



protecting  
**places** that  
matter



Understanding the Land and Water Conservation Fund:

# stewardship



## Protecting Places That Matter

Since 1964, the Land and Water Conservation Fund has been an active partner with states and communities in creating places that really matter: playgrounds alive with kids, well-used baseball diamonds and soccer fields, peaceful picnic areas, safe paths for walking and cycling, fast-paced basketball courts, popular beaches and pools, and scenic state parks.

But America's most productive conservation partnership does even more. The benefits of the Land and Water Conservation Fund extend beyond park and recreation facility construction and open space acquisition. The Fund also plays a major stewardship role, ensuring the integrity and recreational quality of Fund-assisted parks and conservation lands, now and for future generations.

## Protecting Our Parklands Forever

Stewardship responsibility for Fund-assisted state and local parks and recreation facilities is shared by the Land and Water Conservation Fund's three partners: the National Park Service, the States and local project sponsors. Local sponsors are responsible for site stewardship, including public access, safety and other basic maintenance. States are responsible for site stewardship at state parks and for conducting periodic site visits and working with local partners to ensure that Land and Water Conservation Fund stewardship goals are met. The National Park Service is charged with overall responsibility for protecting the integrity and recreational value of all state and local parks, lakes, trails, beaches, and conservation lands assisted by the Fund.

The Fund's most important tool for ensuring long-term stewardship is its "conversion protection" requirement. Administered by the National Park Service in cooperation with states, this requirement, Section 6(f)(3) of the Land and Water Conservation Fund Act, strongly discourages casual discards and conversions of state and local park and recreation facilities to other uses.

*SEC. 6(f)(3) 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. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.*



## promoting healthy communities since 1964

The Land and Water Conservation Fund is the premier state and federal partnership for community recreation and open space in the United States. Established by Congress in 1964 "...to strengthen the health and vitality of the citizens of the United States..." (Public Law 88-578), the Fund has successfully conserved several million acres of open space and has helped create state and local park and recreation facilities – approximately 39,000 funded projects – in virtually every county in the nation.



## Understanding Conversion Protection

The Fund's conversion protection language is firm. It does recognize, however, that changes in land use or in the public's recreation preferences may render the recreational value of some Fund-assisted parks obsolete, especially in urban areas experiencing rapid change. At the same time, it carefully ensures that any changes or conversions from recreation use will bear an equivalent cost – a cost that guarantees that our nation's past investments in its treasured recreation and open space resources will be honored. Conversion protection is also comprehensive – even a relatively small grant (e.g., for development of a picnic shelter) can confer coverage to the larger park.

Within the context of the entire program, conversions to non-recreation uses are relatively rare. The National Park Service estimates that less than 3% of all projects assisted by the Fund have been submitted for conversion.

In many of the cases where state or local governments consider a possible conversion, the requirement to replace a site with property of "at least equal fair market value and of reasonably equivalent usefulness and location", combined with the required environmental review, serves as a simple and effective deterrent. Here is a typical example:

*In the early 1990s, the City of Bellingham (WA) initiated planning for a new public art facility and considered the feasibility of using a portion of its Maritime Heritage Center, a Land and Water Conservation Fund-assisted park, as a potential site. The Maritime Heritage Center offers fishing access to Whatcom Creek, walking paths with interpretive displays on maritime and city history, picnicking areas, and views of Bellingham Bay. However, because of the site's anti-conversion protection, the city was encouraged to explore alternate sites and ultimately decided to build the art center at another downtown location.*

## Balancing Community Needs

Clearly, change is inevitable and sometimes – when all other alternatives have been carefully reviewed – conversions are deemed both necessary and desirable. Common factors contributing to a conversion are: mandated improvements to transportation (e.g., highway widenings) and water treatment facilities, changing demographics leading to obsolete recreation facilities, and negative impacts from adjacent land use. In addition, there are certain exceptions to the conversion restriction, such as the installation of an underground utility, where the change does not impact recreation use. Another possible exception (subject to concurrence by the National Park Service and the State) is the addition of a public facility which enhances and supports the site’s primary outdoor recreation use.

