pass holder would visit eight times per year.

The second economic model (Table X) evaluates startup operations of the facility. Again, for this scenario, a very conservative model was used. It also assumes that only those with motorized vehicles will pay to use the park (vs. hikers, mountain bikers, climbers).

			Total Value	
Impact Type	<b>Employment</b>	Labor Income	Added	Output
Direct Effect	10.7	\$245,899	\$329,910	\$647,115
Indirect Effect	1.4	\$60,916	\$111,330	\$202,977
Induced Effect	1.8	\$76,296	\$128,992	\$225,979
<b>Total Effect</b>	13.9	\$383,112	\$570,232	\$1,076,071

Table X: Direct, indirect, and induced economic effects anticipated for the first year of an OHV park's operation.

The approximate impact in the first year of park operations will exceed \$1 million in total output. Operations would support nearly 14 jobs. Some of these jobs would be created at the facility itself; however, restaurants and several types of retail outlets would also benefit from the indirect and induced impacts of the facility's direct employment effects. These impacts include only jobs and revenue generated as a direct result of the park's operations, and do not account for visitor spending.

Facility operations will generate over \$85,000 in federal taxes annually (Table X), with the majority generated from employee wages. TOPI is a term or tax classification for taxes on production and imports less subsidies.

Description	Employee Compensation	Proprietor Income	Production & Imports Tax	Household	Corporate
Social Security/Employee	\$23,419	\$771			
Social Security/Employer	\$22,217				
TOPI: Excise Taxes			\$4,666		
TOPI: Custom Duty			\$1,935		
TOPI: Fed Non-Taxes			\$303		
Corporate Profits Tax					\$5,319
Personal Income Tax				\$27,042	
Total Federal Tax	\$45,637	\$771	\$6,905	\$27,042	\$5,319

Generation of state and local taxes (Table X) is also important. The direct, indirect, and induced impacts of operations will yield over \$73,100 in state and local taxes, with the largest portions derived from sales and property taxes).

	Employee	Proprietor	Production &		
Description	Compensation	Income	Imports Tax	Household	Corporate
Dividends					\$98
Social Security/Employee	\$70				
Social Security/Employer	\$140				
TOPI: Sales Tax			\$33,622		
TOPI: Property Tax			\$24,103		
TOPI: MV License			\$432		
TOPI: Severance Tax					
TOPI: Other Taxes			\$4,430		
TOPI: S/L NonTaxes			\$58		
Corporate Profits Tax					\$1,174
Personal Tax: Income				\$7,444	
Personal Tax: NonTaxes				\$975	
Personal Tax: MV License				\$283	
Personal Tax: Property				\$160	
Personal Tax: Other Tax				\$115	
<b>Total State &amp; Local Tax</b>	\$211		\$62,644	\$8,978	\$1,272

Table X: Anticipated annual state and local taxes generated through an OHV facility in Newport Township.

#### **Visitor Spending**

Visitors will generate economic impacts in other sectors, as they purchase food, lodging, other retail items, gasoline, and motor parts and services. They also will participate in recreational activities in the local communities; and in towns enroute to the facility. To assess this type of impact, The Institute built a second model. Again, modelling was conservative: Only a portion of visitor numbers reported by the comparison OHV venue

for the most recent year was used. As there are no similar facilities within a 60-mile radius, it was assumed larger percentages of riders would come from Luzerne County (45%) and the surrounding region (40%). Out-of-state visitors would comprise 15% of the client base.

Also, it was conservatively estimated that visitors would spend \$25 on either food or retail during each visit; and that a small share of visitors (5% - 10%) would stay overnight. It is anticipated that these impacts would increase in year two and beyond as the facility gains name recognition.

Based on these inputs, the model anticipates a proposed OHV facility will generate over \$3.4 million in economic output and support over 37 jobs in a variety of sectors during its first 12-month period. Hotels, restaurants, retail, gas stations, and bars are some of the top industries that will receive revenue and job support from visitor spending. These totals are summarized in Table X.

			Total Value	
Impact Type	Employment	Labor Income	Added	Output
Direct Effect	27.0	736,545	1,169,091	2,129,245
Indirect Effect	4.7	226,753	348,665	639,254
Induced Effect	5.6	239,518	404,987	709,427
<b>Total Effects</b>	37.3	1,202,816	1,922,743	3,477,925

Table X: Anticipated direct, indirect, and induced effects to be produced by an OHV facility annually by visitor spending in Newport Township.

Increased business generates its own tax revenue. Modelling suggests that visitors will generate over \$276,450 in federal taxes, the majority consisting of employee taxes (social security) and personal income taxes from wages (Table X). State and local taxes generated is estimated to be over \$284,200 annually, comprised largely by sales and property taxes (Table X).

Description	<b>Employee Compensation</b>	Proprietor Income	Production & Imports Tax	Households	Corporate
Social Security/Employee	\$72,074	\$3,343			
Social Security/Employer	\$68,374				
TOPI: Excise Taxes			\$18,665		
TOPI: Custom Duty			\$7,741		
TOPI: Fed Non-Taxes			\$1,211		
Corporate Profits Tax					\$19,986
Personal Income Tax				\$85,062	
Total Federal Tax	\$140,449	\$3,343	\$27,617	\$85,062	\$19,986

Table X: Anticipated annual federal taxes generated through visitor spending in relation to OHV facility in Newport Township.

	Employee	Proprietor	Production &		
Description	Compensation	Income	Imports	Households	Corporations
Dividends					\$370
Social Security/Employee	\$216				
Social Security/Employer	\$432				
TOPI: Sales Tax			\$134,481		
TOPI: Property Tax			\$96,407		
TOPI: MV License			\$1,729		
TOPI: Severance Tax					
TOPI: Other Taxes			\$17,717		
TOPI: S/L NonTaxes			\$233		
Corporate Profits Tax					\$4,411
Personal Tax: Income				\$23,416	
Personal Tax: NonTaxes				\$3,066	
Personal Tax: MV License				\$891	
Personal Tax: Property				\$504	
Personal Tax: Other Tax				\$363	
<b>Total State &amp; Local Tax</b>	\$648		\$250,567	\$28,240	\$4,781

Table X: Anticipated annual state and local taxes generated through visitor spending in relation to OHV facility in Newport Township.

#### **Economic Opportunities within the Regional Context**

Luzerne County is a major tourist destination. The county offers year-round attractions within its borders and along its border to Lackawanna County. The county has several locations of its historical society museum, a casino and convention center, an indoor arena for shows and semi-professional hockey, state parks, wineries, golf courses, and hiking. At its northern end is an international airport, and just across the county line there is a semi-professional baseball stadium as well as a ski resort and outdoor concert pavilion. Between 2014 and 2019, annual tourism revenue increased from \$875 million to \$1.015 billion. It is anticipated that there will be a decrease in 2020 and 2021 figures due to COVID-19.

Ninety-six Luzerne County enterprises fall under the arts, entertainment, and recreation NAICS code (NAICS is an industry classification system). Aside from the entertainment destinations, the category primarily consists of golf courses and fitness and recreational sports centers. There are over 500 restaurants in the area as well, including full and limited service, cafeterias, buffets, and snack bars. There are 44 hotels, four B&Bs, and four RV parks and campgrounds.

Finally, there are five automobile and other motor vehicle merchant wholesalers and seven motorcycle, ATV, and other motor vehicle dealers. Expansion of the industry in Luzerne County would enhance opportunities for these business and new support businesses could be created.

A number of fairs and festivals are hosted all over the county. As a result, there appear to be opportunities for collaboration with other partners for joint events that attract visitors and extend their stays. Coordination with the wineries, an Oktoberfest, or other seasonal

fairs and festivals – while working in concert with various organizations and community leaders – could lay the foundation for ongoing collaborative events.

There has been significant growth in the number of hotels in the area (within 5-10 miles of the facility). Opportunity exists for partnerships with local hotels and restaurants to develop inclusive weekend packages. These could be "stay and play" weekends to maximize economic impact.

Luzerne County is home to a number of locations for hiking and biking. These are primarily public lands and access is free. The OHV park may struggle to compete if fees are assessed for these activities – unless some value-add is provided.

Finally, depending on property access, available land, and land development regulations, there may be opportunities to establish a campground and other businesses on or adjacent to the site. Support businesses for the motorized vehicles, retail, and food establishments would be attractive for meeting needs of park visitors. The facility could also contain a single large space with small units for lease (an indoor market-type venue), and an attraction-quality restaurant with major draw (such as a craft brew pub) could have significant synergy with the facility. Efforts should be made to identify local businesses looking to expand their presence in the region.

# 7.C Funding Resources

The information regarding potential funding resources was current at the time of writing. Each opportunity, however, should be independently investigated to determine applicant eligibility, match, and other requirements. Note where match funding is not required, applications that voluntarily include matching support (cash or in-kind) often receive preference. Matching funds above the required amount are also received favorably.

#### **Federal Grants**

#### Appalachian Regional Commission (ARC) | POWER Initiative

Congressionally funded, the POWER Initiative supports projects in Appalachian communities that have been negatively impacted by the decline of the coal industry. Projects should be larger in scale, have a regional focus, and include strong partnerships, with a goal of producing multiple economic and workforce development outcomes. Applications should present a clear plan for implementation and administration, with measurable outcomes.

Cycle: Annual Match: 50%

Maximum Request: For technical projects, \$50,000; for implementation projects,

\$1,500,000 (minimum \$400,000)

**Special Requirements:** In addition to aligning with ARC's Strategic Plan, projects must also support Pennsylvania's ARC Strategy Statement and the Comprehensive Economic

Development Strategy for northeastern Pennsylvania.<sup>3</sup> Link: <a href="https://www.arc.gov/funding/POWER.asp">https://www.arc.gov/funding/POWER.asp</a>

#### **State Grants**

#### DCED | Act 13 / Greenways, Trails & Recreation Program (GTRP)

Act 13 of 2012 established the Marcellus Legacy Fund, which allocates funds to the Commonwealth Financing Authority (CFA) for a variety of grant programs, which are administered by the Pennsylvania Department of Community and Economic Development (DCED). The focus of the GTRP is on planning, acquisition, development, rehabilitation and repair of greenways, recreational trails, open space, parks and beautification.<sup>4</sup>

Cycle: Annual

Maximum Request: \$250,000

**Match:** 15%

**Link:** https://dced.pa.gov/programs/greenways-trails-and-recreation-program-gtrp/

#### DCED | Local Share Account - Luzerne County

Funded through Act 71 (the Gaming Act) and allocated by the CFA, the Local Share Account (LSA) for Luzerne County supports projects that promote economic development, community development, and the public interest.

Cycle: Annual

**Maximum Request:** \$1,000,000 (minimum \$25,000)

Match: None

**Special Requirements:** Applicant must be municipality or Luzerne County

Redevelopment Authority.

**Link:** https://dced.pa.gov/programs/local-share-account-lsa-luzerne-county/

#### DCED | Multimodal Transportation Fund (MTF)

The broad aim of the Multimodal Transportation Fund is to support a strong transportation network within the state, as well as encourage economic development. To this end, "Funds may be used for the development, rehabilitation and enhancement of transportation assets to existing communities, streetscape, lighting, sidewalk enhancement, pedestrian safety, connectivity of transportation assets and transit-oriented development." With this in mind, the MTF should be explored in relation to this project for public trails, access to downtowns, and/or safety considerations on multiuse paths/roads.

