



Conversions of Use – Guidelines and Requirements

Grant agreements between the Local Sponsor and the State require land developed, improved, or acquired with Land and Water Conservation Fund (LWCF) and/or state assistance to be retained and used for public outdoor recreation. Any property so acquired and/or developed shall not be wholly or partly converted to other than public outdoor recreation uses without the approval of the State and/or National Park Service (NPS) pursuant to Section 6(f)(3) of the LWCF Act and these regulations. The conversion provisions of Section 6(f)(3), 36 CFR Part 59, and these guidelines apply to each area or facility for which LWCF assistance is obtained, regardless of the extent of participation of the program in the assisted area or facility and consistent with the grant agreement between NPS and the State.

This requirement applies to the area described in the project documentation approved by the State and/or the NPS. This area normally exceeds that actually receiving State and/or LWCF assistance so as to ensure the protection of a viable recreation entity.

Local sponsors must consult early with the State manager when a conversion is under consideration or has been discovered. Any previous project agreements and actions must be identified and understood to determine the actual boundary subject to the grant agreement. The State and/or the NPS Regional Director have the authority to disapprove conversion requests and/or to reject proposed property substitutions. This approval is a discretionary action and should not be considered a right of the project sponsor.

Situations that trigger a conversion include:

- a. Property interests are conveyed for private use or non-public outdoor recreation uses.
- b. Non-outdoor recreation uses (public or private) are made of the project area, or a portion thereof, including those occurring on pre-existing rights-of-way and easements, or by a lessor.
- c. Unallowable indoor facilities are developed within the project area without NPS approval, such as unauthorized public facilities and sheltering of an outdoor facility.
- d. Public outdoor recreation use of property acquired or developed with LWCF assistance is terminated.

To Request Approval for a Conversion: Formal requests from the project sponsor for permission to convert LWCF and/or state assisted properties in whole or in part to other than public outdoor recreation uses must be submitted in writing.

1. Submit a narrative description of the proposal that identifies all practical alternatives have been evaluated and rejected on a sound basis. The “do nothing” alternative must be considered. Minnesota typically processes only a couple of conversions each year, usually for road improvements undertaken to improve safety. Proposals to construct non-recreation facilities such as cell phone towers or to convey an interest in the property to a private party generally do not qualify, as there are usually practical alternatives available. Do not continue with the conversion process until this step has been approved by the State.

2. If approved to move forward with the conversion process, a critical first step is for the State and Local sponsor to agree on the size of the Section 6(f) park land impacted by any non-recreation, non-public use, especially prior to any appraisal activity. The area required for the conversion could include the entire park depending on the impact of the proposed facility and/or could include a minimum of all impacted land, buffer areas, any facility access, land cut off from the remaining park area and possible visual and/or noise impacts.
3. The next step is to identify the proposed replacement land to be acquired. The replacement land must be an addition to an existing facility or, if a new facility, constitute a viable, self-supporting unit of outdoor recreation. The grants manager must approve the extent of the conversion and the suitability of the replacement lands before continuing with the conversion process.
4. Information to be submitted with a conversion request:
 - a. Boundary maps of both the converted site and the proposed replacement land. These maps must include references to known landmarks, a north arrow, acreages, a graphic scale, the date of preparation, and the signature of the Local Sponsor. The map of the replacement land should also indicate planned recreation development and a proposed timeline for that development.
 - b. Appraisals and Appraisal Reviews - Fair market valuation of both the converted and replacement lands. Appraisals for a federal conversion request must be prepared in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions and be reviewed by a qualified review appraiser. Appraisals for a state conversion request must be prepared in conformance with the Uniform Standards for Professional Appraisal Practice (USPAP). The grants manager will be able to give you guidance on making the appraisal assignments.
 - c. Environmental documentation - An environmental assessment must be prepared in accordance with the National Environmental Policy Act (NEPA) and/or state guidelines for both the property to be converted and the proposed replacement land. Additional information will be provided by the grants manager.
 - d. Historical / Archeological Review and Coordination - The [State Historic Preservation Office \(SHPO\)](#) must be afforded a chance to comment on the conversion proposal pursuant to Section 106 of the National Historic Preservation Act of 1966 and/or Minnesota statutes. The SHPO must be contacted and provided information about the proposal. If the SHPO recommends a survey of the land be completed, the proposer must contract with a qualified firm to complete it and coordinate with the SHPO on any actions that must be taken to protect archeological / historical resources on the property.

If the conversion request is approved, the original grant agreement between the State and the Local Sponsor will be amended to delete the converted lands and add the replacement lands to the project boundary subject to the grant agreement.