When conversions are approved, the goal is always a “win-win” solution, balancing the needs of recreation and open space with other community needs. However, like any local or regional issue involving a change to public facilities, conversions occasionally attract controversy. The conversion process (which is set forth in Title 36, Part 59.3 of the Code of Federal Regulations) includes a comprehensive review of key issues relating to recreation access and use, land valuation, and an assessment of its impact on the environment. The process takes time – from six months to more than a year depending on the complexity of the conversion and the replacement site – and is subject to concurrence by the State and the National Park Service. Approval is not automatic. However, successful conversions can be found in every State. Here are four representative examples:

### South Main Park, Springfield, Tennessee

The City of Springfield wanted to convert three small urban parks and replace them with a single larger park that would better serve the recreation needs of the community. The parks – Indian Hills, 15th Avenue and Sleepy Hollow – were receiving limited use due to changing demographics in the areas they once served. The replacement site – South Main Park – provided a great opportunity to enhance recreation facilities. South Main Park – provided a great opportunity to enhance recreation facilities. South Main Park is not only larger and more conveniently located, it also has expansion potential.

*Initially, city representatives expressed concern about the extensive review required by the conversion process. However, once they understood the principles underlying the Land and Water Conservation Fund's conversion protection, they engaged fully in the process, in cooperation with the State of Tennessee and the National Park Service.*



### Riverfront Park, Evansville, Indiana

Riverfront Park languished when an economic slump in the early 1990s significantly reduced commercial activity in downtown Evansville. In 1995 the City reached an agreement with a private corporation for use of half of Riverfront Park's 4 acres as the docking site for a casino boat and support facilities. With the City retaining ownership of the entire park, the private developer committed \$3.5 million to enhance public recreation facilities on the unaffected 2 acres, plus \$1 million annually for use of the park property. Park improvements include an amphitheater, boardwalks, river overlooks, and fishing access to the Ohio River.

*The City also received 55 acres located in three growing neighborhoods that had long been sought as desirable additions to the park system. These replacement properties included an urban wetland, a greenspace located along the city's recreation trail, and new soccer fields.*

### **Sand Creek Golf Course, Idaho Falls, Idaho**

In the 1990's, population growth in the City of Idaho Falls exerted pressure for new housing in the neighborhood adjacent to the Sand Creek Golf Course, originally developed with an LWCF grant in 1972. A small portion of the park property adjacent to the golf course and protected by section 6(f) was needed before residential development could occur. The City proposed trading that parcel for two parcels owned by the private developer, one to be developed into a neighborhood park and the other for a pedestrian/bicycle path connecting to a major bike path network.

*The golf course remains a viable recreation area large enough to sustain all previous activities, the city gained land for a new park and bike path in an area deficient of recreation opportunities, and new housing became available to residents of Idaho Falls. The solution was satisfactory to all interests.*



### **Lone Pine Wildlife Area, Larimer County, Colorado**

In 1978, the Lone Pine Wildlife Area was acquired with Land and Water Conservation Funding as critical wildlife habitat on the rapidly developing foothills of the Colorado Rocky Mountains. In 2000, a unique opportunity arose for the Colorado Division of Wildlife to acquire a private ranch which joined Lone Pine and a nearby wildlife area. In exchange for 320 acres within the Lone Pine Wildlife Area, the Division of Wildlife received title to a 720-acre ranch.

*This land exchange resulted in the consolidation of over 15,700 acres of contiguous wildlife area, which contains Mountain Mahogany scrubland and riparian foothill habitats. The area provides wintering range for elk, deer, and bighorn sheep as well as critical habitat for the endangered Prebel's Meadow Jumping Mouse.*

For more information about the Land and Water Conservation Fund or if you have specific concerns about threats to a park area that may be under the stewardship of the Land and Water Conservation Fund, please contact the state agency representative listed at [www.nps.gov/lwcf](http://www.nps.gov/lwcf). The states can help determine if federal or similar state protections apply. Additional information on the Land and Water Conservation Fund can be obtained from the National Park Service offices listed on this website.

The National Park Service also manages two other assistance programs with similar stewardship responsibilities and protections: the Federal Lands to Parks surplus property and Urban Park and Recreation recovery grant programs. Information on these and other recreation assistance programs can be found at [www.nps.gov/ncrc](http://www.nps.gov/ncrc).

The Land and Water Conservation Fund: an Active Partner with States and

# communities



original logo



updated logo

A New Look: Land and Water Conservation Fund support is usually acknowledged by a sign displayed at the site, often accompanied by the Fund's old logo. In 2002, the logo was updated to celebrate the Fund's enduring federal, state and local partnership.