

CONVERSION

Frequently Asked Questions (FAQs)

What is a conversion?

A conversion is the process to receive approval to change the use within a protected park boundary to non-recreation use or private recreation use. A conversion requires replacement of land impacted within the protected park with land of equal or greater appraised value and equivalent recreational usefulness.

What is the protected park boundary?

The protected park boundary is the boundary of the park at the time of the close of the grant and/or the approved park boundary on the required park map with the grant award. This is the boundary subject to the Land and Water Conservation Fund (LWCF) and state program requirements.

Why are conversions a big deal?

The intent of the LWCF and state program is to create a network of close-to-home recreation lands that will be available for public outdoor recreation into perpetuity. The land retention requirement is a cornerstone of Section 6(f) of the LWCF Act. It states:

No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses.

How long do conversions take?

Typical conversion requests take eight to eighteen months.

What situations trigger a conversion?

There are four situations that trigger a conversion:

1. Parkland funded with LWCF or state funds are conveyed for private use or non-public outdoor recreation uses.
2. Non-outdoor recreation uses (public or private) are made of the park, or a portion thereof, including those occurring on pre-existing rights-of-way and easements, or by a lessor.
3. Unallowable indoor facilities are developed in the park without approval, such as unauthorized public facilities and sheltering of an outdoor facility
4. Public outdoor recreation use of property acquired or developed with LWCF or state assistance is terminated.

What situations would not trigger a conversion?

These situations would not trigger a conversion but the National Park Service (NPS) or state staff must review them.

1. Underground utility easements that do not impact the recreational use of the park and is restored to its original surface condition.
2. Proposals to construct public facilities, such as recreation centers and indoor pool buildings, within a Section 6(f)(3) protected area where it can be shown there is a gain or increased benefit to the public outdoor recreational opportunity.
3. Proposals for "temporary non-conforming uses" where temporary is less than six-months within a Section 6(f)(3) protected area.
4. Proposals to build sheltered facilities or to shelter existing facilities within a Section

- 6(f)(3) protected area provided they do not change the overall public outdoor recreation characteristics and otherwise meet the sheltering criteria in Chapter 3 of the LWCF manual.
5. Proposals for changing the overall outdoor recreation use of a Section 6(f)(3) area from that intended in the original project agreement.

We are considering locating a cell tower within the protected park to serve the community. Is this allowed? Could a conversion be completed?

No, a cell tower located in the protected park would not be allowed because there would be other alternatives available. It would be hard to demonstrate that the park is the only viable location for the cell tower. A conversion would not be allowed.

There is a boardwalk in the park that has deteriorated. It's a safety issue so we need to repair it. Is this going to trigger a conversion?

No. The work that you want to do is an allowable activity. It is allowable because it is for public outdoor recreation, and it benefits the park solely.

The county wants to widen an existing county road through the park. The project will require additional road right-of-way from the protected park. Is this going to trigger a conversion?

Yes. It's a conversion because a portion of the protected park will be converted to non-outdoor recreation use.

Only a small part of the protected park will be converted. It is less than an acre. Can't you make an exception? The impact is so small!

No. Federal law does not allow for exceptions even with very small areas that may not have a significant impact on the overall recreation use of the park. Completing the conversion process and requesting approval is the only option available. This is why we strongly recommend that all viable options are explored before considering a conversion at the protected park. A conversion request is costly and requires extensive staff time by the requestor.

When would you consider a conversion?

We will consider a conversion after all practical alternatives, including the no action alternative, have been identified and rejected on a sound basis. A summary of the project, alternatives and preferred option must be submitted and approved by your grants manager prior to continuing the conversion process.

What is the conversion process?

Most typical conversions follow this path:

- Consider the alternatives
- Agree on the size of the conversion
- Identify and agree on the replacement land
- Submit boundary maps for the conversion and replacement lands
- Conduct appraisals and appraisal reviews or minimum damage assessment memo
- Complete Section 106 or state environmental review
- Environmental review

- Historical/archeological review
- Public participation
- Get approval from NPS (federal projects) or state staff
- Record the deed restriction on the replacement land and submit it to staff

Does the replacement land have to be at the same site or provide identical recreation experiences?

No. The replacement property does not need to be directly adjacent to or close by the converted site. You need to evaluate the property to be converted to determine what recreation needs are being fulfilled by the existing facilities and the types of outdoor recreation resources and opportunities available. You must then evaluate the replacement property in a similar manner to determine if it will meet recreation needs that are at least similar in magnitude and impact to the user community as the converted site.

What else should I consider when looking for replacement land?