Cycle: Annual

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<sup>&</sup>lt;sup>3</sup> Note: ARC Area Development grants, although smaller, are competed on a state level. General recommendations ré goals and outcomes are similar. Visit <a href="https://www.nepa-alliance.org/regional-grants/">https://www.nepa-alliance.org/regional-grants/</a> for local contact information.

<sup>&</sup>lt;sup>4</sup> Each year money is allocated through Act 13 to counties to use for a variety of projects (e.g., roads, public safety, sewer). Some of those monies are specifically allocated for recreational use. In years past, Luzerne County has run a competitive grant program to support recreation projects; however, it was not active at the time of writing.

**Maximum Request:** \$3,000,000 (minimum \$1,000,000)

**Match:** 30%

Although requirements are the same, this MTF is separate from PennDOT's MTF

Program. Both grant programs can be considered a resource.

#### DCNR | Community Conservation Partnership Program (C2P2)

Generally, C2P2 grants are for recreation, park and conservation projects within Pennsylvania. Grants fall into four primary categories:

- Community Recreation and Conservation Planning (e.g., feasibility studies, trails studies, recreation planning)
- Park Rehabilitation & Development (e.g., construction and/or refurbishment of indoor/outdoor parks, recreation facilities)
- Land Acquisition & Conservation (both for active and passive parks and formal conservation purposes)
- Motorized/Non-motorized Trails: Generally, these grants fund a wide range of trail-related projects, including acquisition, planning, development, rehabilitation, maintenance, equipment purchases, and education activities. A specified amount of these funds is allocated to projects focusing on motorized recreation.

Grant cycles, request limits, and match depend upon the specific project category.

Link: <a href="http://www.dcnr.pa.gov/Communities/Grants/Pages/default.aspx">http://www.dcnr.pa.gov/Communities/Grants/Pages/default.aspx</a>

#### DEP | AML Economic Revitalization Program

The Abandoned Mine Land Economic Revitalization (AMLER) Program, formerly known as the AML Pilot Program, is funded by an annual appropriation by Congress. While it is administered by OSMRE, DEP is responsible for the grant application and oversight process. Projects are usually larger in size, with awards typically over \$1,000,000. An OHV/adventure park may be an excellent fit with this program, as funds must support "the reclamation of abandoned mine lands in conjunction with economic and community development and reuse goals."

Cycle: Annual Match: None

Link:

https://www.dep.pa.gov/Business/Land/Mining/AbandonedMineReclamation/Pages/Abandoned-Mine-Reclamation-Pilot-Project-.aspx

#### **DEP** | Growing Greener

The primary focus of Growing Greener is on repairing damaged watersheds in the Commonwealth, and on implementing mitigation strategies to prevent further degeneration. To that end, funding may be available to address AMD impacts in the Newport Creek watershed, as well as other repairs to local streams (e.g., streambank restoration, riparian buffer planting). Typical projects include watershed assessments, development of watershed restoration or protection plans and/or their implementation,

and demonstration/education projects.5

Cycle: Annual Match: 15%

**Special Requirements:** Applicant must meet regional watershed manager to discuss

project application.

**Link:** <a href="https://www.dep.pa.gov/Citizens/GrantsLoansRebates/Growing-Greener/">https://www.dep.pa.gov/Citizens/GrantsLoansRebates/Growing-Greener/</a>

# **DOT** | Transportation Alternatives Set-Aside of the Surface Transportation Block Grant Program

The Transportation Alternatives Set-Aside (TASA) is a reimbursement program, which funds projects and activities defined as transportation alternatives, primarily in relation to "non-drivers." Like with the MTF grants, the emphasis for "off-road" projects is on pedestrian and bicycle routes/facilities, although things like viewing areas, ADA compliance, and environmental mitigation in relation to transportation are also included. There also is an interest in achieving recreational goals and positive economic impacts.

Cycle: Annual

**Maximum Request:** \$1,000,000 (minimum \$50,000)

**Match:** Project sponsor must pay all costs for pre-construction activities (design, environmental clearance, right-of-way, utilities, etc.); DOT provides 100% cost reimbursement for construction phase.

**Special Requirements:** Requires municipal applicant; applicant must meet with local DOT district as well as Metropolitan Planning Organization to discuss project.

## Link:

 $\underline{https://www.penndot.pa.gov/ProjectAndPrograms/Planning/Pages/Transportation\%20Alternatives\%20Set-Aside\%20-$ 

%20Surface%20Trans.%20Block%20Grant%20Program.aspx

### Office of the Budget | Redevelopment Assistance Capital Program

Administered by the Office of the Budget, the Redevelopment Assistance Capital Program (RACP) supports the acquisition and construction of regional economic, cultural, civic, recreational, and historical improvement projects. RACP projects should have a regional or multi-jurisdictional impact, and generate substantial increases or maintain current levels of employment, tax revenues, or other measures of economic activity.

**Special Requirements:** Grants awarded through RACP must already be included in one or more of the PA Capital Budget Project Itemization Acts; must have a total cost of at least \$1,000,000.

**Match:** 50%

**Link:** https://www.budget.pa.gov/Programs/RACP/

#### **Other Grant Resources**

### ExtremeTerrain | Clean Trail Grant Program

<sup>&</sup>lt;sup>5</sup> Note: Growing Greener (Growing Greener III) was reauthorized in 2022 and now includes mine land reclamation in its eligible projects.

These grants support organizations performing trail improvement projects, such as cleanups, restoration, expansion, etc. Funding can be used for tools, food and beverages for volunteers, event promotion, and other trail improvement expenses.

Cycle: Rolling Maximum: \$250

**Special Requirements:** Applicant must belong to a 4x4, OHV, or environmental trail group of five or more members, which has its own webpage (not social media account).

**Link:** <a href="https://www.extremeterrain.com/clean-trail-initiative-program.html">https://www.extremeterrain.com/clean-trail-initiative-program.html</a>

## PEC | Pocono Forests & Waters Conservation Landscape Mini-Grants

The Pennsylvania Environmental Council (PEC) offers mini-grants for a variety of environmental and recreational projects. In the study area, which falls within the Pocono Forests and Waters Conservation Landscape (PFWCL), projects should "help protect and sustain the natural resources of the PFWCL" in the following ways: conserve critical lands and waters, engage local communities, and/or create connections. This program may be better suited to support passive outdoor recreation offerings in the park.

Cycle: Annual

Maximum Request: \$10,000

Link: <a href="https://pecpa.org/grants-awards/">https://pecpa.org/grants-awards/</a>

## Polaris | T.R.A.I.L.S. Program

Two main objectives guide the T.R.A.I.L.S. Program: promoting safe and responsible riding and preserving access to off-road trail systems. Funds can be used by organizations for trail development and maintenance, safety and education initiatives, lobbying, and other projects to increase and maintain land access.

Cycle: Biannual

Maximum Award: \$10,000

Link: <a href="https://www.polaris.com/en-us/trails-application/">https://www.polaris.com/en-us/trails-application/</a>

## **Right Rider Access Fund**

The Right Rider Access Fund is a charitable organization created in 2011, which is supported by the powersports industry and individual donors. Projects for grant funding must fall into one of two categories: safety, education, and training programs; or projects by national, state, or local OHV organizations designed to promote OHV recreation and expand OHV riding opportunities.

Cycle: Annual

Maximum Request: Not given

**Link:** <a href="https://www.riderfund.org/ApplyForFunding.aspx">https://www.riderfund.org/ApplyForFunding.aspx</a>

## Yamaha | Outdoor Access Initiative

As stated on its landing page, the mission of Yamaha's Outdoor Access Initiative is "to provide practical support for efforts that promote safe, responsible use of OHVs, educate the public on proper recreational land use and wildlife conservation practices, and protect appropriate and sustainable access to public lands." Sample projects include trail development, restoration, and/or maintenance; signage; mapping; environmental

protections; volunteer coordination, among others

Cycle: Quarterly

Maximum Award: Not given

Special Requirements: Letter of support from local Yamaha dealer

**Link:** <a href="https://yamahaoai.com/">https://yamahaoai.com/</a>



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# **APPENDIX A Public Survey Instrument**









Please check **d** or write in your answers for each question. Zip Code:\* 1. 2. **Age:** □ Under 18 □ 18-24 □ 25-39 □ 40-55 □ 55+ ☐ Asian or Pacific Islander ☐ Black or African American ☐ Native American or Alaskan Native 2. Race/Ethnicity: ☐ White or Caucasian ☐ Multiracial or Biracial ☐ Some Other Race ☐ Prefer Not to Answer **Hispanic, Latino, or Spanish origin?** □ No □ Yes □ Prefer Not to Answer **Gender Identification:** □ Female □ Male □ Other □ Prefer Not to Answer 4. **Veteran:** □ No □ Yes 5. ☐ Some HS ☐ HS Graduate/GED ☐ Some College ☐ Associate's Degree 6. **Highest Level of Schooling:** ☐ Bachelor's Degree ☐ Graduate Degree ☐ Prefer Not to Answer 7. Household Income: □ Less than \$25,000 □ \$25,000-\$49,999 □ \$50,000-\$74,999 □ \$75,000-\$99,999 □ \$100,000-\$149,999 □ Over \$150,000 □ Prefer Not to Answer Are you an Off-Highway Vehicle (OHV) rider? Passengers in OHVs with more than one seat count as riders. 

\[ \subseteq \text{Yes} \quad \text{No} \] 8. IF YOU ANSWERED "YES," PLEASE CONTINUE TO QUESTION 9. IF YOU ANSWERED "NO," SKIP TO PART II. If yes, for how many years have you been riding?  $\square$  0-1  $\square$  2-5  $\square$  6-10  $\square$  10-15  $\square$  15+ 9. What type of OHV do you use/own? Check all that apply. ☐ ATV ☐ Dirt Bike ☐ 4x4 ☐ Side-by-Side ☐ Truck/Jeep 10. ☐ Snowmobile ☐ I do not own an OHV ☐ Other: When riding, what skill-level trails do you prefer? ☐ Beginner ☐ Intermediate ☐ Advanced/Extreme 11. What type of course do you prefer? Check all that apply. ☐ Beginner Track ☐ Motocross/ATV Track 12. ☐ Mudding Area ☐ Obstacle/Challenge Course ☐ Open Area ☐ Rock Crawling ☐ Trails ☐ Other (please specify): \_\_\_ How many times have you gone riding in the past year? □ 0-2 □ 2-5 □ 5-10 □ 10+ 13. When do you <u>primarily</u> ride? ☐ Weekdays ☐ Weekends ☐ Holidays ☐ All/No Preference 14. On average, how many hours do you prefer to ride?  $\Box$  0-1  $\Box$  2-4  $\Box$  5-6  $\Box$  7+ 15. When you ride, how many people are typically in your group? ☐ Just me ☐ 2-4 people ☐ 5+ people 16. Do you or does someone in your riding group have a disability as defined by the Americans with Disabilities Act (ADA)? 17. ☐ Yes ☐ No ☐ Other physical limitation that OHV riding accommodates Have you been to an OHV park or other riding area? ☐ Yes ☐ No 18. 19. If yes, what was your favorite aspect or feature of that trail system? How far are you willing to drive from your home to visit an OHV park/riding area? 20. ☐ Less than 20 miles ☐ 20-50 miles ☐ 50-150 miles ☐ 150 miles or more When you visit an OHV destination, how long is your stay? ☐ Day Trip ☐ Overnight ☐ Several Days ☐ Varies 21. If a trip to a riding facility includes an overnight stay, what type of lodging do you usually use? 

