



*Indiana Land & Water
Conservation Fund
Handbook 7: Post-completion,
Compliance, & Stewardship*

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DNR

Indiana Department
of Natural Resources

Handbook 7: Post-Completion Compliance & Stewardship

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Grants Staff Inspections

Purpose

The LWCF program requires that State partners inspect LWCF funded properties once every five years. The Post Completion Inspection and Report (PCIR) is largely meant to check for LWCF stewardship compliance, including acceptable land use practices and facility conditions. Park agencies are not given warning that the grants team will be stopping by. Grants staff will only contact the park agency if a stewardship compliance issue is identified.

Post completion required actions

Fixes for safety

Generally, grants staff will not comment on the age/quality of a park unless a clear safety issue is present. Where safety concerns are identified, project sponsors must coordinate with grants staff to resolve the issue. Examples of safety concerns include, but are not limited to:

- Broken equipment that could cause injury if used
- Evidence of imminent structural failure
- Evidence of hazardous conditions that pose a public health risk

Inappropriate land use

Where identified, land use conflicts on LWCF protected properties will require coordination with the Indiana LWCF grants team. Allowable LWCF land uses and an overview of the conversion process are provided later in this handbook. *Project sponsors should notify grants staff in advance* if a non-LWCF compliant land use change is on the horizon.

LWCF sign condition

All LWCF funded properties must have an LWCF acknowledgement sign somewhere on the property. The sign should be installed in a highly visible and secure location (e.g., the exterior gables of a picnic shelter, behind glass in a park information kiosk, or incorporated into the park entry sign).

If grants staff cannot find an LWCF sign during the inspection or the sign is in poor condition, project sponsors are required to replace it.

LWCF signs can be purchased from the [Indiana Parks and Recreation Association](#) or project sponsors can create a sign utilizing the [LWCF Program Logo](#). If a custom sign is made, it must meet the following standards:

- Include the LWCF Logo
- The Indiana DNR Logo
- Text stating: “This property was supported by the federal Land and Water Conservation Fund grant administered by the Indiana Department of Natural Resources. Properties acquired with or developed by Land and Water Conservation Fund monies are permanently protected for solely public outdoor recreation use.”

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Inspection recommendations

The most common recommendations are listed below.

- ADA/ABA compliance updates
- Wayfinding and safety signage
- Condition of pavement, ballfields, and playground surfacing/equipment
- Increasing park-friendly native habitats

LWCF post-completion inspection recommendations are intended to identify opportunities for property improvement, either using future LWCF funds or other monies. If a need is identified in both the 5-Year Park Master Plan and LWCF inspection records, that is a solid justification of need.

Forever Stewardship

Overview

LWCF funding permanently protects parks for solely outdoor recreation use. Allowable activities and development stipulated by the LWCF program are focused on outdoor recreation and related support facilities.

The most common non-compliant land uses seen during post completion inspections are listed below. This is not an exhaustive list, please refer to Chapter 8 for further guidance.

- Cellphone towers
- Water towers, other water treatment facilities
- Community centers
- Fire & police stations
- Animal control centers/shelters
- Community medical clinics
- Enclosed wedding/event venues
- Exclusive-use facilities (e.g. private league or school use only)
- Full-service restaurants (concession stands are acceptable)

Public Use Promises

League play & exclusive use

If parks departments partner with private recreation leagues or school athletics (e.g., soccer or softball), the facilities utilized by the private league must meet the following criteria.

1. Have clear signage detailing that the facility is open for public use
2. Post 'open play' timeframes on the property, and update them regularly
3. Keep ballfields unlocked and accessible when not in use by the private league
4. Have a contract agreement with the private entity or school that meets LWCF programmatic requirements. See Chapter 8, Part E, of the [Federal LWCF Program Manual](#)

If the above exclusive-use conditions cannot be met, then a conversion may be necessary.

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Rental rates & fee schedules

User fee and rental rates should allow for broad public participation, including non-residents. The difference between resident and non-resident annual membership passes or any other fees charged may not exceed twice the amount charged to residents.

This provision and others listed in Chapter 8 of the [Federal LWCF Program Manual](#) apply to the entire recreation area.

Camping & Lodging

Campgrounds are welcome on protected properties if the above-mentioned fees and exclusive use requirements are followed.

