

**Additional Written Comments of National Recreation and Park Association  
National Association of State Park Directors, and  
National Association of State Outdoor Recreation Liaison Officers**

**Senate Committee on Energy and Natural Resources  
Regarding April 22, 2015 Committee Hearing on the Reauthorization and  
Potential Reforms to the Land and Water Conservation Fund**

**May 6, 2015**

Chairman Murkowski and Senator Cantwell, the National Recreation and Park Association (NRPA) provided written testimony, in concert with the National Association of State Park Directors (NASPD), for the April 22, 2015 hearing on the Land and Water Conservation Fund (LWCF). We appreciate this opportunity to provide additional comments for the hearing record, with the assistance of the National Association of State Outdoor Recreation Liaison Officers (NASORLO).

While Committee members were afforded their opportunity to ask questions of the panel of speakers, Deputy Secretary of the Interior, Michael Conner, was asked by Senator John Barrasso of Wyoming what the Administration believed constituted a “fair and equitable” percentage distribution of overall LWCF dollars between the federal and “stateside” of the program. Deputy Secretary Conner responded that, “We (the Administration) look at the allocation in our budget as being actually 60% going to the federal side and 40% going to the stateside...” and he went on to explain the “additional grant programs which had been developed” which, in their view constituted a total of 40% of overall LWCF dollars going to the “stateside” of the program and that the Interior Department’s FY 2016 budget request reflects that amount.

Our organizations deem important that we respond to these comments by clarifying exactly what are state grants, consistent with the language and original purposes of the LWCF, and what we define as the “Stateside” component of the LWCF. We prefer to be clear in stating our interest in the LWCF is specifically with the State Assistance Program – formula grants to the States for local conservation and active recreation. The State Assistance Program is one of the original core tenants and priorities of the program from when the LWCF was created in 1964. Further, the original Act designated that the distribution of annual funding for the LWCF be allocated as follows:

***SEC. 4. (a) ALLOCATION.—There shall ...***

***(i) the appropriation therein made shall be available in the ratio of 60 per centum for State purposes and 40 per centum for Federal purposes, ...***

*Source: [www.gpo.gov/fdsys/pkg/STATUTE-78/pdf/STATUTE-78-Pg897.pdf](http://www.gpo.gov/fdsys/pkg/STATUTE-78/pdf/STATUTE-78-Pg897.pdf)*

Again, at the time, the “State purposes” designated under the Act was the State Assistance Program. As explained in the written testimony submitted by the NASPD with the assistance of the NRPA, through legislative changes and diversions, the State Assistance portion of the fund has been effectively squeezed to the point of being no more than 12% to 13% of total LWCF appropriations since 1998.

This is a direct result of adding loosely defined “related purposes” as eligible uses for LWCF dollars. These “related purposes” or new programs were added to the law in 1997. While certainly serving worthwhile goals, these additional accounts are NOT what we determine to be “State purposes” as intended under the original Act.

For example, the “related purposes” which the Administration is attempting to include under the “Stateside” umbrella, are NOT subject to the same conditions placed upon the State Assistance Program. These “related” programs:

- Are NOT incorporated, or even considered, under the LWCF mandated “Statewide Comprehensive Outdoor Recreation Plan” (SCORP) which defines priorities and the manner which states intend to utilize their State Assistance funding over what is typically a five-year period. The SCORP is supposed to be used, in tandem with an “open selection process” when making decisions on all state uses of the grant funding.
- Being outside of the SCORP process, these programs are not managed with the direct assistance of the State Outdoor Recreation Liaison Officer – a governor-appointed position required under the State Assistance Program.
- These programs are identified as “voluntary” and “highly competitive” indicating that states cannot depend on receiving funding in a given year for these purposes and that major decisions with regard to where the funding ends up are being made in Washington, DC.
- Projects funded under these “related purposes” are not subject to the same financial threshold of the dollar-for-dollar match which is required of all projects funded through the State Assistance Program.
- Finally, these “related purposes” include programs which are not under the management or responsibility of the Department of the Interior, but which, over time, have utilized over \$650 million in direct LWCF support.

While we recognize the considerable competing priorities, and acknowledge the worthwhile purposes these programs were created to address, any honest review will confirm that they are NOT the same, in manner or purpose, as the “State purposes” laid out in the original Act. Therefore, claiming that “40% (of existing LWCF support) is going to the stateside,” of the program is misleading, if not disingenuous.

For the record, we bring to the Committee’s attention Deputy Secretary Connors own comments regarding the Administration’s FY2016 Budget request. It includes a total of \$400 million in discretionary funding for the LWCF with the \$50 million (12.5%) allocated to the State Assistance Program continuing the pattern of falling well short of a fair and equitable percentage being made available for state and local outdoor recreation. We note that it would take \$160 million of overall LWCF appropriations to the State Assistance Program to achieve the 40% threshold – the minimum percentage of annual appropriations the law currently requires be made available for federal land acquisition (“Federal purposes” under the original Act).

Further, the same budget request includes what can best be described as an “optimistic” vision of providing an additional \$500 million of “permanent” funding for the LWCF which the Administration could then claim gets us to the “full funding” authorized amount of \$900 million. Even at that level, the amount envisioned for State Assistance is \$100 million, with an additional \$25 million designated for the moribund Urban Park and Recreation Recovery Program (UPARR). Therefore, even under a “full funding” scenario, the Administration views providing a grand total of 13% to state and local conservation and outdoor recreation as adequate to address existing needs and priorities – including less than 3% of total LWCF resources specifically targeting the needs of “urban” communities.

Finally, we reiterate that what we find has gotten lost in the ongoing discussion over the reauthorization of the LWCF is, first and foremost, the issue of fairness in how LWCF dollars are being distributed. For nearly 50 years the bulk of the work to carry out the purpose of the Act has fallen on local communities to handle alone. While four-out-of-five Americans live in larger metropolitan areas, the LWCF is now only providing about 13% of overall funding to the very program – State Assistance -- which impacts people where they live, and recreate, the most. Urban communities, in particular, suffer from the severe lack of resources currently being made available through the State Assistance Program.

We conclude by stating that we value preserving and providing access to our “national treasures” for all to enjoy, but we want to remind you that many treasured places and areas are NOT located on federal property. We respectfully reiterate our request that Congress embraces this opportunity to update the LWCF to reflect 21<sup>st</sup> Century needs and priorities and provide a fair and balanced allocation to the State Assistance Program that resembles the original intent of the law.

Faithfully submitted by:

Tim Hogsett  
President  
National Association of  
State Outdoor  
Recreation Liaison  
Officers (NASORLO)  
4200 Smith School Road  
Austin, TX 78744  
(512) 468-0453  
tim.hogsett@tpwd.texas.gov

Lewis Ledford  
Executive Director  
National Association of  
State Park Directors  
(NASPD)  
P.O. Box 91567  
Raleigh, NC 27675  
(919) 218-9222  
lewis@naspd.org

Kevin O’Hara  
Vice President  
National Recreation and  
Park Association (NRPA)  
22377 Belmont Ridge Rd  
Ashburn, VA 20148  
(202) 520-1084  
kohara@nrpa.org