Cabin/House Rental 22. ☐ Camping ☐ Friend/Relative ☐ Hotel/Motel ☐ RV ☐ Other: \_\_\_

<sup>\*</sup> Indicates answer required.

23.	How much do you typically spend on <u>fuel</u> to travel to an OHV destination or event? $\square$ \$10-\$25 $\square$ \$25-\$50 $\square$ \$50-\$75 $\square$ \$75-\$100 $\square$ \$100-\$150 $\square$ \$150+
24.	How much do you typically spend on other expenses on a trip to an OHV destination or event (e.g., food, lodging)?  □ \$0-\$50 □ \$50-\$100 □ \$100-\$150 □ \$150-\$200 □ \$200-\$250 □ \$250+
25.	How do you transport your OHV to the trail/facility? □ Drive OHV to Trail □ Pickup Truck □ Truck/SUV & Trailer □ Toy Hauler □ Camp Trailer/Hauler □ Motor Home & Trailer □ Other: □ Other:
	<u>PT II</u> : This survey is part of a feasibility study for a potential large-scale OHV recreational park in port Township, Luzerne County. Please answer the following questions in regard to such a facility.
26.	Would you be in favor of an OHV recreational area in Newport Township?* □Yes □ No □ Unsure
27.	Do you have areas of concern with an OHV park? Check all that apply. ☐ Accessibility ☐ Environmental Damage ☐ Liability ☐ Maintenance ☐ Noise ☐ Overcrowding ☐ Safety ☐ Security ☐ Traffic ☐ Trespassing ☐ None ☐ Other (please specify):
28.	What types of facilities/amenities would be most helpful at an OHV park? Check all that apply.  □ Air Pump □ Campground □ Food/Snack Bar □ Playground □ Restrooms □ Services/Supply Shop □ Wash Station □ Other (please specify):
29.	Would you prefer a day pass or a season pass for an OHV park? ☐ Day/Guest Pass ☐ Season Pass
30.	What is a <u>fair</u> price for a day pass? ☐ \$10-\$20 ☐ \$20-\$30 ☐ \$30-\$40 ☐ Other:
31.	What is a <u>fair</u> price for a season pass? ☐ \$75-\$100 ☐ \$150-\$250 ☐ \$250-\$300 ☐ Other:
32.	Would you attend professional/sponsored events at an OHV park? ☐ Yes ☐ No ☐ Other:
33.	If yes, what professional events would you most like to see? Please list (e.g., GNCC, Motocross, Jeep Crawl):
34.	What other activities would you like available? Check all you or your family/group would be interested in.  □ Archery □ BMX Track □ Firing Range □ Go Karts □ Hiking □ Mountain Biking □ Paintball □ RC Car Track □ Rock Climbing □ Wedding Venue □ Zipline □ Other:
35.	Would you like to see community connector trails from an OHV riding area to other local amenities (e.g., fuel, food, lodging)? ☐ Yes ☐ No
36.	Would you support regulated, limited OHV use on local roads to access other towns and/or trail systems?
37.	Follow-Up Information:  a. If asked, would you be interested in providing follow-up information? ☐ Yes ☐ No  b. Would you like to receive updates about the study, including a link to the final report? ☐ Yes ☐ No  If yes to either a or b, please provide email address:

**38.** Additional Comments:

# **APPENDIX B**Written Responses to Public Meeting Questions







**Public Meeting #1** 

When: Thursday, February 11, 2020, from 6:00-8:00PM

**Location: Virtual Conference via ZOOM** 

Follow Up Answers to Questions Presented (Q&A)

The following questions and comments were submitted in the "Q&A" box by attendees at the first (virtual) public meeting for the Newport Township OHV Feasibility Study. For clarity, we have grouped these questions into categories, with our responses immediately following. We want to reiterate this study is a general look at the 10,000 acres that make up the project area in order to understand the landscape, opportunities, challenges, and concerns. Nothing is fixed. Our answers are based on our knowledge as planning professionals and personal experience as OHV enthusiasts, and may be adjusted as the study progresses.

### STUDY AREA LOCATION.

#### **Questions/Comments:**

- Will there be rules/restrictions on how close the trails/ATV can be from someone's home? In
  other words, my house as well as many others in Newport twp. has land that is right next to
  their home that is within proximity to the riding areas shown on the 'Study Area' map. We
  would not want to hear ATVs all day and night ripping near these homes.
- I live in Lee section of Glen Lyon; the map is right in my backyard.

**Response:** Both Earth Conservancy (EC) staff and the LAIRD team appreciate residents' concerns related to noise and other unwanted behavior, and related frustrations. To begin, the area outlined for the feasibility does not mean that trails will be located everywhere within those boundaries; rather, it's simply a limit for what properties we are evaluating so we can understand what might (and might not) be possible and where. This is one reason we encourage residents stay involved with the project and with EC, Newport Township, and potential owners to identify concerns as well as solutions.

If park development does move forward, we can say that based on other riding areas, it is expected that measures would be put in place to minimize issues for adjoining neighborhoods and property owners. For instance,

- The location of facilities and/or trails would take proximity to residences into account.
   Additionally, they may incorporate buffers (natural and/or constructed) to manage noise generated from activities.
- Signage would be mark "SLOW" speed limit zones (similar to PA standards for snowmobiling trails) and "NO DUST" areas to minimize impacts.
- OHVs would need to meet state and DCNR decibel ratings.
- Facility/curfew hours would be established to regulate hours of operation and trail access in accordance with local noise and quality of life ordinances.

• Road crossings (if allowed) would be located in consideration of surrounding residences and regulated by applicable laws.

Also, it may seem counter-intuitive, but a more extensive trail system would diminish noise effects. The large amount of land would spread riders and/or activities throughout the site, thereby diffusing their sounds.

We truly believe that the future of trails, including this potential recreation area, depends upon the behavior of users. The majority of riders in the OHV community are hard-working, responsible, tax-paying, law-abiding, individuals, who typically register their machines. They will follow rules and respect private lands for the privilege of having an organized, legal riding area. Unfortunately, there are outliers in every sport who give enthusiasts a poor reputation. We see OHV recreational areas as positive, community-buildings program with dividends of economic development and hope for the future of our small towns and communities. We do not want a few bad actors to obstruct these benefits. Our recommendation now – as well as if a recreation area transpires – is that all individuals follow the principles of:

- 1. "See Something, Say Something," and document/report bad behavior of offenders to the proper authorities.
- 2. Thinking before one acts, as the future of this facility depends on YOU.
- 3. Following the rules. Abuse of privileges granted by a recreation area hurts you, your family, the industry, the economy, and the community as a whole. Any misbehavior will be prosecuted in the interest of the majority of enthusiasts that abide by the rules and intended purposes of the land and facility.

## CONCERNS REGARDING TRESPASSING

#### **Questions/Comments:**

- Has anyone investigated why someone needs an area to ride a \$10,000 ATV yet they do not pay their taxes?
- Ask in the survey how much property the riders own. How often do they ride on property that they do not own or even know who owns?
- So, let me get this straight. Who was it that just admitted to trespassing?

**Response:** Currently, everyone that is riding, hiking, rock climbing, hunting, etc. where these activities are not authorized is trespassing. This is one of the reasons EC – and others – believe a designated, well-managed, and patrolled recreational area would be a benefit. Recreating here would be a privilege that would depend entirely upon visitors' behavior and adherence to the operating structure.

For OHV enthusiasts, this is critical. There are few legal and safe places to ride – which happens to be one of the most common complaints of riders and excuses for trespassing. It is interesting to note the majority of OHV owners who responsibly register and insure their machines reside in urban and suburban cores. As stated in the one comment, they may not own or know someone who owns land. These folks will travel many hours to ride in organized, legal trail systems where their equipment is secure (and/or under surveillance). One of the most substantial benefits of a recreational area is that designation of riding trails and activity areas will allow patrol and prosecution of anyone that is not authorized to ride the area; and riders who go beyond the park boundaries can be prosecuted for trespass, etc. The aim really is to create

a place for OHV enthusiasts – and other outdoor recreationists – where they can feel safe to recreate and enjoy the natural world at their leisure.

### FEASIBILITY STUDY & POTENTIAL PARK PLANS

**Question:** Are there any rough dates established to go along with the timeline [for the feasibility study] you presented earlier in the meeting?

**Response:** The grant award to EC from DCNR ATV Restricted Fund has a two-year timeline. The study was intended to be conducted over a roughly 12-month period. COVID-19 has required that the schedule be modified, but not extensively, so the overall project will likely take 16 months as practical public interface allows.

**Question:** From seeing some of the pictures you showed, I noticed a few spots that you could host a very up and coming sport: motorcycle hill climbs. It is also a way of creating more funds for the project by having weekend events. Also, good luck with everything I will keep in touch.

**Response:** We agree that hill climbs are a classic challenge feature that allows testing of skills and abilities. However, there can be difficultly in managing who should attempt the challenges. Intermediate, advanced, and expert riders will all come to try them. This will likely require additional challenge areas for novices and others to enhance skills in order to advance to the next level of riding proficiency.

In terms of hosting events, we agree that well-advertised and well-structured events can be held after staff have been prepared to plan, host, and manage these types of events. This model can apply to rock climbing, paintball, kayaking, and trail-running community events that can produce substantial pay-to-play revenue, which then can be reinvested in the facility.

Comment: I belong to Anthracite Trail Riders Club of PA, but I live in New York on Long Island.

**Response:** This is a great example of how far and wide visitors will travel to find a great place to ride. It would be interesting to know how much you spend in the area when you come here besides your travel cost? Feel free to contact us to discuss further.

**Comment:** OHV rental for use in the OHV park can generate economic growth.

**Response:** Absolutely! This region, like many others in PA, are already lacking in OHV rental opportunities. Every group of riders has someone who could benefit from renting a machine – either because they're visiting, want to test ride a model, or aren't ready to invest in their own OHV. Many families and large groups would travel greater distances and pass over other riding areas if they have the opportunity to rent a machine to better accommodate their group. Not only will the area need rental support, but also retail sales (parts, tires, helmets, accessories); services (flat tires, general repairs, trailer services, RV service); and importantly, places to eat (cafes, restaurants, coffee shops). Outdoor Recreation people play hard and love to eat!

NOTE: A critical design element for park parking as well as goods/service venues is providing adequate full pull-through parking for people with large RVs, trailers, and toyhaulers.

**Question:** Have there been surveys/studies done to see if residents and local law enforcement are for opening the streets of neighboring towns to allow access to fuel, food, etc. by OHVs?

