

**A REVIEW OF THE IMPLEMENTATION OF
THE LAND AND WATER CONSERVATION
FUND PROGRAM**

HEARING
BEFORE THE
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
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A REVIEW OF THE IMPLEMENTATION OF THE LAND AND WATER CONSERVATION FUND PROGRAM

TUESDAY, JUNE 25, 2019

U.S. SENATE,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The Committee met, pursuant to notice, at 10:08 a.m. in Room SD-366, Dirksen Senate Office Building, Hon. Lisa Murkowski, Chairman of the Committee, presiding.

OPENING STATEMENT OF HON. LISA MURKOWSKI, U.S. SENATOR FROM ALASKA

The CHAIRMAN. Good morning, everyone. The Committee will come to order.

We are here this morning to talk about the Land and Water Conservation Fund, the "LWCF."

The last hearing that we held on this was back in 2015. The authority to credit the LWCF with \$900 million each year was expiring that September, if you will recall. Our Committee was trying to piece together an energy bill. We were looking to ultimately include a permanent authorization of this authority and programmatic reforms.

It did not happen then, but four years later, our lands package, including the LWCF provision, became law as the John D. Dingell, Jr. Conservation, Management, and Recreation Act. Now that the collection and deposit functions of the LWCF have been permanently authorized and we have made some important reforms along the way, it is time to look at what has worked with the program and the areas that can be improved.

When LWCF was established in 1965, it was largely focused on building a recreation system. There was an understanding that in order to build the system, the Federal Government would need to acquire land, but that acquisition would be focused on the states east of the 100th Meridian. That made sense, as eastern states had far fewer public lands and therefore fewer opportunities for outdoor recreation.

The House and Senate Committee reports made this point, and the original LWCF Act includes an express provision limiting Forest Service acquisitions in the west to "not more than 15 percent."

The Congressional intent expressed back then about federal land acquisition still rings true with this particular Senator. In Alaska, close to 63 percent of our lands are already held by the Federal

Government. That is more than 220 million acres and just by size comparison, it is more land than there is in all of that State of Texas, and people think that Texas is a big state. So it just, kind of, puts it into context there. I have been skeptical of the need to acquire more, and I think many of my colleagues share that skepticism.

Over the last 50+ years, most of the dollars appropriated to the LWCF program have been allocated to federal land acquisition. And despite Congress' intent to see land acquisition occur in the east, the land management agencies, as evidenced by the prioritization lists they produce for those of us on the Appropriations Committee, continue to push for land acquisitions in the West.

Just last week, the GAO released a report that examined how the land management agencies used \$952 million in appropriations from the Fund between the years 2011 and 2014. Most of the areas that were acquired were in the West, notably with North Dakota and Montana topping that list.

I am sure that many of these acquisitions serve important conservation and recreation purposes, but our challenge now is to think differently and more creatively about the LWCF. Instead of federal land acquisition, I think we should ask what else it can accomplish for conservation and outdoor recreation into the future. We started to lay the groundwork in our recent lands package. We brought back a dedicated allocation in the LWCF for states of no less than 40 percent.

We all know that states are critical partners in conservation and outdoor recreation, providing some of our favorite parks and hunting and fishing grounds. As authorizers, we placed additional parameters on federal land acquisitions so that we prioritize access to and through our public lands and enhance recreation opportunities on those lands.

It was just last week that we held a hearing on deferred maintenance at our federal land management agencies and reinforced where we are with the backlog. The backlog totals nearly \$20 billion, and it continues to grow despite our efforts to increase funding on the Appropriations committees.

A lot of folks say we can't cut the backlog in half without providing full dedicated mandatory funding for LWCF. I think most people know I don't like mandatory funding, adding mandatory funding, and I question whether tying these together makes good sense.

LWCF itself recognizes the importance of maintaining what we already have. The Act states that it is not just about the quantity of recreation resources, it is about the quality. Addressing the maintenance backlog is the best way to put the conservation and recreation system that we built over the last 50 years, with the help of LWCF, on the path to long-term viability.

Congress and the Executive Branch have previously recognized this related purpose, choosing to fund maintenance activities through the LWCF. From FY98 through 2001, LWCF was used to address the maintenance backlog at all four land management agencies. And it is no coincidence that it was in those fiscal years that appropriations from the LWCF reached and slightly exceeded the \$900 million authorized level.

LWCF also has strong ties to offshore drilling, as most of the funding credited to the Fund is coming from OCS revenues. That is not lost on me, and I know that Senator Hyde-Smith, Senator Cassidy and other coastal state members who support revenue sharing also recognize and appreciate that.

As an appropriator, I continue to hold the view that Congress should determine the appropriate level of funding for LWCF and how it should be allocated. We should look at it on a yearly basis and determine its funding levels relative to all of our other needs and priorities.

I know we have diverse views in this Congress, certainly even in this Committee, so the conversation that we are having today is a very important one.

The witnesses that we have gathered, I think, will give us a good perspective on these very important issues on how we might possibly move forward. Today we have our newly confirmed Assistant Secretary for Policy, Management, and Budget, Susan Combs, from the Department of the Interior (DOI). Ms. Combs, we were really getting tired of seeing your name on that calendar for confirmation. So after 600 some odd days, it is nice to see you in an official position.

We also have Deputy Chief Chris French, from the U.S. Forest Service, here to help discuss the federal side of the program. Congrats to you on your recent promotion.

Lauren Imgrund is with the National Association of State Outdoor Recreation Liaison Officers (NASORLO), and she will discuss how states use financial assistance to run and support their recreation programs.

Mr. Collin O'Mara from the National Wildlife Federation can speak to how outside partners are able to support the program. We have had some really good conversations, and I appreciate that.

Mr. Brian Yablonski will provide a think tank perspective from the Property and Environment Research Center (PERC), based out of Montana. I know you have had some good ideas out there on the table.

I thank you all for being here with us today, and I look forward to a productive discussion.

I now turn to my friend and Ranking Member, Senator Manchin.

**STATEMENT OF HON. JOE MANCHIN III,
U.S. SENATOR FROM WEST VIRGINIA**

Senator MANCHIN. Chairman Murkowski, thank you for scheduling this important hearing to examine the implementation of the Land and Water Conservation Fund. I want to thank the panel for coming with all their expertise to help us through this.

I am excited for today's discussion about a program that continues to demonstrate the benefits of conservation throughout this country and enables access for millions of Americans and visitors from around the world to enjoy our treasured public lands while preserving them for generations to come.

Since 1965, the LWCF has played a vital role in keeping our public lands public, and I trust that the program will go on to achieve greater success following the permanent reauthorization earlier this year. By overwhelming votes of 92 to 8 in the Senate and 363

to 62 in the House, Democrats and Republicans came together to pass the John D. Dingell, Jr. Conservation, Management, and Recreation Act of 2019 which we worked on and which is the Lands package which President Trump signed into law in March.

I firmly believe the glue that held the Lands package together was the inclusion of LWCF for permanent authorization. The Lands package included numerous important provisions that will enhance conservation, recreation, hunting and fishing and shooting opportunities on federal lands. Nevertheless, Senate bill 47 will always be remembered as the legislation that made permanent the most successful land conservation program in our nation's history.

I have long supported LWCF which has played a critical role and a crucial role in making my little State of West Virginia all the more wild and wonderful. In fact, since 1965, \$243 million of LWCF funds have been spent to enhance recreation and conservation in West Virginia alone. I know that is not much concern to the coastal states which do so much, but we do appreciate it very much, I can assure you.

LWCF funds have been used to provide public access and protect many of West Virginia's most popular recreation sites including the Dolly Sods Wilderness and Monongahela National Forest as well as every access point in the Lower Gauley River and the Gauley River National Recreation Area. And if you haven't gone rafting, you should.

While LWCF funds are used to protect important federal conservation and recreational lands, the program also provides essential funding to states to enhance state and local parks and outdoor recreational opportunities. These are not free giveaways to states, but rather are matching grants that result in increased recreational opportunities at the state and local level.

For example, Ritter Park in Huntington, West Virginia, offers miles of walking trails along an area called Fourpole Creek. Ritter Park also has numerous tennis courts, playground facilities and an amphitheater that is used by the community for small events such as concerts and plays. In 2012 Ritter Park was named as one of the great public spaces by the American Planning Association. Over the years more than \$625,000 in state LWCF funds has been spent on improvements at Ritter Park.

LWCF also provides other important financial assistance to states, including funding for the Forest Legacy Program which helps protect working forests on private lands. The LWCF also funds the American Battlefield Protection Program which helps protect Civil War and Revolutionary War battlefield sites on state and private lands, and grants to protect endangered species habitat on state and private lands.

On the federal side, LWCF funds have been used to safeguard some of our nation's iconic public lands. The Blue Ridge Parkway in North Carolina and Virginia, Acadia National Park in Maine, and the Columbia River Gorge in Oregon and Washington are just a few examples of areas where LWCF funds have been used to ensure that we can set aside these areas for future generations and help our public land management agencies follow their conservation mission as directed by Congress.

