



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

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Indiana Department
of Natural Resources

Handbook 7: Post-Completion Compliance & Stewardship

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The First Five Years

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 grants manager. 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 using the [LWCF Program Logo](#).

Inspection recommendations

The most common inspection 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

Forever is a Long Time

Overview

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

The most common noncompliant land uses seen during post completion inspections are listed below. This is not an exhaustive list. Please refer to the [NPS LWCF Program Manual](#), Chapter 8, for further guidance.

- Cellphone towers
- Water towers, other water treatment facilities
- Community centers
- Fire and police stations
- Animal control centers/shelters
- Community medical clinics
- Enclosed wedding/event venues
- Private-league-use or school-exclusive-use facilities
- Full-service restaurants (concession stands are okay)

Allowable Uses and Related Restrictions

League play and exclusive use

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

- Have clear signage detailing that the facility is open for public use and post “open play” timeframes on the property.
- Keep ballfields unlocked and accessible when not in use by the private league.
- Have a contract agreement with the private entity or school that meets LWCF programmatic requirements. See Chapter 8, Part E, of the [NPS LWCF Program Manual](#).

If there are indicators that the facility may be under exclusive use by a private league or school athletics program, then a conversion may be necessary.

Rental rates & fee schedules

User-fee and rental-rate schedules should allow for broad public participation, including that of nonresidents. The difference between resident and nonresident 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 [NPS LWCF Program Manual](#) apply to the entire recreation area.

Camping & lodging

Campgrounds are welcome on protected properties as long as the user-fee and exclusive-use guidelines above are followed. For example, a rally/group tent area in a county park may be developed and

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advertised as available for reservations; however, if either of the following conditions applies, the facility is in violation of LWCF regulations.

- Facility may only be reserved by certain organizations (e.g., faith-based organizations, school groups, or corporate retreats).
- The cost of reservation is more than doubled for nonresidents.

Seasonal camping lease agreements must be reviewed and approved by grants staff. In general, seasonal camping facilities are held to the same standard as nonseasonal campgrounds in terms of accessibility, user fees, etc. Excessive additions to individual seasonal campsites are not permitted, such as enclosing the camper with an additional roof or permanently building a 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, or thru-hiker shelters) are allowable on LWCF properties, provided all previously mentioned guidance is followed. Luxury cabins, lodges, or motels are not eligible for LWCF assistance. The difference between luxury and simple alternate camping facilities is the federal [NPS 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 other amenities added to the park will be ADA/ABA compliant. Local project sponsors are encouraged to reference the best-practices page of Handbook #5 Plan Review & Construction, when considering further outdoor recreation development.

Post-project enclosed structures

Administrative support buildings, concession stands, and pool/beach houses are generally allowable, but park departments must coordinate with grant staff to ensure the purpose of the building is compliant with LWCF regulations. This coordination does not need to be completed for restrooms. To start this coordination, complete the LWCF enclosed-structure construction checklist and email the proper documents to the grants team at LWCF@dnr.IN.gov.

Note that, unless the enclosed structure is listed above, the structure will have to be approved by the NPS. It is preferable that project sponsors notify grants staff before construction, as "discovered" enclosed structures may complicate future grant funding.

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.

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Failure to coordinate with grant staff regarding a conversion may prevent the park department 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 [NPS LWCF Program Manual](#). The most common noncompliant 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 an action that would trigger a conversion. There are multiple ways to avoid going through the entire process.

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 when 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.

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 [NPS LWCF Manual](#), Chapter 8.

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Conversion disclaimers & important notes

Every conversion is unique; this guidebook 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: It is important to remember that 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 underneath 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 [NPS 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.

Federal agency coordination

Conversions require NEPA and Section 106 coordination before approval. For a refresher on these processes, please consult LWCF Handbook #3: Environmental, Cultural, and Historical Coordination. 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:

- Secure multiple properties
- Find a different property that can replace all the required amenities in one location, even if the purchase price is higher

Conversion Process Checklist

The conversion process checklist can be found in the Supplemental Documents. There is no one-size-fits-all solution for conversions. This checklist is meant to be a guide.

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