**Response:** This question is a vital part of the Feasibility Study. To date, we have received support for both opening an Action Sports Park (including OHV) as well as strategically opening

specific (yet to be determined) streets/roads. This action, however, is entirely up to the municipality's discretion and we do not believe this would happen on "day one" but rather evolve over time if the community sees this connection as a benefit. If this were to happen, OHVs would be required to follow the rules of the road, including obeying speed limits, stops signs, and any other restriction that may be necessary.

As case studies, areas such as the Hatfield McCoy Trail System in West Virginia and numerous townships in Pennsylvania that have classified selected streets as "Designated ATV Friendly." Enforcement programs are manageable and straightforward. And by allowing connectivity to the downtown economic development generated. I recommend watching this recent news story on AOAA and the City of Shamokin: <a href="https://www.dropbox.com/s/kzf4dsz4almmtqu/2020.10.02-WNEP16.Shamokin.mp4?dl=0">https://www.dropbox.com/s/kzf4dsz4almmtqu/2020.10.02-WNEP16.Shamokin.mp4?dl=0</a>

**Question:** Are there plans to charge for non-OHV users?

**Response:** The answer to this question will depend on whomever owns/develops the recreational area. The most basic consideration is the activity an individual will be involved in. For example, there may be a driver vs. passenger rate; or a rate for riders vs. climbers. Whatever the activity, a nominal fee is important to make sure the facility has adequate support for operations and maintenance of all facilities, including trails, signage, security, restrooms, garbage disposal, insurance, etc.

In addition to rate-based activities, other considerations might include residence (e.g., Luzerne County residents vs. Pennsylvania vs. out-of-state), age (e.g., youth, seniors), group structure (e.g., family rate), and/or day vs. season pass. All of these classifications will help identify how many patrons exist, where they are coming from, and what activities they most enjoy. That information will help determine where additional monies should be spent.

Question: What is the time frame we are looking at [for a riding area] if this were to happen?

**Response:** Assuming this study retains the high level of support from enthusiasts, local businesses, and municipal leadership, the immediate priority is **to identify an entity who will be responsible for ownership and management of the facility.** Zoning and insurance requirements would also be key elements of moving forward with any plans.

With an owner in place, development activities could unfold according to the following timeline. Again, however, this is dependent upon park management, their plans, funding, and use. Starting with the completion of this OHV Feasibility Study, a hypothetical timeline could include:

#### **Short-Term Goals**

**Years 1-2:** Identify an appropriate Owner/Manager to own, operate, and maintain the functions of a public park.

- Prepare a Master Plan and Business Plan outlining services and facilities;
- Establish formal parking lot and provide Port-A-Jons;
- Determine appropriate insurances, access controls, fee structure, and on-site management staff;
- Establish pass system for users and law enforcement needs/strategy;
- Identify future projects and costs to determine and seek funding (e.g., grants, donations, fundraisers, in-kind services, volunteers).

#### **Mid-Term Goals**

**Years 2-3:** Establish a defined trail system (expand, consolidate, and close off certain trails)

- Hire part-time and full-time staff to collect fees/allot passes, and to maintain trails and facilities (e.g., parking lot, trailheads).
- Build stormwater management controls (i.e., part of buildings/impervious surface approvals).
- Establish a Volunteer Corps Program to allow local residents and enthusiasts to assist in maintaining the site and facilities.

<u>Longer-Term Goals</u> (note, these are examples only; timeline would also depend on user demand.)

**Years 3-5:** Plan, design, and construct built features, facilities, and additional trails. Could include amenities like:

- Flush-toilet restrooms, access gates/barriers, maintenance building, parts/service shop
- OHV training area for children/new riders
- Lease areas for events such as paintball, archery, trail running, etc.
- Additional staff, equipment, and facilities (e.g., pavilions)

#### Years 5-10:

- Pro Shop and/or on-site service center.
- Rental outfitter for OHVs and other activities (e.g., paintball, rock climbing)
- Pond or swimming pool
- Playground
- Other components of a Master Plan

## SAFETY & EMERGENCY ACCESS

#### **Questions/Comments:**

- Who will be responsible for policing this OHV park and will extra money be given to local police departments?
- One thing I can think of that is always important on any trail system is emergency response
  times. Of course, I am sure you have looked at area hospitals and their proximity to the
  proposed area. I was talking with some friends who brought up a point, maybe with the
  growing popularity for any off-road sport, it would be worth considering putting together an
  "Official Rescue" crew for different areas. Trained individuals to be based at this area as
  well as others to handle the initial emergencies in a situation and help as needed.

**Response:** Both of these are excellent points that will need to be addressed.

In relation to security, park management will need to hire patrols. Early on, local police may have to provide additional support, not only to monitor and maintain a presence of enforcement, but also to assist in apprehending and/or prosecuting individuals who abuse the privilege to ride, hike, climb, etc. Eventually, as site management, staff, and/or rangers are hired, the need for local police enforcement will decline. Overall, we believe that a recreational area will alleviate the demands currently on local law enforcement – there will be organized management and surveillance of the site and activities in place.

In relation to emergency access, park planners will need to evaluate access and evacuation routes. One consideration is for the final park design to include a heli-pad in case life flight or emergency access be required - several extreme sports facilities have integrated this feature

into their program. Similarly, a partnership will need to be established with the local emergency response teams, EMTs, and ambulance companies for coordinated access, and GPS location technologies.

## ENVIRONMENTAL CONCERNS

Question: Will there be air quality and air pollution studies that are ongoing for protection?

**Response:** No, regarding this feasibility study, but YES in terms of ongoing stewardship and management strategies moving forward. Firstly, as discussed in earlier responses, in having a managed recreational area, "active" areas can be stabilized, improved, and monitored over time. Well-maintained facilities, responsive staff, and use of best practices (e.g., dust/speed zones, barriers, education programs), will limit environmental impacts, especially on areas that are deemed environmentally sensitive.

Second, as with the automotive industry, OHV manufacturers are increasingly concerned with reducing emissions. Technology is allowing for vehicles that virtually eliminate carbon fuel emissions, engine lubricants, and/or the heat common to most internal combustion engines. And – depending on the electric generation source – batteries are becoming more durable, lighter, and efficient. This is most evident in the E-Bike and dirt bike industry with manufacturers including KTM, YAMAHA, StaCyc, and others, that have already produced fully electric trail and competition models, which are setting new standards for performance and sustainability.

**Question:** Has there been an impact study on the bat hibernaculum? Do we know if any of the bats that use the hibernaculum are protected by state or federal law?

**Response:** Specific to the bat hibernaculum, the site on which it exists in on property owned by the PA Game Commission and is not part of the properties we are evaluating for an OHV park.

More generally, we will perform an environmental review using the Pennsylvania Natural Diversity Inventory (PNDI) tool as part of this initial feasibility study. This review will provide information regarding any threatened and endangered species – not just the bats – located within the study area. Based on that information, we can identify not only what areas may not be appropriate for trails, but what agencies and/or permits may need to be involved as planning proceeds. This may include PA DEP, PA DCNR, the PA Game Commission, the PA Fish & Boat Commission, and the Luzerne Conservation District, among others. To reiterate, this feasibility study is a high-level look at the 10,000 acres outlined. The eventual owner and their professional design team would be responsible for more detailed evaluations of environmental concerns, how those intersect with potential trails, and what wildlife/ecological protections need to be employed. Possible mitigation measures might include rerouting current trails, increased buffers, fencing, seasonal restrictions, regular monitoring, signage and education, etc.

**Question:** Have you considered fuel run off? The Black Creek, a class A cold water fish steam runs through the property. Who will enforce that?

**Response:** As noted above, there will be environmental evaluations done and controls put in place, if a park were developed. There are actually three designated streams in the study area: Newport Creek, Turtle Creek, and Black Creek. All three are designated Cold-Water Fisheries (CWF), but are not classified by PA DEP as High Quality or Exceptional Value streams. Two of the three (Turtle and Black) are attaining their assessed use for wildlife, but none are designated as Class A trout streams, trout stocked streams, wilderness trout, or trout natural reproduction streams.

That said, we would not anticipate any fuel running off of the property. Fuels brought in by riders would need to be contained and used only in the intended vehicles and locations (e.g., the parking lot). Moreover, OHV fuel tanks are designed to not expel fuel directly or immediately. Carbureted machinery may allow small increments of fuel to leak out slowly in the event of a tip over, which is often very quickly remedied by the operator and/or riding group participants or tour guide. Newer, more modern machines equipped with fuel injection (non-carbureted) do not allow direct flow of fuels to or through the engine intake, therefore containment is ensured in nearly any angle of operation, drastically reducing even the smallest incremental fuel leaks.

If there were a spill, appropriate mitigation measures would be employed, as would be spelled out in an Operations and Procedure manual, adhering to all applicable laws. Park staff would be trained on these procedures and would be responsible for enforcement.

## **ACTIVITIES OUTSIDE OHV RIDING**

**Question:** What about hunting?

**Response:** Currently, some EC Lands in the study area are open for hunting through the PA Game Commission's Hunter Access Program during respective seasons.

If a park were to be developed, hunting access would be determined by park management. There are ways hunting could be accommodated. For instance, during rifle season, AOAA shuts down; only hunting is allowed on its property. Outside of rifle season, they allow walk-ins for hunting during specified hours (e.g., before the park opens).

**Question:** Would or are they considering a gun range for sighting in or a place for competition shooting?

**Response:** It is entirely possible to consider a shooting/siting range utilized natural backstops, but only with carefully coordinated schedules that other users will know when to expect shooting areas and hours.

**Question:** Climbers are currently putting their own money into safety measures for the cliffs. Mainly the bolts used to protect climbers from falling. If you are charging for entry would it not be fair to assist the climbing community in these safety measures? Would you be open to using the money from access fees for climbers to keep these bolts up to date?

**Response:** If a fee is charged for rock climbing, it would make sense for park management to redirect funds into enhancing the climbing facilities and experience; those users have generated the funds. It's the same philosophy that's underwriting this study. Pennsylvania riders are required to pay a fee when registering their vehicles. A portion of those monies are allocated to the PA DCNR ATV Restricted Fund which, if awarded, can be used by grantees to create trails and enhance the riding experience. When projects like this move forward, it concretely demonstrates how the state is using these fees – possibly even encouraging more individuals to get registered/ insured and support the program.

**Question:** As a Mocanaqua resident and avid climber, how do you foresee liability and insurance needs to impact climbing access? Has there been any concern to how this will affect accessibility?

**Response:** Again, this will be dependent upon the ultimate manager of the property and the designated uses for given areas. We would anticipate climbers – or any other recreationist

served by the facility – would need to register with staff and sign a Waiver of Use & Access form, similar to paying to play at a public paintball, zip line, motocross track, or outdoor sports parks. This is needed not only to account for who is in the park, but also to assure that users acknowledge their understanding of inherent risks prior to entering the site and participating in any activities. Anyone who has not signed the waiver would be considered a trespasser, relieving the park and its management from liability. In addition, state indemnifications (RULWA Act) will be applied and other insurances will be worked into the user fee structure.