LWCF funds help complete protection of and provide important public access to areas set aside by Congress in recognition of their national significance, including lands managed by the National Park Service, the U.S. Fish and Wildlife Service, the Bureau of Land Management and the Forest Service. These investments maintain and enhance the value, integrity and public uses of the public lands we already have, and they are the heart of America's \$887 billion outdoor recreation economy.

Madam Chairman, I was pleased to see GAO recently conclude the study that you requested that reviewed how LWCF appropriations were spent over the last five years. Overall, the report validates the successful implementation of one of America's most important conservation programs and offers a number of statistics and examples that highlight the public value and efficiency of LWCF.

One example from the report that stands out is the ability of the federal LWCF funds to attract non-federal funds to advance conservation all over the country.

In 2016 at the Grand Teton National Park in Wyoming, LWCF provided \$23 million which was one half of the acquisition cost of a very key tract of state-owned land within the boundary of the park. That LWCF funding was matched by the National Park Foundation and the Grand Teton National Park Foundation which together raised the other \$23 million necessary to complete the acquisition.

Having reliable, federal LWCF funding allows for federal agencies and conservation organizations to plan for when opportunities such as this become available.

Unfortunately, although the LWCF is now permanently authorized, the program does not have any certainty of funding, as evidenced by the President's budget proposal which essentially zeroed out—I repeat, zeroed out—LWCF appropriations.

Today's hearing comes at an important time as the Committee starts its work on the next phase of making LWCF an even more effective conservation program providing permanent funding.

I am proud to partner with my friend and fellow Committee member, Senator Gardner, on Senate bill 1081, the Land and Water Conservation Fund Permanent Funding Act, along with more than 40 of our colleagues. Our legislation would provide full, permanent funding for the LWCF at a level of \$900 million annually so the program can continue to preserve, protect and invest in our nation's public lands. Permanent funding is the next step Congress must take after our historic achievement earlier this year to permanently authorize the LWCF program.

As I noted during last week's hearing on deferred maintenance, I recognize that passing bills that provide meaningful, dedicated funding will be a challenge, but there is broad, bipartisan support for both the deferred maintenance and LWCF funding bills. I believe enactment of both these bills would have a lasting benefit to many of our nation's most treasured lands. It will help improve public access to these areas and will enhance the economic benefits of our federal lands.

I look forward to working with the Administration and my colleagues to find a way to get these bills signed into law.

Thank you, Madam Chairman.

The CHAIRMAN. Thank you, Senator.

Let's go ahead and begin with the testimony of our five witnesses. I have introduced each of you to the Committee. We would ask that you try to keep your comments to about five minutes. Your full statements will be included as part of the record.

Ms. Combs, if you would like to kick off the hearing this morning and, again, welcome to each of you.

STATEMENT OF HON. SUSAN COMBS, ASSISTANT SECRETARY FOR POLICY, MANAGEMENT AND BUDGET, U.S. DEPARTMENT OF THE INTERIOR

Ms. COMBS. Thank you so much.

Chairman Murkowski, Ranking Member Manchin and members of the Committee, thank you for the opportunity to testify today on matters relating to the Land and Water Conservation Fund. Your recent efforts to extend authorization of the LWCF together with the other elements of Public Law 116-9 provide a tremendous opportunity to expand outdoor recreation opportunities for all Americans, and we are working hard to implement the law.

As a steward for 20 percent of America's lands, Interior works to strike the right balance to manage the public's lands and resources, increase access for hunting, fishing and recreation and create economic prosperity while protecting and preserving America's treasures. The LWCF is one of several tools we have to encourage outdoor recreation, manage the public lands and support state and local conservation and recreation projects.

Many of Interior's lands are destination areas where families like mine plan ahead and sometimes travel far for the opportunity to enjoy time together outdoors in some very special, natural places.

Access to Interior's lands also plays a major role in supporting America's outdoor recreation economy. We estimate that last year Interior lands hosted a combined total of 487 million visitors at BLM, the Park Service, the Fish and Wildlife Service and the Bureau of Reclamation sites. Part of Interior's responsibility is to ensure that these visitors have a safe and enjoyable outdoor experience at the National Parks, refuges and other public lands so they continue to feel pride in America's lands and return.

An important part of our balanced stewardship mission is to ensure Interior continues to care for and maintain the lands and the infrastructure which are part of the visitor experience to the public lands. The condition of our roads, trails, visitor centers, rest rooms and campgrounds impact the enjoyment of our tremendous lands and natural and cultural resources.

As the Committee recently heard at a hearing on infrastructure, Interior's assets need attention. Our deferred maintenance backlog was over \$16 billion at the end of 2018. Addressing the infrastructure maintenance backlog is an Administration priority. The Administration's public lands infrastructure fund proposal is a concentrated five-year effort to make a transformative difference in our deferred maintenance backlog and the condition of our facilities. The Administration is focused on getting ahead of our deferred maintenance backlog and increasing public access for recreation and enjoyment on the lands we currently manage. We clearly have

a fiduciary responsibility to care for the extraordinary lands and structures Congress has entrusted to us.

I'm pleased to join you in this panel discussion today and, of course, I'm ready to take any questions you may have.

[The prepared statement of Ms. Combs follows:]

**STATEMENT OF SUSAN COMBS, ASSISTANT SECRETARY
FOR POLICY, MANAGEMENT AND BUDGET
U.S. DEPARTMENT OF THE INTERIOR
BEFORE THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
CONCERNING THE LAND AND WATER CONSERVATION FUND**

June 25, 2019

Chairman Murkowski, Ranking Member Manchin and Members of the Committee, thank you for the opportunity to appear before you to discuss the Land and Water Conservation Fund (LWCF) and the Department of the Interior's programs.

Earlier this year, as part of the John D. Dingell, Jr. Conservation Management Act, Congress permanently reauthorized the LWCF, reaffirming the nation's bipartisan commitment to help preserve, develop, and assure accessibility to America's outdoor recreation resources. The Department supports this reauthorization, and the other bipartisan provisions of the Dingell Act, many of which the Department had advocated for in concept or worked on with Members of Congress. Secretary Bernhardt, through Secretarial Order 3374, has ensured that the Department will prioritize and timely implement the law's various provisions. This law demonstrates what we can achieve working together with Congress to strike the proper balance for land and resources management, increasing access for hunting, fishing, and recreation, and creating economic prosperity while protecting and preserving America's treasures.

The Department's LWCF Programs

The LWCF was established by Congress in 1964 to fulfill a bipartisan commitment to safeguard our natural areas, water resources and cultural heritage, and to provide recreation opportunities to all Americans. The LWCF invests earnings from offshore oil and gas revenues in the protection and the public's enjoyment of America's lands, waters and history. The LWCF program benefits and helps strengthen countless communities across the Nation by encouraging outdoor recreation and care for our natural areas.

The law established a dedicated LWCF fund in the Treasury for the LWCF programs and each year the fund receives \$900 million primarily from offshore oil and gas revenues. Distributions from the LWCF are subject to annual appropriations. The Department of the Interior manages two primary LWCF activities. The "state side" program provides matching grants to States which allocate funding to local, and tribal governments for the acquisition and development of public parks and other outdoor recreation sites. The LWCF state side grant program also receives funds under the Gulf of Mexico Energy Security Act (GOMESA) which are available without further appropriation. The "federal side" programs support federal land acquisitions in the nation's national parks, wildlife refuges, forests, and unique public lands for the enjoyment of generations of Americans.

State Side Program

The National Park Service (NPS) manages the LWCF state-side grants program. These funds provide both formula-based and competitively awarded matching grants to states to acquire and develop public outdoor recreation areas. These grants support locally sponsored outdoor recreation projects, as well as state-wide recreation planning, and larger state recreation efforts including the establishment of scenic rivers and recreational trail systems.

In FY 2019, funding for these grants comes from a combination of discretionary appropriations and mandatory appropriations authorized by GOMESA. GOMESA makes available 12.5% of revenues from certain offshore leasing in the Gulf of Mexico for LWCF State grants through FY 2056. This mandatory revenue funding is expected to increase steadily as offshore oil and gas activity in the area matures. In FY 2018, the LWCF State grants program received \$62.6 million in GOMESA funding and \$71.6 million in FY 2019. Based on current activity projections, the FY 2020 estimate for GOMESA revenue for the LWCF state-side grants is \$113.1 million.

The formula-based grant program allocates funding among the States, according to criteria in the LWCF Act which considers the states' population, the use of outdoor recreation resources by visitors from other states, and the other federal resources in the state. No state can receive more than 10 percent of the total grants awarded. Unlike the formula-based grants, the competitive grant program awards funding to urbanized areas who compete for project funding. Under both programs, states may use the funds to award grants to state agencies, local units of government, and federally recognized tribes.

The NPS and the Fish and Wildlife Service (FWS) also manage other land acquisition grant activities through several other programs. The American Battlefield Protection Program managed by NPS, awards funding for planning to groups or governments sponsoring preservation projects at historic battlefields. The program also awards funds to state and local governments for the acquisition of eligible battlefield lands. Highlands Conservation Act grants, managed by FWS, award grants to state agencies in the Highlands area (Connecticut, New Jersey, New York and Pennsylvania) to support state land acquisition programs and projects. The FWS also manages Cooperative Endangered Species Conservation Fund land acquisition grants to states and territories working with partners on projects to conserve the habitat of threatened and endangered species.

