

Understanding Compliance Action Needs



Determining Allowability of Public Facilities within LWCF-Assisted Parks

Purpose

This guidance provides a framework for evaluating whether a proposed public facility within a Land and Water Conservation Fund (LWCF)–assisted park is allowable without triggering a conversion under Section 6(f)(3) of the LWCF Act. It is based on the criteria established in LWCF Financial Assistance Manual Volume 71, Chapter 8, and recent National Park Service (NPS) compliance determinations.

Public facilities may be constructed within LWCF-assisted areas only when the proposed development **clearly enhances or supports outdoor recreation use of the park** as a whole. The facility must be compatible with and supportive of the outdoor recreation resources for which the area was originally funded. A public facility proposal must be reviewed and documented by the state program using the Compliance and Stewardship (C&S) Form.

Review Criteria

The following criteria can be used to review and evaluate proposed public facility:

1. Outdoor Recreation Remains the Primary Function

The use of the facility must be compatible with and supportive of the park’s outdoor recreation purposes. Any indoor or administrative functions must be subordinate to the recreation mission. The proposed plans should demonstrate that **outdoor recreation use of the park will remain greater than indoor use**.

2. Alternatives Have Been Fully Considered

The sponsor should demonstrate for the state program that design and location alternatives were analyzed and rejected on a sound, documented basis. Alternatives outside the LWCF boundary should be considered first whenever feasible.

3. Compatibility and Accessibility

The structure must be consistent with the character of the site and accessible to the general public. The following uses are not ordinarily allowable: community centers, non-

recreational public buildings, commercial or exclusive-use facilities such as private clubs or restaurants that cater primarily to the general public, or those requiring memberships or **high fees that exclude portions of the public**. Food service facilities designed to serve outdoor park users—such as snack bars, concession stands, or outdoor dining pavilions—are generally allowable.

4. Net Recreational Benefit

The proposal must show tangible benefits to outdoor recreation across the park as a whole. The state program should identify both benefits and potential detriments; approval depends on demonstrating a net gain in recreation value or opportunity.

5. Public Ownership and Control

The proposed facility must remain under the ownership, control, and tenure of the public agency that sponsors and administers the LWCF-assisted park. Any private or nonprofit operator must act under a publicly accountable agreement ensuring open access and reasonable fees.

6. State Review and Federal Concurrence

The State must conduct a complete review, document the findings on the C&S Form, and submit a recommendation letter for federal review and concurrence that a conversion is not triggered and that the facility is allowable.

Application Example – Visitor Centers and Indoor Education Facilities

NPS guidance emphasizes that visitor centers may qualify as allowable public facilities only if they are freely accessible to all park visitors and directly support outdoor recreation. In a few proposals presented in recent years, the NPS determined the proposed redevelopment did not meet public facility criteria because high admission fees to access the center were proposed in addition to the park entrance fee that excluded visitors who had already paid for park entry. The primary uses of these buildings were indoor education and programming rather than enhancement of outdoor recreation. The proposals also did not demonstrate a net outdoor recreation benefit for the park as a whole.

Documentation Requirements

When submitting a public facility proposal, the State should provide:

- A completed C&S Form identifying how the proposed construction meets the criteria above.
- Site plans and descriptions showing outdoor recreation integration.
- Operational and access plans clarifying fee structures and public accessibility.

- Alternative analysis documentation.
- A State recommendation with justification that the project results in a net outdoor recreation benefit.

Source: LWCF Financial Assistance Manual Vol. 72, Chapter 8, Page 112