As we have in other responses, we encourage you to remained involved throughout the planning process. There are such a variety of activities that can be accommodated within the study area. It's up to users to make sure their voices are heard.

### **MISCELLANEOUS**

**Question:** Where do we take the survey? Is it on the website?

**Response:** The survey will be available until May 2021, and can be accessed on the project webpage at <a href="https://www.earthconservancy.org/recreation/newport-twp-ohv-study/">https://www.earthconservancy.org/recreation/newport-twp-ohv-study/</a>, or by using the following link: <a href="https://forms.gle/YB2UJNpcuRL72ank6">https://forms.gle/YB2UJNpcuRL72ank6</a>.

Question: How many people attended the meeting?

**Response:** There were 57 attendees at the Zoom meeting, not including EC staff and the LAIRD project team. Another 55 individuals viewed the livestream meeting on YouTube.





Newport Township OHV Recreational Park Feasibility Study Public Meeting #2

When: Wednesday, August 4, 2020, from 5:00-7:30PM Location: Luzerne Co. Community College – Nanticoke, PA

Follow Up Answers to Questions Presented (Q&A)

The following questions and comments were submitted after the second public meeting for the Newport Township OHV Feasibility Study on paper form provided to attendees. For clarity, these questions have been arranged into categories, with responses immediately following. This study is a general look at the 11,400 acres that make up the overall project study area in order to understand the landscape, opportunities, challenges, and concerns. Nothing is set in stone at this time. Responses are provided based on our knowledge as planning professionals and our personal experience as OHV enthusiasts. Answers may be adjusted as the study progresses and additional information/feedback is gathered from research and stakeholders.

## CONCERNS REGARDING TRESPASSING

Question: Identify methods to preclude riders from trespassing on adjacent property.

**Response:** Based upon the examples set by similar projects, the success of a potential adventure recreation area depends heavily upon the behavior of guests. The majority of users (hikers, rock climbers, mountain bicyclists, ATV riders, etc.) are hard-working, tax-paying, law-abiding citizens who too often have no feasible means of enjoying their preferred mode of outdoor recreation. They will follow rules and respect private lands in the interest of preserving the privilege of access to a local, well-organized, legal, and family-friendly trail system where their equipment is secure and they can enjoy time being active outdoors. Furthermore, creating a designated recreation/riding/activity creates a structured environment with rules, patrols, surveillance, and prosecution of those who disregard expectations. To this end, numerous measures to deter intentional OR unintentional trespassing can be applied. These may include:

- Highly-visible, well-established access points with clear signage, also indicating registration requirements;
- User control system (e.g., identifiable armband, sticker, pass, or membership brand);
- Barricades (e.g., fences, telephone pole barriers, gates, boulder rows)
- Trail routing away from the park perimeter;
- Signage (especially indicating boundaries such as private property/prohibited areas);
- Surveillance video cameras and/or security lighting;
- Reward system for reporting illicit behavior, illegal dumping, littering, vandalism, etc.;
- Patrols by staff rangers and/or random patrol by local police.

Unfortunately, none of these measures are guaranteed to prevent trespassing by individuals who deliberately seek to do harm, damage, or engage in other illicit activities. However, they do provide ways to identify and prosecute the few users ("2%'ers") who fail to follow established boundaries/rules.

## POTENTIAL ADVENTURE PARK PLANS \_

#### **Questions/Comments:**

- Universal pass for people who abut this park? I wouldn't like to trailer my quad [to an access lot]. I want to access from my property.
- Will residents receive a discount and/or other incentives for access to the park?
- Generations of local citizens have enjoyed hunting, camping, trail use (including hiking, mountain biking, trail running and ATV riding for free). What will the local community expect going forward and will access be denied once a developer buys the land? What activities will continue to be permitted on this land?

**Response:** Currently, anyone that is walking, riding, hiking, rock climbing, hunting, etc. where these activities are not authorized is trespassing. Yet this longstanding activity in the study area signals a real need for recreation here. This is among the reasons EC and other landowners believe a designated, well-managed, and patrolled recreational area would be a community and regional asset. It would establish boundaries and attend to liability concerns. It would also place responsibility for continued use of the property on visitors' own behavior. If the rules are ignored, the privilege of recreating in the area may be lost.

The fee structure for an adventure area will depend on whoever owns and/or develops the recreational area, and any associated organization. In truth, it is possible that if the property were sold to a private entity, public use could be prohibited permanently. Regardless, based on preliminary data from the feasibility study, reasonable fees for users (e.g., day pass, insurance) are generally supported. Fees that respondents found acceptable are in line with those at other facilities (e.g., paintball fields, skate parks, motocross). Additionally, park management could consider the following options in regard to discounts:

- Reduced fee for local users (of all types) based on residency (e.g., Luzerne County or a
  defined NEPA region). Immediately local residents (e.g., Glen Lyon, Nanticoke,
  Mocanaqua) may receive a further discounted rate;
- Consideration of local club memberships, with reduced rates in exchange for park/event assistance (e.g., organizations that do trail cleanups or volunteer at events);
- Consideration of trail/event work by individuals, which may be performed in exchange for a reduction of fees (i.e., "comp time");
- Local businesses could sponsor special rates for patrons to help offset fees. This could be especially effective for dealerships, repair shops, gas stations, etc.;
- Depending on the park's organizational structure, donations are another possibility, used to support local, youth, or new riders.
- On the flip side, users from outside the area would be expected to pay a higher rate.

Additional factors that might affect the user rate could include the type of activity an individual will participate in (e.g., driver vs. passenger; riding vs. climbing or mountain biking). Use of park amenities would need to be considered. Services like parking, flush toilets, signage, security, and garbage disposal all require funding. If these are used by all recreationists at the park, a nominal user fee would make sense.

Similarly, access to the park from residences would need to be evaluated not only by the park management, but also the municipality. The desire for easy access is understandable. However, for every individual who wants to enter the facility from his/her property, there likely

would be a neighbor who does not want OHV riding nearby.

A final note: One must remember that a significant portion of the study area is owned by PA DCNR. Use of state forest lands by the public for outdoor recreation is encouraged by PA DCNR, except where conservation/management regulations are in place or conflicting land uses occur. Activities (e.g., hiking) located solely within the state forest (e.g., Mocanaqua Loop Trail) likely would not fall under the park fee-structure.

#### **Questions:**

- Have any entities expressed an interest in operating the proposed facility?
- When will an actual owner/operator of the proposed site be identified?

**Response:** As noted during the meeting, EC has received numerous inquiries about the project. Leasing portions of property has been of particular interest for outdoor recreation events (e.g., paintball, trails races). What happens will depend partly on the results of the feasibility study, as it will document zoning and insurance requirements, and describe the pros and cons of potential ownership models and management/ maintenance protocols. At this time, no entity has been identified.

Question: What percentage would you ascribe to this proposed facility becoming a reality?

**Response:** As was seen in EC's first ATV study, which identified two areas for potential parks (i.e., Newport Township, Avondale Hill), there has always been interest; however, no one has taken the next step of delineating a plan.

We hope this feasibility study provides the additional groundwork required to advance this vision. LAIRD's extensive, first-hand knowledge of recreation and OHV facilities confirms Newport Township has the site features needed for an outdoor destination already. What their expertise has added are the technical "musts" any operation needs to consider: zoning and permitting, liability, infrastructure, etc. They have also been able to confirm and clarify user wants and needs; as well as analyze requirements needed to manage environmental impacts. Now, there is a much clearer picture of what starting an adventure area would entail.

Additionally, unlike 15 years ago, there has been incredible growth in outdoor recreation generally and motorized recreation particularly. With this popularity has come many well-established models of successful parks and programs. We believe this, paired with the very positive, context-specific details in the feasibility report, boosts the chances of the project becoming a reality. The caveat is that implementation will be a matter of public will and the cooperation of all parties.

**Question:** Will there be priority hiring of Newport Township residents for employment with an ATV park?

**Response:** Similar to the inquiries from outside parties interested in operating a park, other individuals have expressed interest in being employed by such a facility. It would make sense to give preference to locals, who understand not only the landscape, but also the community, its assets, and area concerns. That said, staffing decisions ultimately would depend on an applicant's qualifications for a given job and would be at the discretion of the property owner.

**Question:** What is the proposed project's time frame for implementation?

**Response:** After elements like zoning and insurance are addressed, a possible development timeline could include:

#### **Next Step Goals**

**Years 1-2:** Identify an appropriate Owner/Manager to own, operate, and maintain the functions of a public park and define its organizational structure.

- Prepare a Master Plan and Business Plan outlining services and facilities;
- Determine appropriate insurances, access controls, fee structure, and on-site management staff;
- Establish registration and pass system for users and law enforcement needs/strategy;
- Map, prepare, and mark access point and initial trails;
- Create formal parking lot; provide portable toilets;
- Identify future projects and costs to determine and seek funding (e.g., grants, donations, fundraisers, in-kind services, volunteers).

#### **Short to Mid-Term Goals**

**Years 2-3:** Establish a defined trail system (expand, consolidate, and/or close off certain trails)

- Hire part-time and full-time staff to collect fees/allot passes, and to maintain trails and facilities (e.g., parking lot, trailheads).
- Build stormwater management controls (i.e., part of buildings/impervious surface approvals).
- Establish a Volunteer Corps Program to allow local residents and enthusiasts to assist in maintaining the site and facilities.

<u>Longer-Term Goals</u> (note, these are examples only; timeline would also depend on user demand.)

**Years 3-5:** Plan, design, and construct built features, facilities, and further delineate and organize/ expand additional trails. Could include amenities like:

- Flush toilets, access gates/barriers, maintenance building, parts/service shop
- OHV training area for children/new riders
- Lease areas for events such as paintball, archery, trail running, etc.
- Additional staff, equipment, and facilities (e.g., pavilions)

#### Years 5-10:

- Pro Shop and/or on-site service center
- Rental outfitter for OHVs and other activities (e.g., paintball, rock climbing)
- Pond or swimming pool
- Playground
- Other components typical of a Master Plan (Landscape, Dog Park, etc.)

**Question:** Can you estimate economic benefits to existing and prospective local businesses?

**Response:** What you're referring to is called an input-output (I-O) analysis and will be included as part of the final report. To prepare the analysis, the Institute inputs a variety of economic and demographic statistics into a specialized modeling program, which then calculates how a specific economic activity can impact the larger economy. This includes job retention/creation and increases in local expenditures. For a similar example, AOAA completed a feasibility study in 2011, which included an I-O analysis. The authors estimated that for every 1,000 visitors at an adventure area annually, 4.4 jobs would be created, with almost \$80,000 in wages. It would

also contribute approximately \$125,000 to the gross regional economy. The full AOAA report is available at https://www.americantrails.org/files/pdf/AOAA-Master-Plan-2011.pdf.

Question: What is the estimated tax revenue the municipality can expect to receive?