Federal Side Program

At the Department, the NPS, the FWS and the Bureau of Land Management (BLM) manage the Department's LWCF federal land acquisition programs. All three Bureaus manage federal land acquisition projects that serve each Bureau's mission. Congress appropriates funding for acquisition projects in specific areas as well as a small amount of unallocated funding for recreation access projects and time sensitive projects including emergencies, inholding opportunities, donations, or exchanges. The LWCF federal funding also supports associated land appraisal activities managed centrally through the Appraisal and Valuation Services Office within my purview as the Assistant Secretary for Policy, Management and Budget.

Although the statutory acquisition authorities vary by Bureau, all Interior Bureaus prioritize land acquisitions within existing federal land holdings. Each Bureau has developed criteria ranking and review processes to develop prioritized projects. The following criteria are common across the Department's federal land acquisition projects, although the relative emphasis varies depending on Bureau specific management needs and statutory requirements:

- Presents a time-sensitive or unique acquisition opportunity
- Involves a willing seller
- Continues or completes an on-going or multi-phased acquisition effort
- Secures regional/local support and priority for the project, including matching or leveraged funds
- Promotes recreational access
- Preserves threatened resources, environments and/or species
- Supports mission requirements and facilitates cost and administrative efficiencies
- Consistent with statutory acquisition authority

Interior's Commitment to Outdoor Recreation

The LWCF has been a successful legislative model over the last 50 years. Since its inception, over \$18 billion from offshore oil and gas development has been made available for conservation and outdoor recreation projects across the country. And Congress has been able to balance, through the appropriation process and subsequent legislation, the needs for conservation with the need for increased public access.

According to the U.S. Commerce Department, in 2016, America's outdoor economy accounted for \$412 billion of the U.S. GDP. The Department plays a major role in supporting America's outdoor economy through access to our public lands. Every year, hundreds of millions of visits are made to our national parks, national wildlife refuges, and BLM public lands to do everything from rock climbing, kayaking and camping to snorkeling, hunting, and fishing. Recreation visits to BLM and NPS lands alone support more than 350,000 jobs. Increasing recreational opportunities for more Americans through our public lands and waters also brings more economic opportunity for our neighboring gateway communities. Increased public access to America's lands is among our highest priorities.

However, as we testified last week before this Committee, the Department's lands are at a critical breaking point. The Department manages a constructed infrastructure asset portfolio with a replacement value of about \$300 billion, ranging from large dams and canals in the West to national landmarks like the Statue of Liberty and the Washington Monument. The Department oversees approximately 20 percent of all land in the United States and operates in more than 2,400 locations across the country. The Department's lands and facilities serve nearly 500 million visitors annually, provide schooling for approximately 47,000 Indian children, are crucial to the work of 70,000 Interior employees and 280,000 volunteers, and provide critical

access for the public to hunt, fish, and enjoy other outdoor activities. After years of increased visitation and use, aging facilities and other vital structures are in urgent need of restoration.

Reducing the Department's infrastructure deferred maintenance backlog along with modernization of the facilities has been a top priority under this Administration. The condition of the roads, trails, campgrounds, restrooms, and visitor facilities at our parks, refuges and public lands, directly impact the visitor experience. Just this month, Vice President Mike Pence accompanied Secretary Bernhardt to Yellowstone National Park and together they reviewed and discussed the importance of addressing this issue and reaffirmed the Administration's commitment to addressing our infrastructure needs. The Vice President and the Secretary also took the time to work directly with an NPS maintenance crew at the park to rebuild the boardwalk to Old Faithful.



Vice President Pence and Secretary Bernhardt at Yellowstone National Park

To address this issue, the Department's FY 2020 budget prioritizes stewardship and maintenance to continue to enhance the visitor experience at the lands and facilities we already own and manage and increases opportunities for recreation and reflection in existing areas. Our budget supports small recreation access acquisitions, and assumes LWCF State grants continue through mandatory funding provided from GOMESA oil and gas revenue.

Complementing this, to address the critical deferred maintenance needs, the Administration proposes additional dedicated mandatory funding through the Public Lands Infrastructure Fund. The Infrastructure Fund will be funded through the deposit of 50 percent of all Federal energy development revenue that would otherwise be credited or deposited as miscellaneous receipts to the Treasury over the 2020–2024 period, subject to an annual limit of \$1.3 billion. The Infrastructure Fund would draw from unallocated oil and gas revenue, similar to the LWCF, and also from unallocated onshore and renewable energy development. In a period of five years, the

Infrastructure Fund could provide up to \$6.5 billion, and would not only address the maintenance backlog, it would help to transform some of the nation's most iconic outdoor areas.

This important investment is needed to maintain the Department's outdoor recreation facilities for the public's enjoyment.

Concluding Remarks

In closing, I want to reiterate the Department's support for the LWCF. By extending this landmark legislation with the other elements of the Dingell Act, Congress has provided a tremendous opportunity to expand outdoor recreation opportunities for all Americans. Now it is time to turn our attention to address the very serious deferred maintenance problems and the negative impact they are having on the visitor experience and enjoyment of America's lands. It is very fitting this hearing is being held in June, which the President has declared as Great Outdoors Month. I am pleased to join you in this discussion today and answer any questions you may have.

The CHAIRMAN. Thank you, Assistant Secretary.
Mr. French, welcome.

**STATEMENT OF CHRIS FRENCH, ACTING DEPUTY CHIEF,
NATIONAL FOREST SYSTEM, U.S. DEPARTMENT OF AGRICULTURE—FOREST SERVICE**

Mr. FRENCH. Good morning, Madam Chairman and members of the Committee, thank you for inviting me to be here today.

My name is Chris French, and I serve as the Deputy Chief of the National Forest System with the U.S. Forest Service. I'm pleased to be here today to discuss the implementation of the Land and Water Conservation Fund by the Forest Service.

Created in 1964 and permanently authorized by the John D. Dingell, Jr. Conservation, Management, and Recreation Act (Dingell Act), the LWCF provides money to federal, state and local governments to purchase or permanently protect land, water and wetlands for the benefit of all Americans. For the Forest Service, it helps us maintain critical access to public lands, recreation areas, hunting areas and conserve critical watersheds.

The land acquisition program at the Forest Service utilizes LWCF appropriations within the boundaries of national forests and grasslands to acquire conservation lands and inholdings and provide recreational access. The Forest Service land acquisition program activities include land exchanges, land donations and land purchases using LWCF and other funds authorized by Congress.

For land purchases, the Forest Service works with a variety of non-governmental organizations and other willing sellers from the public. The demand far outstrips our ability to fund all the proposals; therefore, each of the agency's nine regions identify projects through a competitive process then submit the top projects for final approval to the Washington office.

Nationally, acquisition projects using LWCF are prioritized based on the factors of the Dingell Act, the significance of the acquisition, the urgency of the acquisition, management efficiencies, management cost savings, geographic distribution, threats to the integrity of the land, the recreational value of the land.

Primarily, LWCF funding is used to meet public access needs such as large, intact areas for recreation, hunting, fishing, by working with willing landowners to secure rights of ways, easements or fee simple lands that provide or improve public access to existing public lands. The Forest Service prioritizes land acquisitions that have broad support of stakeholders, local officials and others who want to remove barriers to public access and attract more visitors to recreate in a safe, accessible environment.

For example, in Montana, working with the Rocky Mountain Elk Foundation, LWCF funding was key to the success of the Green Mountain Project. This widely-supported project consists of 620 acres of critical public access lands and prime wildlife habitat, including elk habitat, along Montana's Rocky Mountain Front within the boundary of the Helena-Lewis and Clark National Forest. The project transfers this property, its public ownership, and creates access to more than 2,000 acres of adjacent public land, including the Continental Divide National Scenic Trail and the Lewis and Clark National Historic Trail.

Another example includes the acquisition of the Carson Townsite lands of both the Rio Grande National Forest and the Gunnison National Forest in Colorado. This is the headwaters of the Rio Grande and Gunnison River watersheds that supply water to nearly six million people. Here LWCF funds were used to conserve these headwaters and provide public access on roads and trails and to protect viewsheds along the Continental Divide.

The Forest Service also uses LWCF funds for critical inholdings to fund the purchase of lands from willing sellers that are within the boundaries of national forests and grasslands. Reducing inholdings can increase the efficiency of federal land management and reduce potential conflicts. We've implemented LWCF as an important tool to enhance the services that we provide on public lands and to improve the efficiency of managing those lands.

For example, consolidating inholdings allows the agency to reduce boundary survey and tree marking activities which, in turn, greatly reduces the time and cost of implementing critical wildland fuel reduction and forest restoration projects. However, with each acquisition we must look at the long-term ability of the agency to care for and sustain the maintenance for those lands that we're now managing. As you are aware, the Forest Service has more than \$5 billion in deferred maintenance costs across the National Forest System. As we acquire lands, we must continue to look for ways to fund and repair our infrastructure and ensure that acquisitions, using LWCF, do not add to that burden to the greatest extent possible.