1. The replacement land was not originally acquired for recreation.
2. The replacement land has not been previously dedicated or managed for recreational purposes.
3. No federal assistance was provided in the replacement land's original acquisition unless the assistance was provided under a program expressly authorized to match or supplement LWCF assistance.
4. When the replacement land is contiguous with an existing park, that whole park will be protected under LWCF or state requirements. That is, all the grant requirements will be transferred to that park.
5. If the replacement land is not contiguous with an existing park then it needs to qualify as viable park or recreation area. A viable park means that it needs to be a stand-alone park with a plan and timetable for recreational development.

Can we postpone finding replacement land?

No. At this time, the conversion and replacement property must be completed in the same process. We no longer allow replacement land to be deferred for a year.

Can one parcel of land be used as replacement land for several conversions?

Yes.

Do we need to do environmental reviews for both converted and replacement lands?

Yes. You must complete an environment resources survey for each property. Based on the responses from the survey, conversion size and location of the replacement land, an Environmental Assessment (EA) may be required. All conversions require an EA except for small conversions.

What kind of appraisals do we need to get? When can we do the minimum damage assessment memo instead?

Appraisals and appraisal reviews for a federal conversion request must be prepared in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions

(UASFLA). Appraisals for a state conversion request must be prepared in conformance with the Uniform Standards for Professional Appraisal Practice (USPAP).

If the value of the conversion is \$10,000 or less or \$25,000 or less with landowner approval, a minimum damage assessment memo may be done instead of an appraisal. This memo should be prepared by someone familiar with property values in the area (not necessarily an appraiser), should state the highest and best use, show computation of value, and not call itself an appraisal.

What are small conversions?

Small conversions are partial conversions in which no more than ten percent (10%) of the protected park will be converted to non-recreational or private use.

What are the requirements for small conversions?

To qualify for a small conversion, both of these conditions need to be met:

1. The land to be converted is 10% or less of the protected park AND
2. The replacement land must be contiguous with the current site or another existing park or recreation area. If the replacement land is contiguous with an existing park or recreation area, that area will become subject to LWCF or state requirements.

Do we need to do an EA for a small conversion?

No. Small conversions by definition do not have the potential for significant environmental impacts to recreation resources.

Do we need to go through Section 106 or State historical review for both converted and replacement lands?

Yes. You must give the [State Historic Preservation Office \(SHPO\)](#) an opportunity to comment on the conversion proposal pursuant to Section 106 of the National Historic Preservation Act of 1966 and/or Minnesota statutes. The local sponsor will be required to provide the DNR with all necessary information to contact the SHPO for review of the proposal. It may be necessary for you to hire an archeologist and/or historian to obtain the necessary information. If the SHPO recommends a survey(s) of the properties, you must contract with a qualified firm to complete it and coordinate with the DNR/SHPO on any actions that must be taken to protect archeological and/or historical resources on the property. For federal projects, NPS will initiate tribal review.

What about public participation? When are we supposed to involve the public?

The general public, especially those homeowners and businesses near the project, must have an opportunity to review and comment on the initial proposal including the need for the conversion, alternatives explored, environmental and historical impacts and proposed replacement land. You may do this through public meetings, announcements in the newspaper, letters or flyers, newsletters, an announcement on your website, emails, or face-to-face meetings. Information detailing your public participation process and comments received are required with your request. Additional public review will be required for an EA.

What happens if we inadvertently converted part of a protected park? What do we need to do about unauthorized conversions?

After-the-fact conversions happen when staff change or people forget or don't know that there are restrictions on the park. When this happens, please contact your grant manager. They will help you through the conversion process or, depending on the unauthorized use, require removal and restoration of the park.

How will you know if there's been an unauthorized conversion?

State staff conduct on-site inspections and/or desk reviews of aerial photos of all park or recreation areas funded at least every five years. We have maps of the boundaries and what facilities were present at the time of the grant closing. Any new non-outdoor recreation facilities or uses will be cause for a conversion. Staff will contact all grantees after the inspection or review with information regarding ongoing grant requirements and any findings or concerns.

When will we know the conversion has been approved? When can we convert the land as proposed?

After the DNR and/or NPS approve a conversion, your Grants Manager will prepare a formal amendment to the original grant agreement contract. This amendment provides the legal basis for park conversion and replacement. Once the amendment is fully executed, you can convey the land to be converted and purchase the replacement land.

We purchased the replacement land. What else needs to be done?

You're almost there! Just a few more things:

1. You need to file a deed restriction on the replacement land and submit a copy of the warranty deed to your grants manager.
2. You need to put up a funding acknowledgment sign in a prominent location near the park entrance. Ask your grants manager for the specific sign you need.
3. Within one year of the acquisition, the replacement land must be open and available for public use and developed in accordance to the plan and timetable submitted with the conversion request.

Who may I call if I still have questions?

Email or call the two staff below.

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