**Response:** Potential tax revenue would depend on a number of variables, as well as what assumptions are made about those variables. Of greatest impact would be the organizational structure of the park, i.e., whether it is for-profit, nonprofit, or some sort of public/private partnership. For the sake of discussion, let's consider the following scenario:

The amount of real estate (R/E) tax associated with each acre EC owns in Newport Township is approximately \$26.75. If EC contributes 2,500 acres to the project, the amount of R/E tax added to the tax rolls would be about \$67,000. If improvements are made to the parcels, the amount of tax generated would be increased proportionately by the improvements put in place. Let's assume the park covered 6,000 acres (i.e., not including PA DCNR property), the amount of tax revenue could be over \$160,000 per year. Whatever the total, the R/E taxes would be split among the county, the municipality, and the school district.

Taxes generated from earned income would be minimal, as the local tax rate is only 1%. For example, if the total of workers' salaries was \$100,000, then the earned income tax returned to the municipalities would be \$1,000. Sales tax would have no impact on local tax revenues, since it is collected and remitted to the state. What this discussion does not account for is the indirect impact local businesses could expect from having a facility like an adventure park nearby. That impact could be significant. The input-output analysis described in the previous question tries to calculate those benefits.

# REGULATION, SAFETY, & EMERGENCY ACCESS \_\_\_\_\_

#### **Questions/Comments:**

- Question about buffer zones: How far from our homes that abut this park?
- Newport Township Ordinance No. 3, as of July 6<sup>th</sup>, 2020, was specifically designed to protect the residents of Newport Township (preserving health, safety, welfare, and comfort of citizens) with the following:

Recognizing that certain noise levels are intolerable and affect the quality of life of its citizens and desirous to prohibit the same, a continuous noise lasting for more than 3 seconds without stopping and at a greater level than 55 decibels from 10:00pm-7:00am within Newport Township as well as continuous noise higher than 65 decibels during any other hours of the day [shall be unlawful].

Loud activities (large group competitions with spectators, musical concerts, OHV, truck, buggy) noise is a medical and environmental issue. Most OHVs operate and are between 85-100 decibels (85 decibels is the threshold for close range permanent hearing damage as set by OSHA). Given the noise output of just one OHV, riders would be violating the Newport Township Ordinance set forth given the proposed locations of trails as well as contemplated/projected access points that are located next to and within distances that would exceed the decibel limits set forth in the ordinance and with continuous disruption that exceeds the timetable set forth (3 seconds) as well. With that in mind;

How will the mapping and selection of trails used for the park be determined based on the residential property lines and the noise ordinance and decibel level requirement?

At what distance from ALL properties within and surrounding the town of Glen Lyon will the determination of trails, access points be established given the noise constraints determined by the Newport Township Ordinance?

What noise remediation steps will be taken and buffer line determined and at what distance so as to prohibit the violation of the noise ordinance?

Determining feasibility of this project should factor in the scope and magnitude of this project based on the <u>distance</u> at which the park will be built from residential properties. The suggested "2 ft. wall as a sound barrier" suggested by Mr. Laird <u>does nothing</u> to prevent the travel of sound and the concerns of noise pollution based on the topography of Glen Lyon and the rudimentary facts on how sound in fact travels. A two-foot-high wall does not serve as a sound barrier. What is the real solution? Feasibility should calculate the cost to effectively buffer noise along with determination of the distances established for all trails and access points in order to prevent noise ordinance violations of Newport Township. What will that distance be and who will enforce this? Compound this concern by hundreds, and over time, thousands of OHVs traversing this region at any given time and the collective noise disruption a park of this size can create for the residents of Newport Township, particularly Glen Lyon, needs to be accounted for in evaluating/determining feasibility.

**Response:** To begin, the reference to the 2' wall as a noise barrier is incorrect. Rather, during the first public meeting Mr. Laird mentioned a telephone pole fence as a physical barrier, preventing riders from trespassing on private property. This approach is promoted by the US Department of Agriculture Forest Service for recreation management.

In regard to the ordinance cited, hours of its enforcement are from 10:00pm – 7:00am. Based on other OHV areas surveyed during the feasibility study, park operation falls outside these time (e.g., AOAA is open from 9:00am – 6:00pm). Anyone operating a motorized vehicle outside set hours in the park would 1.) be trespassing; and 2.) potentially violating the ordinance, depending on the time; and thus, subject to fines/prosecution. Residents also should consider that current zoning for much of the area (i.e, Mining), could allow for activities that would produce as much if not more noise, dust, and traffic than an adventure park. Private use could also reduce or remove public access altogether.

However, we recognize the intent of the question is about noise more generally. Likely, there is no solution that will universally satisfy everyone. Again, an objective of this feasibility study is to demarcate activities, events, trails and attractions that would ideal for inclusion, as well as areas to avoid. It is understandable noise mitigation needs to be a priority. The concerns raised by residents of Glen Lyon (and others) will be included in the final report.

If park development does move forward, we would expect noise controls would be implemented. For instance:

- The location of facilities and/or trails would consider nearby residences may involve setbacks, with the minimum distance conforming to local zoning and decibel regulations;
- Trail location/design also would take natural topographic buffers into account, such as changes in elevation (e.g., hills, valleys);
- Fences, vegetative buffers, and/or physical access controls may be used between homes and access points, trails, and other use areas;
- Signage would mark specific areas for reduced speeds including "SLOW", "NO DUST", and "QUIET" zones. These would need to be enforced;

OHVs would need to meet current state and DCNR decibel ratings, which are currently
enforceable. This also could include requiring machines to have a stock exhaust system
or an aftermarket system producing decibel levels equal to or less than that of a given
limit; and/or passing a sound test to ride in the park. At a minimum, spark arrestors
should be required.

#### **Questions/Comments:**

- We are concerned about traffic and hazardous materials.
- Access points within the town and use of and access to municipal roads would/should be
  prohibited based on the noise ordinance that protects the citizens of Newport Township as
  well. What is the full proposal factoring in boundaries and protection of residences based on
  the township ordinance?
- Municipal roads within the town of Glen Lyon are already congested with residential parking on road ways as coal towns scarcely designed properties with garages and off-road parking space. Municipal roads do not accommodate two-way traffic because of this. OHV traffic will not only compound this problem but also, given properties are located within a few feet of the roadway, will again violate the noise ordinance of the town given the proximity of the ATV and their decibel levels and residences. How would municipal road access address all of these concerns and comply with ordinances if approved? Do you really think residents will be okay with ongoing, continuous OHV traffic around their homes on a daily basis? And not negatively impact the quality of life of citizens directly impacted by this park design?

**Response:** To begin, even if a public adventure park concept does not advance, current illegal/nuisance activity – including trespass, noise, and dust – will continue. In that case, it will still require patrol and enforcement by someone, whether property owners, local police, or DCNR and the PA Game Commission.

No formal planning has yet occurred to designate trail locations or routes. All maps presented are conceptual, and any routes indicated are already existent. Hundreds of miles of trails currently exist on the subject study area properties. Most of these were created through decades of mining and commercial land use operations; others were created (and often are maintained) by local users. Formal design planning will establish what trails best serve BOTH park users and residents and which ones may be relocated or closed.

At the start – unless coordinated with the township – travel on municipal roads would be disallowed, subject to fines/loss of registration as it is today. Road travel by OHVs to access local businesses (e.g., restaurants, shops, service and fuel resources) would have to be approved by local ordinance and thus would occur only if the community sees this connection as a benefit. Were to happen, OHVs would be required to follow the rules of the road, including obeying speed limits, stops signs, and any other restrictions that may be necessary.

As conceived on the early concept map, parking and access points to a proposed park would be outside the limits of Glen Lyon. To an extent, traffic into the town would be limited by what's available. If there are no destinations (e.g., fuel, restaurants, lodging), then vehicles would not enter. And again, unless specifically allowed by the municipality, anyone travelling with OHVs in-town – or more significantly on private property – and/or outside hours specified in the noise ordinance is breaking the law.

**Question:** Where does liability begin and end? A privately-owned OHV park that incorporates access into towns also opens up major concerns for residences regarding regulations, accountability and protection from: damage to property, trespassing, unlawful parking and

occupation of land/property, traffic, noise, crime and pollution to the community. How will the community be protected and who is responsible for regulating riders once they are "off-property" from the OHV Park, and now in town?

**Response:** In relation to security, park management would be responsible for patrols. We would expect local police to assist only when required (e.g., apprehending and/or prosecuting individuals who break park regulations). Eventually, as site management, staff, and/or rangers are hired, the need for local police enforcement will decline. Overall, we believe that a recreational area will alleviate the demands currently on local law enforcement – there will be organized management and surveillance of the site and activities in place. Any damages outside park boundaries would be handled as they are today, like any other trespassing claim.

#### **Questions/Comments:**

- Newport Township/Glen Lyon does not have an ambulance, off-road rescue and a consistently under-resourced law enforcement office, making regulating and emergency response challenging. What steps would be taken to address these concerns and at what cost? Furthermore, given the constraints of these services, how is the community impacted by an already strained regulating and emergency response system? Who is the priority when services or assistance is required in more than one place at the same time?
- Describe safety features inherent in proposed site and outline emergency services.

Response: As with law enforcement, we believe that a well-planned park – with rules, policies, and organized trails – will limit the need for emergency services. Access points will be included in the park design, and developed trails may actually increase responders' ability to reach isolated areas. One consideration is for the final park design to include a helicopter pad in case life flight or emergency access be required - several extreme sports facilities have integrated this feature into their program. Similarly, a partnership will need to be established with the local emergency response teams/ambulance companies for coordinated access, and GPS location technologies. Emergency/medical calls would likely be prioritized by current guidelines already in place. All of these items would be incorporated in a formal safety and emergency plan for the park. Again, local police and emergency responders should be involved in its development. The plan would include park policies and rules, emergency procedures, safety training requirements for staff and volunteers, and risk management.

### ENVIRONMENTAL CONCERNS

#### **Questions/Comments:**

- The installation of an ATV park among other proposed projects for this area will present with unavoidable, negative degradation of both the environment (air, soil, water) as well as significantly impact and displace wildlife in their natural habitats in an already fragile, still recovering region. What environmental protections and boundaries will be set forth in this project and will any of these concerns be set with the terms of sale or lease of land and protection to a developer? Who will regulate, monitor and enforce the maintenance of the ATV Park and the environment and community it will impact?
- We are concerned about traffic and hazardous materials.
- Diesel fumes protection?
- How will you process your wastewater?

• How will you protect US? We fear for the people in the local area who are at a greater risk for chronic illness and cancer?