Addressing our deferred maintenance is a critical issue affecting the Agency's ability to achieve its mission which is why the Administration is proposing to establish the Public Lands Infrastructure Fund. This proposal would provide mandatory spending for the Forest Service and the Department of the Interior land management agencies and address deferred maintenance, including infrastructure needs and associated with access and management across the National Forest System.

Thank you, and I'd be happy to answer any questions.

[The prepared statement of Mr. French follows:]

**TESTIMONY OF CHRIS FRENCH, ACTING DEPUTY CHIEF,
NATIONAL FOREST SYSTEM
UNITED STATES DEPARTMENT OF AGRICULTURE—FOREST SERVICE
BEFORE THE UNITED STATES SENATE
COMMITTEE ON ENERGY AND NATURAL RESOURCES
June 25, 2019
CONCERNING IMPLEMENTATION OF THE
LAND AND WATER CONSERVATION FUND**

Madam Chairman, Ranking Member and Members of the Committee, thank you for the opportunity to appear before you today to discuss the important role of the Land and Water Conservation Fund (LWCF). My testimony today will focus on implementation of the LWCF by the Forest Service.

FOREST SERVICE IMPLEMENTATION OF LWCF

Created by Congress in 1964 and permanently authorized by the John D. Dingell, Jr. Conservation, Management, and Recreation Act (Dingell Act), the LWCF provides money to Federal, State and local governments to purchase or permanently protect land, water and wetlands for the benefit of all Americans. LWCF receives money from fees paid by companies drilling offshore for oil and gas, the sale of surplus Federal property, and taxes on motorboat fuel. Congress appropriates from the LWCF to the U.S. Department of Agriculture's Forest Service for Land Acquisition, which is the agency program for real estate transactions.

The Land Acquisition program at the Forest Service utilizes LWCF appropriations within the boundaries of national forests and grasslands to acquire conservation lands and inholdings and provide recreational access. LWCF appropriations also support land exchanges by funding cash equalization payments and staff needed to process lands transactions. The President's FY 2020 budget proposes no funding for the land acquisition program in order to focus resources on reducing wildland fire risk, contributing to the improvement of forest and grassland conditions across shared landscapes, and contributing to rural economic prosperity. With more than 80 million acres of land across the U.S. at high risk of wildfire and more than \$5 billion in deferred maintenance costs across the National Forest System, we must reprioritize to focus on caring for the lands we currently own.

Much of the National Forest System was reserved out of public domain lands in states west of the 100th Meridian. As of 2018, the Forest Service manages approximately 193 million acres of National Forest System lands. Since the creation of the LWCF in 1964, the Forest Service has acquired approximately 6.5 million acres of new land as the result of land exchanges, donations and purchases, some of which were supported by appropriations from LWCF. Nationwide, there are approximately 47 million acres managed as Congressionally Designated Areas: 36.6 million acres managed as Wilderness Areas; 264,689 acres managed as National Scenic Areas; 1.47 million acres managed as Wild and Scenic Rivers; 3 million acres managed as National Recreation Areas; 1.2 million acres managed as National Game Refuge and Wildlife Preserves; 4.3 million acres managed as National Monuments; 169,427 acres managed as National Volcanic Monuments; and 7,793 acres managed as National Historic Areas.

The Forest Service Land Acquisition program activities include land exchanges, land donations and land purchases using LWCF and other funds authorized by Congress. These real estate transactions are all characterized as land adjustments. For land purchases, the Forest Service works with a variety of non-governmental organizations (NGOs) and other willing sellers from the general public.

Acquisition projects using LWCF are prioritized based on: (1) the significance of the acquisition; (2) the urgency of the acquisition; (3) management efficiencies; (4) management cost savings; (5) geographic distribution; (6) threats to the integrity of the land; and (7) the recreational value of the land. The Forest Service's nine regions identify the projects from units within the region's national forests and grasslands through a competitive process, then submit the top projects for final approval to the Washington Office.

Funding provided for Recreational Access is used to meet public recreation access needs, such as large, intact areas for recreation, by working with willing landowners to secure rights-of-way, easements, or fee simple lands that provide or improve public access to existing public lands. The Forest Service prioritizes land acquisitions that have the broad support of stakeholders, local officials, and others who want to remove barriers to public access and attract more visitors to recreate in a safe, accessible environment. The agency evaluates proposed recreational access tracts for LWCF funding based on criteria in the LWCF as amended by the Dingell Act. In addition, the Forest Service is creating a Priority Access List, which will be available for public input within one year. The Recreational Access funds are divided among the regions and the regions propose projects that meet the LWCF criteria.

The Forest Service uses appropriations provided for Critical Inholdings to fund the purchase of lands from willing sellers that are within the boundaries of national forests and grasslands. Reducing inholdings can increase the efficiency of federal land management and reduce potential conflicts. The Critical Inholding funds are divided among the nine regions of the Forest Service, which utilize the funds for smaller projects that meet the inholding criteria.

Appropriations for Acquisition Management support processing the land adjustment cases. To acquire public lands, an appraisal is required as well as surveys of resources such as boundaries, species, wetlands, floodplains and hazardous wastes to determine the value the United States can pay for the lands. The USDA Office of General Counsel must approve the title to the lands. In addition, some projects require oversight by the Department of Agriculture and/or Congress.

The Government Accountability Office recently completed an audit of the LWCF. The final audit report was released on June 20th and did not include recommendations for the Forest Service.

ADDRESSING DEFERRED MAINTENANCE THROUGH LWCF

The Forest Service has more than \$5.2 billion in deferred maintenance related to infrastructure that includes over 370,000 miles of roads, 13,400 bridges and trails, dams and both administrative and wildfire facilities that impact every aspect of the Forest Service mission. Addressing this deferred maintenance is a critical issue affecting the agency's ability to achieve its mission, which is why the Administration is proposing to establish the Public Lands

Infrastructure Fund. This proposal would provide mandatory spending for the Forest Service and Department of the Interior land management agencies to address deferred maintenance, including infrastructure needs associated with access and management of the National Forest System.

CONCLUSION

The Forest Service strives to effectively maintain and improve the management of the National Forest System for the benefit of public recreation, public and emergency access, environmental conservation and the overall sustainability of the national forests and grasslands for the many public benefits which are derived from them. I appreciate the opportunity to testify today regarding Forest Service implementation of LWCF and am happy to answer any questions the Committee may have.

The CHAIRMAN. Thank you, Mr. French.
Ms. Imgrund, welcome to the Committee.

STATEMENT OF LAUREN S. IMGRUND, PRESIDENT, NATIONAL ASSOCIATION OF STATE OUTDOOR RECREATION LIAISON OFFICERS

Ms. IMGRUND. Chairman Murkowski, Ranking Member Manchin and members of the Committee, thank you for providing the National Association of State Outdoor Recreation Liaison Officers, NASORLO, with this opportunity to provide testimony on the implementation of the Land and Water Conservation Fund.

We are the primary advocate for the State and Local Assistance Program of LWCF. Our members are appointed by their governors to manage the program on behalf of each state and territory. We guide the expenditure of LWCF investments through outdoor recreation grants and ensure that these assets remain intact and are forever available to the public.

I currently serve as the President of NASORLO and am the State Liaison Officer for Pennsylvania as part of my position as Deputy Secretary at the Pennsylvania Department of Conservation and Natural Resources.

In 1958, Congress established the Outdoor Recreation Resources Review Commission. The purpose of this Commission was to assess the country's outdoor recreation needs. It released a report that called for the establishment of a national recreation program. A major recommendation was federal funding to provide grants to states to assist them in "recreation planning, acquiring lands and developing facilities for outdoor recreation."

This set the stage for the development and passage in 1964 of the Land and Water Conservation Fund establishing funding to assist states and territories with their outdoor recreation needs and to acquire new federal recreation lands. This new funding recognized the critical role of states and local communities in meeting the nation's outdoor recreation demands. As enacted, the law required 60 percent of the funds for state purposes. In the 1970s that guaranteed percentage was removed.

The State and Local Assistance Program has supported access to outdoor recreation in communities in every county across the country providing close to home outdoor recreation in every state and every Congressional District.

Thank you to the Committee for your longstanding commitment to the LWCF State and Local Assistance Program. The successful enactment of the Dingell Act and LWCF permanent reauthorization, including a guaranteed allocation of 40 percent of funds for states was a bi-partisan success. NASORLO is pleased to see this program stability which will enable states to more effectively meet the demand for outdoor recreation close to home. Funding is now at a level where we can run a significant nationwide program that will allow the phased development of parks and funding for larger projects.

To be eligible for LWCF funds, every state develops a Comprehensive Outdoor Recreation Plan every five years. This ensures that the state grant programs are responsive to the public needs,

changing recreation trends and population. Grants are selected through an open application process requiring a one-to-one match.

Over 46,000 state and local projects totaling \$8 billion have been completed. Projects span from State Park improvements, to sport fields and playgrounds in small communities.