Seasonal camping lease agreements must be reviewed and approved by grants staff. In general, seasonal camping facilities are held to the same standard as non-seasonal campgrounds in terms of accessibility, user fees, etc. Excessive additions to individual seasonal campsites are not permitted, such as permanently enclosing the camper or building a permanent shed. To ensure compliance, the lease agreement must clearly identify the following:

- Length of lease
- Permitted structures
- Winter storage fees (where applicable)

Miscellaneous alternate camping facilities (e.g., simple cabins, yurts, platform tents, or thru-hiker shelters) are allowable on LWCF properties, provided all previously mentioned requirements are met. Luxury cabins, lodges, or motels are not eligible for LWCF assistance. The difference between luxury and simple alternate camping facilities is the [Federal LWCF Program Manual](#).

Post-project Construction

Park departments are welcome to improve or add outdoor recreation facilities to the property at their leisure, with some exceptions for enclosed buildings. It is expected that all additional amenities added to the park will be ADA/ABA compliant.

Enclosed Structures

Eligible Buildings

If a building or facility is undoubtedly in support of outdoor recreation, it generally can be built on an LWCF protected park property. Acceptable facility uses most common in municipal park settings are listed below; the full list is available in the [Federal LWCF Program Manual](#).

- Site/park administration, operation and maintenance
- Visitor information, park interpretation, education, and historic structure tours
- Park safety and security
- Assembly for park/outdoor recreation related meetings and public programs

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Indiana LWCF grant staff should be notified when these buildings are constructed post-project completion. Park/Municipal staff must email LWCF@dnr.IN.gov with a brief description of the development, and confirm the project is in direct support of outdoor recreation.

Designated Public Facilities

When outdoor recreation support is folded into a multi-use public facility, the municipality must submit a public facilities request to Indiana LWCF grant staff. Public facilities requests must address the following criteria:

1. Justify that outdoor recreation continues to be the primary focus of the property.
 - a. The proposed facility includes a recreation component and encourages the outdoor recreation use of the remaining LWCF boundary area.
 - b. Use of the facility will be compatible with and supportive of outdoor recreation.
2. Attest that all design and location alternatives have been thoroughly considered, documented, and rejected on a sound basis.
3. Prove the proposed facility is *significantly supportive* of the outdoor recreation resources on the property, whether existing or planned. The interior recreation utility must not supersede the outdoor recreation opportunities.
4. Identify potential and future benefits to the property's outdoor recreation utility. Any costs or detriments should be documented, and there must be a net benefit for recreation.
5. Prove the proposed facility will be under the control and tenure of the public agency that sponsors and administers the original park area and will remain in perpetuity.
 - a. For example, a nonprofit third-party organization cannot build an/or operate aquatics center on LWCF protected property, even if the outdoor recreation utility is primarily outdoors.
6. Provide a map and site development plan that includes the following
 - a. Expanded or new facility footprint
 - b. Public facility floorplans
 - c. LWCF boundary area
 - d. Acres/ square feet of land to be taken out of outdoor recreation use
 - e. Any outdoor recreation resources (e.g. playground, ball courts, etc.) to be removed

Grant staff will review completed public facilities requests and provide a preliminary determination if the proposed structure is truly a public facility or will cause a conversion. Depending on this preliminary assessment, grant staff will either:

- A. Translate the public facilities request into a federal form and submit information to NPS for review and approval
- B. Direct the proposal towards the "Conversion of Use" section of this handbook

The National Park Service has the final say whether a public facilities request is valid or causes a conversion. When making a public facilities request, the proposal sponsor should review conversion policies as a back-up measure.

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Ineligible Structures/Facilities

The following buildings and structures are generally unallowable on LWCF protected properties. The development of these structures post project completion *will* result in a conversion. This is not an exhaustive list; when in doubt, coordinate with the Indiana LWCF grant team.

- Community recreation centers which take up all or most of a small park property
- Clinics
- Police and Fire Stations
- Daycare centers
- Restaurants catering primarily to the public
- Professional sport facilities
- Commercial resort or other facilities which:
 - Are not accessible to the public
 - Require membership
 - Which, because of high user fees, have the effect of excluding elements of the public
 - Include office, residential or elaborate lodging facilities

Conversions of Use

A conversion of use is the formal process a park department must undergo to resolve LWCF programmatic conflicts. LWCF encumbered properties are permanently protected for outdoor recreation use in perpetuity; a conversion may be triggered decades after the original project was completed. Remember, forever is a long time.