**Response:** An outdoor adventure area would be subject to all environmental and safety regulations set by federal, state, and local entities like any other business, both in development and operation, meaning required evaluations will be done, controls put in place and maintained, and required permits/reporting kept up to date. Likely agencies involved would be OSHA, PADEP, PADCNR, among others. In relation to specific concerns raised above:

- Trails are already existent and unregulated riding is taking place. Our belief is that by having set, well-marked trails, protection of environmentally-sensitive areas will actually be improved. We also believe that park operators would monitor and re-evaluate trail use and conditions to determine whether additional measures (e.g., speed zones, temporary closures, special restrictions) were required to mitigate any evident issues (e.g., erosion, habitat conflicts). Trails can be re-located if warranted over time, as is done in many natural areas.
- Generally, we would not anticipate hazardous materials on-site, although potential improvements (e.g., welcome center, toilets) may require the use of fuel and or paints, glues, etc. The contractor would be required to prepare a spill prevention/control plan with response, notification, and documentation requirements. Similarly, during operation of the facility, appropriate mitigation measures for spills would as would be delineated in an Operations and Procedure manual, adhering to all applicable laws. Park staff would be trained on these procedures and would be responsible for enforcement.
- Although most OHVs run on gasoline, some do use diesel. Regardless, no matter the
  type OHV manufacturers are increasingly concerned with reducing emissions.
  Technology is allowing for vehicles that virtually eliminate carbon fuel emissions, engine
  lubricants, and/or the heat common to most internal combustion engines. And –
  depending on the electric generation source batteries are becoming more durable,
  lighter, and efficient. This is most evident in the E-Bike and dirt bike industry, with
  models setting new standards for performance and sustainability.
- Wastewater disposal would depend on services available on-site. Early on, there may simply be portable lavatories, which would be emptied on a regular basis. As amenities develop, park facilities would be hooked up to the municipal system. Generally, park users would be subject to commonsense rules and regulations for outdoor activity, including proper disposal (or carrying out) of all garbage/waste. Protection of streams would be of high importance.

#### **Questions:**

- Has an environmental impact study been accomplished?
- Will a PNDI occur prior to any sale of land and/or development for this proposed project?

**Response:** As part of the grant application process, EC was required to complete a PA Natural Diversity Inventory (PNDI) environmental review. This tool provides a map of environmentally sensitive areas, as well as list of any plant/animal species of concern. The next step, should planning move forward, would be to work with PA DEP, PA DCNR, the PA Game Commission, the PA Fish & Boat Commission, and any other government agencies on steps required to safeguard these areas from development. In other words, protections would be built into trail and park design.

**Question:** Will protection of the hibernaculum, one of the most important hibernation sites for endangered bat species in the world, and the environmental stipulations set forth to protect these bat species, including noise protection be a priority and adhered to within the scope of this project? Will the Pennsylvania Game Commission and DCNR be involved in the planning and proposal process along with monitoring of wildlife habitats?

**Response:** Specific to the bat hibernaculum, the site on which it exists in on property owned by the PA Game Commission and <u>is not</u> part of the properties we are evaluating for an outdoor adventure area. As noted above, a PNDI was required for the initial grant application. Future grant applications or development will require an updated PNDI. The eventual owner and their professional design team would be responsible for more detailed evaluations of environmental concerns, how those intersect with potential trails, and what wildlife/ecological protections need to be employed. Possible mitigation measures might include rerouting existent trails, increased buffers, fencing, seasonal restrictions, regular monitoring, signage and education, etc. These steps/safeguards would be developed in conjunction with regulating agencies, as described in the previous question.

**Question:** Will any timbering of any areas for the proposed project occur or can this be restricted and or prohibited?

**Response:** We cannot state no timbering would be done; it would be up to the owner/developer of the land and his/her plans. However, from information discussed during the steering committee and public meetings, a robust trail system is already existent; "development" would be more about routing and safety. Areas for registration and parking would likely be placed in areas already suitable for development, with road and utility access.

## **ACTIVITIES OUTSIDE OHV RIDING.**

Question: Deer hunting? Two weeks closed for the season?

**Response:** Currently, some EC Lands in the study area are open for hunting through the PA Game Commission's Hunter Access Program during respective seasons. If a park were to be developed, hunting access would be determined by park management. There are ways hunting could be accommodated. For instance, during rifle season, AOAA shuts down; only hunting is allowed on its property. Outside of rifle season, they allow walk-ins for hunting during specified hours (e.g., before the park opens).

#### **Questions/Comments:**

- Would a trail system that focuses on outdoor recreational activity that links mountain bike
  trails from the Penobscot Ridge Mountain Bike Trail down through the Mocanaqua Loop
  Trail to The Library be considered as another option? Including if the ATV park is not
  developed along this proposed acreage or is determined to be unfeasible? Any
  consideration of other non-motorized activity that also attracts outdoor enthusiasts?
- Can a heritage trail be developed using the pre-existing trail that parallels all of Newport St.
  of Glen Lyon; the former electric Loki trail bed that served the Glen Lyon coal breaker,
  potentially extending through the tunnel and the former sites of the coal industry down to the
  Mocanaqua Loop Trail? This walking trail could be for hiking and mountain biking, allowing
  the citizens of the town and region to have access to the woods bordering the town along
  with preservation of the town's historical coal-mining heritage. The trail can also be

maintained by local non-profit groups and organizations. Remnants of the old rail bed remain on the trail today and retain historical value and significance including for educational purposes in the future.

**Response:** Absolutely! As discussed during the meeting, the concept for the park has shifted to include more than just OHVs. As we've heard, so many people use these lands for hiking, mountain biking, climbing, and other outdoor activities. Newport Township's landscape is an amazing asset, and we want to ensure all sorts of people can continue to enjoy it. Truly, hearing these opinions is why public input is so important to the planning process.

Furthermore, incorporating historical elements could be a crucial element of creating a successful destination area. Heritage tourism is growing, and this type of development can not only preserve important aspects of local history, but also create an authentic sense of place that cannot be duplicated – it originates from and is tied to the area. What is essential is that the local community takes the lead. No one knows the area better, nor can highlight or advocate for its uniqueness more effectively. Should such an initiative be pursued, economic benefits could follow. Also significant is the potential to increase appreciation of the region's history, both for visitors and residents alike.

#### MISCELLANEOUS\_

#### **Questions/Comments:**

- Have enough residents in Ridgeview been informed of any of these plans?
- Would EC be willing to meet with Newport Township-based nonprofits and groups that serve
  the community to continue the discussion on these community-based priorities prior to
  finalizing any plan based on the ATV feasibility study and community feedback?

**Response:** EC and the project team have made a good faith effort to keep the community informed about the study. This began with the announcement of the grant award in December 2020, and several feature articles in the local newspapers thereafter. Additionally, we have invited local representatives to serve on the steering committee, interviewed residents and community leaders about their thoughts on the project (including nonprofit groups mentioned), and have run public ads about meetings in the newspaper. We have also encouraged people to email, call, or even write our office with any questions or comments, and have responded accordingly. We will continue to accept any and all comments about the project and are happy to continue these discussions as they arise.

**Question:** Is there any consideration by EC or other landowners to develop a land trust that would prohibit private development on reclaimed land and focus on conservation and preservation of the land surrounding this area of Newport Township/Glen Lyon rather than sale to a private developer?

**Response:** Over the past 6+ years, EC has transferred nearly 5,000 acres in the area into the state forest system. That land is now owned and regulated by PA DCNR, meaning it will be conserved in perpetuity. An additional 1,400-acre tract – now part of the feasibility study – is also in process of being transferred. Based on EC's 2019 Land Use Study for its property in Newport Township, conservation and recreation was the most suitable use of much of the 2,500 acres EC still owns. An outdoor adventure area meets the dual aims of EC's mission by producing environmental *and* economic revitalization through a recreation initiative. And again,

the area in question is already 1.) overrun with motorized trails; and 2.) prone to trespassing. We believe there can be a compromise between heavy development and a conservation easement with restricted access. We cannot speak for other landowners regarding their future plans.

**Question:** How many people attended the meeting?

**Response:** There were 85 attendees in-person at LCCC, not including EC staff and the LAIRD project team. Another 28 individuals viewed the livestream meeting on Zoom.



# **APPENDIX C OHV Facility Case Studies**

As part of its research analysis, the Institute examined three OHV facilities currently in operation – two within Pennsylvania, and one in West Virginia. The resulting case studies offer numerous insights as to lessons learned, best practices, organizational structures, and funding. Also highlighted: DCNR's interest in public-private partnerships, and how the agency supports both the acquisition of land and development of trails for motorized recreation.

# Anthracite Outdoor Adventure Area (AOAA) Coal Township, PA

AOAA is an off-road trail system of approximately 200 miles of trails on 6,500 acres in Northumberland County. AOAA is a public/private entity, which leases approximately 7,500 acres of coal lands in lower Northumberland County through the Northumberland County AOAA Authority for the purposes of actively managing a family-friendly motorized and non-motorized recreation facility. The Authority was formed in 2013 to address the issue of illegal riders on county-owned forest and coal lands by providing a regulated riding area.

The AOAA recreation area officially opened in May of 2014 and attracts about 1,200 people a weekend to ride dirt bikes, ATVs and other off-road vehicles. The property also offers non-motorized recreation features, including a 3.1-mile walking/wellness trail around the welcome center which is open to the public free of charge.

The property also is leased to several active mining companies, has many unique environmental features, rich mining history, and varying soils. AOAA partners with various organizations on property conservation efforts for the former mining land, which sat vacant for decades before being reclaimed recently. AOAA is open on weekends and has extended holiday hours. It is open year-round, except for a period during deer hunting season.

AOAA visitors can purchase a one-, two-, or three-day pass, or an annual pass. Single day pass costs range from \$28-33 depending on vehicle size, while a three-day pass costs between \$50-60. Annual passes cost between \$185-210 depending on the vehicle. There is a reduced fee for passengers – one-day \$15, annual \$50. Children age 15 and under are also charged a reduced rate of \$15/day. Northumberland County residents are offered discounts – single day-passes cost \$20-25, while annual passes are \$100-130.

Pat Mack, Vice Chairman of the AOAA Authority and county planning and industrial development director, shared insights on their experience with the AOAA recreation area. While he noted that trespassing on the property is an issue, these riders are outnumbered by responsible riders who are willing to pay to use the site. AOAA has a staff of land

managers and office managers, but they do not have any security patrols. AOAA is covered under multiple jurisdictions and the state police respond when needed.

AOAA uses buffers near residential areas and around the outskirts of the property to try and prevent disturbance to adjoining property owners. They also install caution signs and speed limits.

Pat noted that economic growth was a key factor when establishing AOAA. They wanted to help support nearby towns, and feel connectivity will be key in making the OHV recreation industry grow by strategically opening roads for connectivity. In an effort to further promote economic development in the nearby community from AOAA riders, the nearby city of Shamokin passed an ordinance in 2020 allowing OHV traffic on specific streets to access downtown shops and restaurants. Drivers must have a license and insurance, wear a helmet and follow traffic laws. The town is capitalizing on the ATV activity that already exists in the area. AOAA also owns a campground but subleases it to a private company who runs the campground; AOAA has no part in the management of the campground.

When AOAA was being established, the group explored other governance structures, including for-profit and non-profit structures, before forming a governmental authority. The governmental authority falls under Northumberland County control. The property is owned by the county AOAA leases the right to recreate on the property. AOAA has also added to the property by leasing and purchasing neighboring properties. The County also provided support with grant administration to build the facilities, and cosigned for an initial line of credit. AOAA is not charged property taxes, but makes municipal donations to reimburse the county. The county was very instrumental in getting the organization started, and AOAA meets with the county annually to discuss progress and goals. AOAA also receives funding support from OHV manufacturers and DCNR, which they described as the main funding source.

Besides Pat Mack, the AOAA staff includes a full-time director of operations, a land manager, an office manager, part-time land managers (equipment operator/patrol/maintenance), part-time office clerks (secretary/cashier), and several volunteers. Staff also end up doing "search and rescue" if riders get lost or break down.