Since 1965, the State and Local Assistance Program has received only 25 percent of appropriated funds. Over the last 10 years, it has been even less, averaging 19 percent of appropriations. However, thanks to your leadership in the last three years, the combination of appropriated funds and GOMESA funds has returned the program closer to its original levels and a level where states can run effective outdoor recreation programs.

For the past five years, NASORLO has been working with the National Park Service on identifying issues and suggesting program improvements. We're currently working with NPS on a manual rewrite which we hope will address some of these needs. The improvements we would like to see are outlined in my testimony, my written testimony.

In Pennsylvania I have seen firsthand the impact of this funding. For example, in the city of Lancaster we have invested \$300,000 in LWCF funds in a historic city park. A new all-inclusive play area encourages safe, outdoor play and accommodates children of all abilities. Outdoor play is critical, as you know, for children's development, their physical health, their mental health and, in fact, the development of life skills, leadership, cooperation.

When I visit LWCF projects for groundbreaking and ribbon cuttings, the community enthusiasm is very apparent. Local government, community leaders and residents always speak with pride about the investments they are making in their park. They speak from the heart about how much these assets mean to their community.

NASORLO supports ongoing, full and permanent funding of LWCF. Outdoor recreation has long been recognized as critical to our health, quality of life and economy. We know that federal investments in communities by state and local government and the private sector help to create jobs.

The Land and Water Conservation Fund State and Local Assistance Program is the cornerstone of these resources. In our growing country, the need for places for kids to play, communities to gather and all of us to enjoy the great outdoors is increasingly important. States and territories look forward to a continued and strengthened partnership with the Federal Government in making these critical investments.

Thank you.

[The prepared statement of Ms. Imgrund follows:]

Lauren S. Imgrund, State Liaison Officer, Pennsylvania
President, National Association of State Outdoor Recreation Liaison Officers

**Senate Committee on Energy & Natural Resources
Hearing on Implementation of the Land & Water Conservation Fund
June 25, 2019**

Chairman Murkowski, Ranking Member Manchin and members of the Senate Energy and Natural Resources Committee, thank you for providing the National Association of State Outdoor Recreation Liaison Officers (NASORLO) with this opportunity to provide information on the implementation of the Land and Water Conservation Fund Program (LWCF). NASORLO is the primary advocate for the State and Local Assistance Program of LWCF. Our members are appointed by their governors to manage the program on behalf of each state and territory. We guide the expenditure of LWCF investments through outdoor recreation grants and ensure that these outdoor recreation assets remain intact and are forever available for public use and enjoyment. I currently serve as President of NASORLO and am the State Liaison Officer for Pennsylvania as part of my position as Deputy Secretary for Conservation and Technical Services, Department of Conservation and Natural Resources.

In 1958, Congress established the Outdoor Recreation Resources Review Commission. The purpose of this Commission was to assess the country's outdoor recreation needs. After three years, the Commission released a report that called for the establishment of a national recreation program. One of the major recommendations was federal funding to provide grants to states to assist them in "recreation planning, acquiring lands and developing facilities for outdoor recreation."¹ This set the stage for the development and passage in 1964 of the Land and Water Conservation Fund (public Law 88-578) establishing funding to assist states and territories with their outdoor recreation needs and to acquire new federal recreation lands.

¹ Recommendation 12-4, United States. Outdoor Recreation Review Commission. (1962) *Outdoor Recreation for America: a report to the President and to the Congress*. Washington.

*Lauren S. Imgrund, State Liaison Officer, Pennsylvania
President, National Association of State Outdoor Recreation Liaison Officers*

This new funding recognized the critical role of states and local communities to stimulate and assist in meeting the nation's outdoor recreation demands. As enacted, the law required 60% of the funds for state purposes. In the 1970s that guaranteed percentage was removed.

For the past 55 years, the LWCF State and Local Assistance Program has supported access to outdoor recreation in communities in every county across the country. These parks and recreation areas have provided healthful outdoor recreation and supported local economies in every state and Congressional District.

We thank the Committee and the Congress for your longstanding commitment to the LWCF State and Local Assistance Program. Especially your recent leadership and successful enactment of the John D. Dingell Conservation, Management and Recreation Act. This permanent reauthorization including a guaranteed allocation of 40% of funds for states was a bi-partisan success. NASORLO is pleased to see this program stability, which will enable states to more effectively meet the demand for outdoor recreation close to home. Funding is now at a level where we can run a significant nationwide program that will allow the phased development of parks and recreation areas and funding for larger projects.

Each state and territory receives an annual apportionment of funding based on two-fifths equal share and three-fifths based on population and need as determined by the Secretary of Interior. In order to be eligible for LWCF, each state must have a Comprehensive Outdoor Recreation Plan approved by the National Park Service. This required planning assures that the state grant programs are responsive to the public's needs, changing recreation trends, and population. Grants are selected through an approved open application process and each requires a one-to-one match – at a minimum doubling the federal investment. Many projects are closer to a two-to-one match.

*Lauren S. Imgrund, State Liaison Officer, Pennsylvania
President, National Association of State Outdoor Recreation Liaison Officers*

Over 46,000 state and local projects totaling \$8 billion have been completed. Projects span from State Park improvements, to sport fields, and playgrounds in small communities to large urban parks. Seventy-five percent of projects recently have been for infrastructure development, upgrades and new construction. These projects stimulate the local and state economy and support job creation, key additional benefits from this program.

Recent LWCF State and Local Assistance project examples include:

Maine: Pemaquid Beach Pavilion Project: This project will replace an existing deteriorating structure with a modern Americans with Disabilities Act (ADA) compliant facility. The project will include dune restoration and improved outdoor connections. \$300,000 LWCF; Total Investment: \$630,000

Washington: Inspiration Playground, Bellvue: Opened in 2017, universally accessible, sensory rich playground along with renovated comfort station, parking lot and ADA access. \$500,000 LWCF; Total Investment \$2.3 Million

Tennessee: Justin P. Wilson Cumberland Trail State Park: This will be the state's first linear park. Running through 11 Tennessee counties this new hiking trail will extend 282 miles from Cumberland Gap to the Tennessee River Gorge. \$2.1 Million LWCF; Total Investment \$4.2 Million

Michigan: Hickory Hills Park, Traverse City: this 1950s park is undergoing a complete renovation including the development of disc golf course, multi-use trails for Nordic skiing, fat-tire biking, and hiking, development of new ski hills, sledding, ski lodge; and trailhead improvements including comfort station, parking and associated amenities. \$150,000 LWCF; Total Investment: \$4.2 Million.

Mississippi: In the last year LWCF investments have included helping Yazoo City develop a splashpad and playground; improved Tennis

*Lauren S. Imgrund, State Liaison Officer, Pennsylvania
President, National Association of State Outdoor Recreation Liaison Officers*

Courts in the City of Laurel; and development of a swimming beach at Tombigbee State Park.

Pennsylvania: Longs Park, Lancaster: this 80-acre park was bequeathed to the City in 1900. Hundreds of thousands of local families and visitors enjoy the park every year for recreation festivals and other events. A new all-inclusive play area will encourage safe outdoor play and accommodate children of all abilities. \$300,000 LWCF; Total Investment: \$600,000

One major additional benefit to the federal investment is that the ongoing operation, maintenance, and assurance of public access to LWCF-supported sites and facilities is the responsibility of the state and local partners. LWCF funding cannot be used for maintenance or stewardship of sites. All these sites are permanently protected for public use, and states are required to inspect each site every 5 years to assure on-going compliance and stewardship of these assets.

Since 1965, the State and Local Assistance program has received only 25% of appropriated funds. Over the last 10 years, it has been even less, averaging 19% of total LWCF appropriations. In the last three fiscal years, the combination of appropriated funds and GOMESA funds has returned the program closer to its original levels and at a level that states can run effective outdoor recreation programs.

NASORLO supports ongoing, full and permanent funding of LWCF. Our organizational surveys show that the needs are great and that matching funds are available to support full-funding of LWCF at the state level. Other LWCF programs established since 1998, such as Forest Legacy and American Battlefields, are important programs but they do not expand the outdoor recreation estate as outlined in the LWCF act and should be considered "other purposes" in the appropriations process. The establishment of GOMESA has been a helpful addition to appropriated funds but is not sufficient to run a national program that meets the growing needs of our citizenry.

*Lauren S. Imgrund, State Liaison Officer, Pennsylvania
President, National Association of State Outdoor Recreation Liaison Officers*

For the past 5 years, NASORLO has been working with NPS on identifying issues and suggesting program improvements through our modernization committee, which I chaired as vice-president. We have identified a list of proposed improvements, some of which require legislative changes. We are currently working with NPS on a manual re-write, which we hope will address some of these needs. Improvements we would like to see include:

- Expedite fund apportionment from Department of Interior to the states and territories.
- Establish an administrative percentage to assist with stewardship.
- Change required Comprehensive Outdoor Recreation Planning from 5 years to 10 years.
- Extend temporary non-conforming use to 3 years.
- Streamline the small conversion process.

We will continue to keep the Committee informed of our progress and will recommend legislative changes, as needed.