Failure to coordinate with grant staff regarding a conversion will prevent the municipality from receiving any of Indiana State Parks' grant program funding (i.e., ITP, NLT).

What triggers a conversion?

In short, any facility that is constructed on LWCF encumbered property that is not in direct support of outdoor recreation may cause a conversion. Any permanent land acquisition that impacts the encumbered acreage, also triggers a conversion. A full list of conversion-causing land use changes can be found in Chapter 8 of the [Federal LWCF Program Manual](#). The most common non-compliant land uses that grants staff encounter are listed below.

- Road or bridge expansions requiring additional right-of-way (ROW)
 - Or where ROW was never recorded
- Cellphone towers
- Lift stations or water treatment facilities
- Enclosed buildings for non-outdoor recreation programming or events (e.g., a wedding barn or daycare facility)
- Removing an amenity from public use to exclusive use (e.g., ballfields)

Park departments and municipalities are strongly encouraged to coordinate with grants staff prior to taking action that would trigger a conversion. With early coordination, conversions can be avoided.

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Alternates to conversions

- 1) Avoidance: do not build non-LWCF compliant structures on encumbered land and do not allow land to change hands.
- 2) Limited Use Agreements: wherein both parties agree to the new use of the land, as defined by the agreement, without the land changing hands. A common example is a bridge must be renovated, and extra space is needed for the abutments. This action would be eligible for a limited use agreement assuming:
 - a. The additional land needed does not have existing built recreation facilities (e.g., a trail or kayak/canoe launch)
 - b. The additional land development will not irreparably damage significant natural resources (e.g., wetland or mature forest)
- 3) Interlocal Agreement or Special Use License wherein both parties agree to the new use of the land, as described by the agreement, without the land changing hands. A common example is that a new sewer line must be built under the park to serve a new residential development. This action would be eligible assuming:
 - a. The action does not impact any amenities on the surface of the park (e.g., does not require the permanent removal of a tennis court)
 - b. The new utility does not pose a health or safety risk for park users
 - c. The surface is disrupted for no more than 6 months

Small conversions

NPS does have special provisions for small conversions. No more than 10% of the encumbered land may be converted and replacement property must be adjacent to the converted property. Interested project sponsors should refer to the [Federal LWCF Program Manual](#) Chapter 8.

Conversion disclaimers & important notes

Every conversion is unique; this handbook is not meant to be a one-size-fits-all resource. Park agencies should consult with the grants manager after reviewing the conversion process checklist.

Scope of responsibility

The *converting party* (i.e., the agency causing the conversion) is responsible for completing the full conversion process. This includes any fees and land acquisition tasks required by the process (e.g., title searches, land purchase, appraisals). For example, if a utility company wants to run fiber-optic cables through the park, but refuses the MOU alternative, the *utility company becomes the converting party and is responsible for all costs associated with the conversion*. Park agencies should carefully review Chapter 8 of the [Federal LWCF Program Manual](#) for further information.

Valuing the conversion

Conversions require replacement land value to value, not acre to acre. The appraised value of the converted land sets minimum value for replacement land. For example, putting a cell phone tower in an urban park may seem small; but the monetary value of that footprint may be high due to its location in an urban area.

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Federal agency coordination

Conversions require NEPA and Section 106 coordination before approval. For a refresher on these processes, please consult LWCF Handbook #3. NEPA and Section 106 clearance must be secured for both the converted and replacement properties.

Replacement property development

Timing

Replacement property must be developed for outdoor recreation use within three years of conversion approval. Failure to develop the property within this timeframe will result in continued exclusion from grant eligibility.

Amenity replacement

Replacement amenities must either be like, or a community requested upgrade, from the amenities available at the converted property. If the converted park had *active* recreation amenities (e.g., a playground and basketball court), then the replacement property must have *active* amenities as well (e.g., splash pad and pickleball court). Active park amenities cannot be replaced with passive park amenities (e.g., asphalt walking trail and some benches).

Keep amenity replacement in mind when selecting potential replacement properties. If the property is not large enough to host the proper replacement amenities, then either:

- Multiple properties must be secured
- Find a different property that can replace all the required amenities in one location, even if the purchase price is higher than the appraised value of the converted land

Conversion Process Guide

The conversion process guide can be found in the *Supplemental Documents* portion of the LWCF Webpage. There is no one-size-fits-all solution for conversion; this guide outlines the process at large.

When the project sponsor is ready to begin conversion consultation, they should email LWCF@dnr.IN.gov.