The majority of EC's property in the study area in Newport Township is classified as Mining the county's zoning ordinance, which does not allow for recreational activity. Similarly, AOAA needed to address zoning issues on the property early on, and worked with the township to change the zoning ordinances to allow recreation on the property.

AOAA requires all riders to sign a waiver for liability coverage, and the waiver requires riders to certify that their vehicles are registered and insured. They also rely partially on RULWA, and are heavily insured. Pat noted that insurance is unpredictable and it has been difficult to keep long term coverage for everything. Insurance limitations can also limit the recreation options that are offered; for example, they prevented AOAA from allowing equestrian riding. AOAA offers to cover liability for landowners who lease their private land for part of the trail system. In some cases, they may also cover real estate taxes.

## Rock Run Recreation Area Patton, PA

Rock Run Recreation Area is located in the rural parts of northern Cambria and southern Clearfield Counties. It opened in 2007 with 50 miles of trails for ATVs, UTVs, and dirt bikes. With the help of the Yamaha Trails Initiative Program, the recreation area was able to add an additional 20 miles of trails, and Rock Run now provides over 140 miles of trails on approximately 6,000 acres of land. The land was originally owned by K&J Coal Company, then purchased by a county authority – the Cambria County Conservation & Recreation Association (CCCRA). There are no taxes collected on or for the property.

Rock Run is a private facility, not a county or state entity. It operates as a 501c non-profit, which enables them to pursue grants. Rock Run leases the land from CCCRA, and also purchased some adjoining properties, which are taxable properties.

Rock Run is open from April to October, with typical operating days Friday through Sunday, except from June through September when the facility is open five days/week from Wednesday through Sunday. Rock Run visitors can purchase a one-, two-, three-, four-, or five-day pass, or a season pass. Costs vary by vehicle type. Single day pass costs for ATV, dirt bikes and side-by-sides range from \$15 on weekdays to \$20 Fri.-Sun. Season passes are \$135 per person, or \$290 for a family season pass with includes 2 adults and 2 children under 18. Corporate passes are also available. Children under age 12 are charged a reduced rate of \$15/day. The majority of their sales (75%) are done online before riders arrive at the park. All riders are tagged with wristbands daily.

Pat Leyo of Rock Run Recreation Area shared his experience with getting the Rock Run established and their current operations. Rock Run applied for a \$50,000 business loan to start their operations. There are 12 Rock Run board members that oversee and manage the park. They originally hired a Park Manager and a Secretary, and all other board members were volunteers. Now they have seven paid employees, with two board members leading most of the daily facility operations.

There was limited local support when the park first opened, as many did not want to pay to ride. Despite this, Rock Run was successful in its first year, generating \$250,000 in revenue, and netting \$70,000 after paid salaries. They are currently reporting growth of 25-27% annually, primarily by continuing to attract riders through facility and trail improvements. Rock Run has used website, social media, and billboard advertisements to attract riders, including locals to convince them to 'get with the program.' They estimate it took approximately 5-7 years for local riders to get on board with the park.

Rock Run reports that most of their business comes from riders within a 350-mile radius. Local riders (within a 50-mile radius) account for approximately 35% of riders. Riders from West Virginia represent one of the biggest groups of customers. Despite the popularity of the Hatfield-McCoy system in WV, riders are looking for diversity. They target family riders, and noticed an increase in new family riders during the pandemic who invested in vehicles and trailers.

Rock Run is responsible for property liability and insurance coverage, although they have been forced to look for new insurers when ATV policies were no longer covered. Some insurance costs are covered through a grant with manufacturer Yamaha. Rock Run also works with local dealers and manufacturers on promotional events.

Rock Run has improved their trails following lessons learned from using an engineering firm that was not familiar with the industry or sport. They have also kept up with managing the trail types, widths, and locations to accommodate wider and larger vehicle designs, including implementing single track trails. They use suggestion boxes to gather input from riders on trail design, and apply for grants to fund trail development.

There is a DCNR Recreational Authority covenant on the property that specifies primary use for ATV recreation. However, natural resources are handled as an exclusion. There are 27 shallow wells on the property, and there is some annual revenue generated through timber sales. Rock Run and the CCCRA are also studying the feasibility of a wind energy farm on the property. Rock Run also allows walk in hunting on the property in cooperation with the PA Game Commission.

Rock Run is focused on providing a destination experience to attract riders. Their growth in the past five years has been in amenities. In its ninth year of operation, Rock Run developed five campgrounds with 270 primitive camp sites on over 75 acres. It used a DCNR grant to build a 4-stall shower facility, dump station, and electrical hook ups for 16 sites, at a cost of \$1.2 million for these improvements. According to Pat Leyo, the camp sites are sold out every weekend all season long. They have a stage area for concerts, and host a Summer Blast weekend in August which attracts approximately 3,000 visitors. They are also committed to supporting economic growth in the area by developing a corridor for riders to get to town.

# Hatfield-McCoy Trails Project West Virginia

One of the most successful outdoor recreation is the Hatfield-McCoy Trails project. This network of outdoor recreational trails and amenities serves fourteen historically economically distressed counties in southern West Virginia. The project was originally established to promote statewide and regional economic development opportunities related to tourism. The network opened in 2000 with three trail systems and nearly 300 miles of cleared trails, and as of 2019 has grown to eight trail systems totaling more than 700 miles of trails. The Hatfield-McCoy Trail system attracts more than 56,000 off-road trail riders into the area each year.

The Hatfield-McCoy Regional Recreation Authority (HMRRA) is responsible for the management and governance of the Hatfield-McCoy Trails. The HMRRA is a public corporation established by the West Virginia Legislature first as a statutory corporation and converted to a joint development entity for the purpose of enabling and facilitating the development and operation of a system of trail-oriented recreation facilities for use by off-highway motor vehicle enthusiasts. The governing board of members represents the

various interests in the project in the participating counties, and includes county commission member appointees with expertise in travel and tourism, licensed land-surveyor or engineers associated with a mining, logging, natural gas, or other resource-extraction industry, and individuals representing or associated with a corporation or individual landowner whose land is being used or is expected to be used in the future as part of the project. The Board is responsible for agreements with corporate and individual landowners to secure land for trail development, and landowners are protected from liability on lands used for the Hatfield-McCoy Trails network through state legislation



# APPENDIX D Opinion of Probable Cost, Phases 2 & 3

As with the Phase 1 OPC, the OPCs for Phase 2 (private lands) and Phase 3 (DCNR lands) also are high-level projections for potential costs associated with development. They do not include expenses associated with land acquisition, design, and permitting. The numbers presented are highly dependent on the use of volunteer or in-kind services vs. contracted consulting and construction firms; as well as the level/number/complexity of trails, features, and amenities (e.g., interpretive signage, constructed restrooms).

**PHASE 2 - Private Lands** 

Item/Activity	Conservative	Average	Progressive				
2a   Vista Area (250 acres)							
· Northeast Section ATV Trails	\$50,000	\$100,000	\$150,000				
· Vista Area	\$50,000	\$75,000	\$100,000				
Subtotal	\$100,000	\$175,000	\$250,000				
2b   River Vista (450 acres)							
· River Vista OHV Trails	\$75,000	\$137,500	\$200,000				
Subtotal	\$75,000	\$137,500	\$200,000				
PHASE 2c - Honey Pot Area (300 acres)							
· ATV Trails	\$100,000	\$175,000	\$250,000				
· OHM/Single-Track Trails	\$10,000	\$20,000	\$30,000				
Subtotal	\$110,000	\$195,000	\$280,000				
PHASE 2d - Inner Loop Connector Trail (900 acres)							
· ATV Trails	\$20,000	\$35,000	\$50,000				
OHM/Single-Track Trails	\$10,000	\$22,500	\$35,000				
Subtotal	\$30,000	\$57,500	\$85,000				
PHASE 2e - North Trails (900 acres)							
· OHM/Single-Track Trails	\$100,000	\$175,000	\$250,000				
Subtotal	\$100,000	\$175,000	\$250,000				
PHASE 2f - Specialty Trails, Tracks, and/or Other Facilities (700 acres)							
· ATV Trails	\$50,000	\$75,000	\$100,000				
· OHM/Single-Track Trails	\$25,000	\$37,500	\$50,000				
· SxS or Rally Cross Course	\$100,000	\$300,000	\$500,000				
Subtotal	\$175,000	\$412,500	\$650,000				
PHASE 2g - Gap Connector Trail to East End Trails (1-2 mile connector)							
· ATV Trail Connector	\$50,000	\$75,000	\$100,000				
Subtotal	\$50,000	\$75,000	\$100,000				
Total Cost	\$640,000	\$1,227,500	\$1,815,000				

**PHASE 3 - DCNR Lands** 

Item/Activity	Conservative	Average	Progressive			
3a   South Wanamie Trails (1,200 a	cres)					
ATV Trails	\$100,000	\$150,000	\$200,000			
OHM/Single-Track Trails	\$25,000	\$50,000	\$75,000			
Subtotal	\$125,000	\$200,000	\$275,000			
3b   South Wanamie Trails (850 acr	res)					
ATV Trails	\$75,000	\$125,000	\$175,000			
OHM/Single-Track Trails	\$20,000	\$45,000	\$70,000			
Subtotal	\$95,000	\$170,000	\$245,000			
3c   Lee Road North (900 acres)						
ATV Trails	\$80,000	\$135,000	\$190,000			
OHM/Single-Track Trails	\$20,000	\$45,000	\$70,000			
Subtotal	\$100,000	\$180,000	\$260,000			
3d   Penobscot Ridge, North Face (	750 acres)					
ATV Trails	\$65,000	\$112,500	\$160,000			
OHM/Single-Track Trails	\$20,000	\$45,000	\$70,000			
Subtotal	\$85,000	\$157,500	\$230,000			
3e   Penobscot Ridge, South Face (	550 acres)					
Habitat Enhancement	\$50,000	\$125,000	\$200,000			
Timber Management Plan	\$15,000	\$37,500	\$60,000			
Subtotal	\$65,000	\$162,500	\$260,000			
3f   Water Access / Secondary OHV Access (150 acres)						
ATV Trailhead	\$75,000	\$97,500	\$120,000			
Access Controls	\$50,000	\$65,000	\$80,000			
Connector Access Trail	\$15,000	\$22,500	\$30,000			
Restrooms	\$10,000	\$105,000	\$200,000			
Subtotal	\$150,000	\$290,000	\$430,000			
PHASE 3g – East Branch Trails (1,40	0 acres)					
ATV Trailhead	\$75,000	\$97,500	\$120,000			
ATV Trails	\$150,000	\$250,000	\$350,000			
OHM/Single-Track Trails	\$75,000	\$137,500	\$200,000			
Access Controls	\$50,000	\$65,000	\$80,000			
Connector Access Trail	\$15,000	\$22,500	\$30,000			
Restrooms	\$10,000	\$105,000	\$200,000			
Subtotal	\$375,000	\$677,500	\$980,000			
Total Cost	\$995,000	\$1,837,500	\$2,680,000			