Outdoor recreation has long been recognized as critical to our health, quality of life and economy. In 2015, National Recreation and Parks Association Research determined that America's local park and recreation agencies generated \$154 billion in economic activity. Along with studies from the Outdoor Industry Association and others, this demonstrates that federal investments help to create jobs and leverage significant investments in communities by state and local government and the private sector. The Land and Water Conservation Fund State and Local assistance program is the cornerstone of these resources. In our growing country, the need for places for kids to play, communities to gather, and all of us to enjoy the outdoors is increasingly important. States and territories look forward to a continued and strengthened partnership with the federal government in making these critical investments.

The CHAIRMAN. Thank you very much.
Mr. O'Mara, welcome.

**STATEMENT OF COLLIN O'MARA, PRESIDENT AND CEO,
NATIONAL WILDLIFE FEDERATION**

Mr. O'MARA. Thank you, Chairman Murkowski and thank you, Ranking Member Manchin.

I just want to start with a big thank you to the Committee for the amazing work on the public lands package. I mean, I think it does set the stage for this conversation and just on behalf of the National Wildlife Federation, just a huge thank you.

I was enjoying some great LWCF lands the other day in my home State of Delaware, and my two-year-old was flipping horseshoe crabs. And you know, I think, if you look at the history of this program over the last 54 years, there are well over 40,000 projects that have been accomplished in every single county in the entire country. And there is no more successful outdoor recreation or land conservation program in the world. It's actually staggering the number of projects that have been done.

I'd like to talk at the beginning just a little bit about where we've come as a country over the last 54 years.

So in 1964 there was about 190 million people in this country—and we're at 330 million now. We've lost more than 80 million acres of open space from development and different types of activities as that population has grown. And right now, we've got about 9.5 million acres of public lands that we can't access because there's no kind of public access points around them.

And so, at a time when we want to get more kids outdoors in a time when kids are living on screens and they're not, kind of, enjoying those outdoor places, the Land and Water Conservation Fund is really the one program that the Federal Government and the states have and local governments have to provide those kinds of opportunities.

And for the National Wildlife Federation, we love being a partner in these projects because a lot of times it's the glue that allows big projects to happen.

You know, it supports outdoor recreation. It increases public access. It gets jobs and local economic development, as Senator Manchin already talked about—the \$887 billion outdoor economy and the 7.5 million jobs. It's a huge gift for wildlife—and I'll get back to that in just a second—and it improves community resilience. But we've seen an evolution of this program in wonderful ways and making sure that nature is accessible for folks all across the country, not just folks that are, kind of, in more rural areas. And yet, at the same time, the only piece that's really missing is the dedicated funding.

And so, since 1978 when the authorization level was pushed up to \$900 million, it's only been fully funded twice, in 1998 and 2001, and actually to do a big acquisition in Montana as we were trying to build out Yellowstone. So this is a remarkable opportunity to help the program realize its full potential by ensuring that the funding is mandatory.

The number of experiences, like, I can't remember what I watched on TV three or four days ago, but I can tell you the very

first time I went hunting with my parents. I can tell you the very first time I went camping, you know, on a land that was practically all by itself.

These are the lands that really do create those kinds of memories and I think, you know, we'll talk a lot today about the economic impacts and the billions of economic value that this creates. One of the things that we're seeing more and more is that, particularly as the economy becomes more uncertain and we're seeing impacts from trade in other parts of the world landscape changing, these are jobs that can help bring back communities in big ways and we really want to make sure that we're investing in those special places to drive this tourism, those tourism dollars.

In my last couple minutes, I just want to talk about five areas that we see as incredibly important in the successes of the program.

The first one is around access. And thanks to the Chairwoman, we could not be more excited that the Making Public Lands Public was part of the sportsmen's package. It's part of the bigger Dingell package. We have to do a better job. A lot of the biggest success in LWCF in the last few years were making lands that were currently inaccessible, accessible by having small, targeted acquisitions. And Senator Heinrich has been working on a couple of these. We have these amazing places that we just can't access, and LWCF is often the glue that allows those pieces to be very strategically done.

And you know, we already talked about the Gauley River and the amazing rafting on that. It's another place that has just amazing access that wasn't accessible before LWCF.

We're also seeing more and more communities focus on this, using this as a program to make sure nature is within reach. And we have a lot of kids in this country that just have no access to the outdoors in any kind of meaningful way. And you know, trying to make sure that we're driving investment strategically into those communities that have recreation deserts is incredibly important and working with NASORLO and on the state recreation plans, you're seeing more and more focus on driving those investments into local communities.

We're also seeing more and more communities focus on acquisitions related to community resilience. I was a Secretary of Natural Resources in Delaware during Hurricane Sandy. The National Wildlife Refuges and the coastal Delaware environment provided such a benefit to the community during those storms because of the amount of water those wetlands could hold so the communities behind them didn't get flooded out. And that wasn't the original—the original purpose of that refuge was really for duck hunting, but it had this huge benefit during those storms.

And at that same time on the wildlife side, you know, we've seen strategic acquisitions protect migration corridors, affect habitat, always with willing landowners trying to protect species proactively so we don't need the Endangered Species Act or as a way to get species off the list.

And so, when you look at those different areas, the economic benefits are much greater than just the \$887 billion we throw around, they really are the lifeblood of these communities.

And so, I'll end with a quick quote from President Johnson when he signed the law into Act and he said, you know, "We know America cannot be made strong by leadership which only reacts to the needs or the irritations or the frustrations of the moment. True leadership must provide for the next decade and the next decade after that, not merely the next day."

We're defined by what we leave behind and this program has done a better job protecting those places that make America "America" than any other thing in our government's history.

Thank you.

[The prepared statement of Mr. O'Mara follows:]

Testimony of Collin O'Mara, President and CEO of the National Wildlife Federation
 Before the Committee on Energy and Natural Resources of the United States Senate
 Hearing to Review the Implementation of the Land and Water Conservation Fund
 June 25, 2019

On behalf of the National Wildlife Federation, our 52 state and territorial affiliates and our more than 6 million members, we are honored to testify today about the Land and Water Conservation Fund, one of the country's best ideas. Over the past 50 years, the program has funded over 41,000 projects and benefited every county in every state of our great nation. It has touched the lives of millions of Americans, has protected more than 2.4 million acres of wildlife habitat in our nation's forests, and has served as the foundation of our nation's \$887 billion dollar outdoor economy, which supports 7.5 million jobs.

Simply put, the Land and Water Conservation Fund is the most successful land conservation program in our nation's history. Period.

Congress recently recognized this by permanently reauthorizing the program, as part of the bipartisan John Dingell Jr. Conservation, Management and Recreation Act of 2019 (S.47), which President Trump signed into law in March, following a 92-8 vote in the Senate and 363-62 vote in the House.

We are extremely grateful for the leadership role that Chairman Murkowski, Ranking Member Manchin, and all of the members of this Committee played in this historic victory and the entire National Wildlife Federation family was proud to advocate in support of your efforts to ensure that the program endures for generations to come.

This conservation victory, while significant, is incomplete. Congress has the remarkable opportunity to realize the full potential and beauty of the program by ensuring its funding is permanent and mandatory through the passage of legislation that will support projects benefitting conservation, outdoor recreation, and expanded access. S. 1081, the Land and Water Conservation Fund Permanent Funding Act, sponsored by Senator Manchin, Senator Gardner, and more than 40 Senators, would achieve this.

Background

By most recitations, the legacy of the Land and Water Conservation Fund begins 54 years ago with its passage in 1965, but its roots first took hold more than a decade earlier. Pressure on our nation's natural resources and public lands increased dramatically during the post-World War II population boom. The economic engine and baby boom of the late-1940s and 1950s demanded raw materials extracted or harvested from the earth, and increasing middle-class and leisure time caused a boom in outdoor recreation. The National Wildlife Federation and other conservation organizations worked with the Eisenhower Administration to pursue solutions that would ensure that we did not lose critical parts of our outdoor heritage, including partnering with the National Park Service to encourage more people to visit and value the National Park System, in anticipation of its 50th anniversary.

On June 28, 1958, a prescient Congress passed Public Law 85-470, following months of advocacy by the National Wildlife Federation and others, to establish the Outdoor Recreation Resources Review Commission in response to these ever-growing pressures on our public lands¹. It is useful for us today to recount why Congress thought such a commission was needed. Even then, in the tradition of Henry David Thoreau and John Muir, Congress recognized the “spiritual, cultural, and physical benefits” of outdoor recreation, and value of access to public lands. The enacting clause in the law creating the commission states:

That in order to preserve, develop, and assure accessibility to all American people of present and future generations such quality and quantity of outdoor recreation resources as will be necessary and desirable for individual enjoyment, and to assure the spiritual, cultural, and physical benefits that such outdoor recreation provides; in order to inventory and evaluate the outdoor recreation resources and opportunities of the Nation, to determine the types and location of such resources and opportunities which will be required by present and future generations; and in order to make comprehensive information and recommendations leading to these goals available to the President, the Congress, and the individual States and Territories, there is hereby authorized and created a bipartisan Outdoor Recreation Resources Review Commission.

This is an extraordinary statement. It is on par with the sentiments of our most iconic and better-known conservation laws, such as the Wilderness Act, Wild and Scenic Rivers Act, and the Antiquities Act.

This language led to the Land and Water Conservation Fund, recommended by the commission and proposed by President John F. Kennedy and Secretary of the Interior Stewart Udall, at the urging of the National Wildlife Federation and other groups. The then-House Interior Committee’s report on the legislation noted with great foresight that it was “important that acquisition be undertaken before the land becomes unavailable either because of skyrocketing prices, or because it has been preempted for other uses.”

No statement of need for the Land and Water Conservation Fund could be more relevant today. According to the U.S. Department of Agriculture, our country loses 1.5 million acres of open space every year to development.² Anyone who has spent time in central Idaho or Montana’s Paradise Valley, among many other places throughout the country, have seen how skyrocketing of land prices left the launching pad long ago. If Congress doesn’t plan for maximum investment in LWCF going forward, more and more land that could provide recreational access, individual enjoyment, spiritual and physical needs our population, as envisioned by the program, will be out of reach.

Yet despite increasing land values and accelerating development of open space, LWCF has been fully-funded only twice in the past 54 years. Most years, even though \$900 million a year is directed into the fund, Congress has only appropriated less than half of that amount, resulting in nearly \$22 billion being redirected to pay for unrelated budget items.

¹ <https://www.govinfo.gov/content/pkg/STATUTE-72/pdf/STATUTE-72-Pg238.pdf>

² <https://www.nrcs.usda.gov/wps/portal/nrcs/detail/ma/home/?cid=stelprdb1083197>

The Land and Water Conservation Fund works. The best way to realize the full potential of the Land and Water Conservation Fund to expand recreational opportunities and local economic development is to fully and permanently fund it.

Achieving Multiple Benefits

This program has touched every state in the country multiple times, and often in profound ways from recreational access and resilience to conservation of wildlife and drinking water supplies. Land and Water Conservation Fund dollars have touched some of our most famous parks – Denali, Grand Teton, Mount Rainier; built some of our most fabled trails, such as the Appalachian and Pacific Crest; and enabled our states to acquire and protect parks across the country, from the Canaan Valley State Park in West Virginia to Glendo State Park in Wyoming. LWCF has provided recreational opportunities in nearly every community in our nation, likely including the local park you frequented as a child or enjoy with your family or friends today.

Recreational Access

When LWCF was established, the first stated purpose of the program was to ensure access to our public lands, and to that end, the program has strategically acquired easements and access parcels that expand recreational access for hunters, anglers, and other outdoor enthusiasts. This work has been especially important in the West, where attempts to close access to public roads or access points, as well as complicated and often unclear land ownership designations, can hamper access to public land for hunting, fishing, and other outdoor recreation.

The recent Tenderfoot Creek acquisition in Central Montana is a major spawning tributary of the “Blue Ribbon” Smith River. The watershed is home to elk, mule deer, moose, black bear, native west slope cutthroat trout and other wildlife. From a hunter and angler perspective, the creek and forest had posed significant public access challenges because it lay within a checkerboard system of ownership — a remnant of the railroad land grant era of the late 19th Century. Through an LWCF investment of over \$10 million in Tenderfoot Creek, a vital piece of Montana wildlife habitat was conserved and the land is now open to permanent public access for hunters, anglers, hikers, and others to enjoy.

In Arizona, LWCF money was recently used to protect the ET Ranch, a 600-acre property located adjacent to the North Santa Teresa Wilderness Area. With the protection of this property, for the first time ever there is now guaranteed and permanent access to existing public lands for hunting, hiking, and backpacking opportunities. This acquisition improves public access to the 6,600-acre BLM wilderness area, located northwest of Safford, and the nearby 26,800-acre Santa Teresa Wilderness Area in the Coronado National Forest.

In West Virginia, the Forest Service has worked with local communities and willing landowners to expand the world-class Monongahela National Forest. These strategic purchases, including 367 acres proposed for purchase this year, offer even greater public access to an area that already hosts about 3 million visitors annually.

This legacy of increasing recreational access will be enhanced by the Making Public Lands Public provisions included in S.47, which requires that no less than 3 percent of LWCF funds to expand access for hunting, fishing, and other outdoor recreation. Prioritizing a portion of LWCF resources to acquire access easements and parcels is essential to unlocking more than 9.5 million acres of public lands, which are currently inaccessible by the public, according an analysis by our partners at the Theodore Roosevelt Conservation Partnership.³ Full, dedicated, permanent funding would allow for more LWCF purchases of easements and access parcels to secure permanent access, connect existing public lands, and create expanded parking and trailhead access for the public.

Resilience

The program also bolsters community resilience at a time when climate change is fueling severe storms, hurricanes, floods, and wildfires.

Millions of dollars in Land and Water Conservation Fund investments in the wetlands and natural infrastructure of the Cape May National Wildlife Refuge and the Prime Hook National Wildlife Refuge are credited with preventing more than billion dollars of private property damage by buffering the effects of Superstorm Sandy — and preventing incalculable damage to homes in New Jersey and Delaware. As Congressman Jefferson Van Drew noted in a recent hearing in the House, “the Land and Water Conservation Fund gives us resilient coasts and resilient communities.”

Gulf Islands is our nation’s largest national seashore, stretching for 160 miles from Cat Island in Mississippi to Destin, Florida. The seashore protects seven barrier islands. These dynamic bars of sand parallel to the mainland are treasures at the edge of the Gulf of Mexico and protect natural and human communities against ocean storms. Waves expend their energy as they break on the islands’ beaches. Because they buffer the Gulf’s wave action, barrier islands also protect salt marshes and seagrass beds, which are nurseries for valuable marine species. Since 1971, over \$26 million of LWCF investments has protected these fragile ecosystems so that nearby communities are better protected from extreme storms, and visitors and locals alike can continue to enjoy them for generations.

Wildlife

Right now, more than one-third of wildlife species in the U.S. are at risk of potential extinction in the coming decades — and the primary threat is the degradation and fragmentation of habitat.⁴ This point was reinforced by the recent Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services report, which stated that roughly one million animal and plant species face extinction threats and stated that the primary threat is the rapid loss of habitat, especially forests.⁵ If we are to recover the full diversity of fish, wildlife, and plant species in

³ <http://www.trcp.org/wp-content/themes/trcptheme/assets/images/lwcf/TRCP%20onX%20Landlocked%20Report.pdf>

⁴ <https://www.nwrf.org/Latest-News/Press-Releases/2018/03-29-18-Wildlife-Crisis-Report>

⁵ <https://www.ipbes.net/global-assessment-report-biodiversity-ecosystem-services>

America, LWCF will play an essential role, strategically conserving critical habitat areas and connecting habitat to ensure species have room to move.

In my home state of Delaware, where I served as the Secretary of Natural Resources and Environmental Control, we focused on leveraging our LWCF dollars to expand recreational opportunities and restore critical habitat. One priority area was the Delaware Bayshore, which provides essential habitat for hundreds of bird species, especially imperiled Red Knots and Piping Plovers. Collaboration among the Division of Fish and Wildlife, Delaware State Parks, Delaware Department of Agriculture, the U.S. Fish and Wildlife Service, local governments, the Congressional Delegation, and nonprofit partners, including The Conservation Fund, The Nature Conservancy, Delaware Ornithological Society, Delaware Nature Society and Delaware Wildlife Lands, has facilitated the conservation of more than 120,000 acres of habitat to support the recovery of imperiled species and the low-impact recreation for visitors from around the world. The leveraging of multiple types of LWCF and matching resources for our State Parks and State Wildlife Refuges, funding used to enhance the Prime Hook and Bombay Hook National Wildlife Refuges, and funding for the conservation of critical habitat (such as beach habitat in Mispillion Harbor that is essential to horseshoe crabs, whose eggs provide vital sustenance to red knots during their incredible 9,300-mile migration), was all essential to implementing the overall strategy of the Delaware Bayshore Initiative and saving remarkable at-risk species.

Drinking Water Supply

Sometimes, the program conservation efforts can protect the drinking water supplies of communities. In the heart of Colorado's most popular national forest destinations, \$5 million in Forest Legacy funds were used to protect 4,728 acres in the South Boulder Creek Watershed. The newly protected land lies within the Roosevelt National Forest, creating an important buffer between the national forest and the urban area around Denver. The project is vital for the quality and safety of the drinking water for 1.3 million people in Denver. The conservation of this property also ensured recreational access for the millions who visit the James Peak Wilderness, Indian Peaks Wilderness, and Eldora Ski Area which surround the watershed. The costs avoided by protecting these water supply naturally, rather than requiring more expensive mechanical water treatment facilities, provides millions of dollars of annual savings for local residents.

Close-to-Home, Urban Recreation

Today, nearly 80 percent of Americans live in urban areas. The Land and Water Conservation Fund has served a critical function for those communities, funding projects such as urban hockey rinks in Anchorage and basketball courts in Albany to Gas Works Park in Seattle, a reclaimed industrial site that is now home to fields and a waterfront park and connections to a 19-mile long trail system in the city. In 2014, Congress saw the critical role LWCF should play for ensuring continued investment in urban parks and recreation in our country and created the Outdoor Recreation Legacy Partnership, a matching program funded by LWCF that has subsequently invested \$50 million into 31 of our cities, creating or renovating parks for underserved communities. For example, Portland, Oregon, has built a 25-acre park on what once was a landfill. Camden, New Jersey, is poised to build a 13-acre park that will improve access to the Delaware River for underserved communities. These parks help get all Americans outside —

regardless of their ZIP code — which is exactly what Congress intended when it established LWCF in 1964.

Economic Impact

The Land and Water Conservation Fund is built upon a simple premise: if public resources are extracted from the ground, the some of the value created should be reinvested in conservation. The program was designed to cost American taxpayer nothing, because it is funded by royalties from off-shore oil and gas development. It supports America's \$887 billion outdoor economy and millions of jobs, and promotes local economic development and Main Street businesses in every state of our nation.

In an analysis of past and potential future LWCF activities, our partners at the Trust for Public Land found that federal land acquisition by the Bureau of Land Management, Fish and Wildlife Service, Forest Service, and National Park Service creates \$4 of economic value for every \$1 invested.⁶ In addition, these federal lands are key to local recreation and tourism industries and create an important multiplier effect. In the Trust for Public Land study of 16 sites, it estimates approximately 10.6 million people visited these units each year and spent \$511 million in the surrounding local communities.

That's only a fraction of what LWCF generates in activity and returns to the economy annually. The Federal Interagency Council on Recreation says that Land and Water Conservation Fund contributes to recreation activities in national parks, wildlife refuges, forests, marine sanctuaries, and other federal managed lands and waters valued at approximately \$51 billion and 880,000 jobs annually (2012).⁷ This economic impact will only grow with full and permanent funding.

Dedicating the resources for the Land and Water Conservation Fund is vital to conserve fish and wildlife habitat, and expand outdoor opportunities for hunters, anglers and other seekers of outdoor recreation across the country. This legislation is necessary because history has shown that the revenues intended for LWCF have been repeatedly diverted for other purposes.

Some have raised concerns about dedicating \$900 million each year to the Land and Water Conservation Fund. That number, the same since the 1978 amendment of the program (equivalent to \$3.5 billion in 2019 dollars), is significant for the states, tribes and communities who leverage the resources with additional outside resources. Ensuring predictable timing and levels of funding is critical to completing complex, leveraged transactions, many of which offer the greatest return on investment for local communities. Further, \$900 million also is a relatively small investment with a significant return, especially when compared to the broader federal budget and some recent spending activities, including the estimated \$1.5 trillion 10-year cost of the 2017 tax bill, a \$50 billion annual increase in defense spending, and hundreds of billions of dollars in disaster supplementals (some of which could have been avoided through conservation of natural defenses and pre-disaster mitigation measures). While governing requires tough choices, we would urge the committee to continue to prioritize conservation.

⁶ <https://www.tpl.org/return-investment-land-and-water-conservation-fund>

⁷ <https://www.fs.fed.us/research/docs/outdoor-recreation/recreation-economy.pdf>

When President Johnson signed LWCF into law, he said, “We know that America cannot be made strong by leadership which reacts only to the needs or the irritations or the frustrations of the moment. True leadership must provide for the next decade and not merely the next day.” Congress answered this call when it permanently reauthorized the Land and Water Conservation Fund. This committee has an opportunity now to rise to meet this challenge from our 36th president — and to keep nature and wildlife within reach for future generations.

Thank you for the opportunity to testify before you today.

The CHAIRMAN. Thank you, Mr. O'Mara. We really appreciate that.

Mr. Yablonski, welcome.

**STATEMENT OF BRIAN YABLONSKI, EXECUTIVE DIRECTOR,
PROPERTY AND ENVIRONMENT RESEARCH CENTER**

Mr. YABLONSKI. Thank you.

Chairman Murkowski, Ranking Member Manchin, members of the Committee, my name is Brian Yablonski and I'm the Executive Director of the Property and Environment Research Center, a conservation research institute based in Bozeman, Montana.

PERC has a 40-year history of exploring market-based solutions to conservation challenges. Prior to moving to Montana, I was the Chairman of the Florida Fish and Wildlife Conservation Commission where I served for 14 years. Like you, I am a proud public landowner, and at PERC we look at how we can be better public lands stewards.

Since its creation to facilitate outdoor recreation, the LWCF has provided the means to build trails, construct parks, open access and support other recreation projects. In short, the program has done excellent work.

With permanent reauthorization and calls for full funding, Congress is wise to review it, particularly in light of challenges on public lands today.

Outdoor recreation has never been more popular. It now accounts for \$887 billion in consumer spending. The sector is growing faster than the overall economy, and recreation visits to public lands are surging. I'm one of the lucky ones. Living in the shadows of Yellowstone, I have the privilege of recreating on some amazing public lands.

But I'm not alone, after three decades of flat visitation, visits to our national parks have surged, increasing by nearly 50 million people in only five years. Amid this changing landscape we must ensure the LWCF is equipped to handle the challenges and opportunities of the 21st century.

First, public land managers should have flexibility to use LWCF funds for their greatest conservation needs, including land management and maintenance. Growth in outdoor recreation is to be celebrated, but it's also translating into more wear and tear on public lands. The hiking trails maintenance backlog alone totals \$740 million. Recently, I spent a day in Yellowstone with Superintendent Cam Sholly to see firsthand the deferred and cyclic maintenance needs. The condition of employee housing is a clear issue of concern. Conservation should be about taking care of what we own, including taking care of those we charge with conserving.

The LWCF would benefit from more flexibility to the federal purposes component to address such needs whether maintenance, land management or other important conservation purposes. National Park Superintendents, Forest Supervisors and other managers are best positioned to address those on-the-ground needs. The LWCF would be more effective if it had more flexibility to respond to bottom-up signals about conservation and recreation priorities. Outdoor recreation should be as much about quality as it is quantity.

Second, conservation funding models incorporating recreation users are more stable and significant. The funding record of the LWCF tracks like an EKG readout. While the program's funding has been irregular and unpredictable, conservation funds relying on users, such as hunters and anglers, have proven more reliable.

As a market-oriented organization, PERC looks to where the market is headed, and the market signal is clear. There is great opportunity to link funding to the burgeoning recreation sector. Tying some portion of LWCF funding to its beneficiaries, including hikers, kayakers, climbers, skiers and wildlife watchers, would benefit the program enormously. It would convert "stoke" into real conservation funding.

Take the North American Wildlife model. Sales of hunting and fishing licenses and excise taxes on gear from the Pittman-Robertson and Dingell-Johnson programs provide nearly 60 percent of state wildlife conservation funding and recreation fees paid by visitors on public lands, nearly equal recent appropriations under the LWCF. It seems sensible that the LWCF could benefit from the user-pays model of conservation funding.

Finally, LWCF federal land acquisitions and easements should strategically aim to open access to existing public lands while respecting private property. A 2018 report by the Theodore Roosevelt Conservation Partnership (TRCP) found that 9.5 million acres of public lands in the West are landlocked. Some of the most efficient acquisitions are surgical ones, smaller ones that can open thousands of acres for hunters, anglers and recreationists.

The LWCF has a storied record of affording Americans recreation opportunities. It's time we help it meet the greatest needs of our new recreation landscape.

Thank you.

[The prepared statement of Mr. Yablonski follows:]

Prepared Statement of

Brian Yablonski
Executive Director
Property and Environment Research Center

U.S. Senate Committee on Energy & Natural Resources
Hearing to Review the Implementation of the Land and Water Conservation Fund

June 25, 2019

Main Points

- Outdoor recreation on public lands has never been more popular, and the LWCF faces challenges and opportunities amid a changing recreation landscape.
- Public land managers should have flexibility to use LWCF funds for their greatest conservation needs, including land management and maintenance.
- Conservation and recreation funding models that incorporate outdoor recreation users are more stable, reliable, and significant than models reliant on politics.
- LWCF land acquisitions and easements should strategically aim to open access to existing public lands.

1. Introduction

Chairman Murkowski, Ranking Member Manchin, members of the committee, thank you for the opportunity to appear before you to provide testimony on the Land and Water Conservation Fund. My name is Brian Yablonski, and I am the executive director of the Property and Environment Research Center (PERC), a conservation research institute based in Bozeman, Montana.¹ PERC has a nearly 40-year history dedicated to exploring market-based solutions to conservation challenges. Prior to moving to Montana, I was the chairman of the Florida Fish and Wildlife Conservation Commission, where I served as a commissioner for 14 years.

The Land and Water Conservation Fund has funded projects in virtually every county in the nation. Since its creation to facilitate outdoor recreation more than half a century ago, it has provided the means to build trails, construct local parks, open access to federal lands, and support myriad other recreation-related projects. In short, the program has done excellent work.

With permanent reauthorization of the program and calls for full funding of it, Congress is wise to review the implementation of it, particularly because of changing recreation and conservation

¹ PERC—the Property and Environment Research Center—is a nonprofit research institute located in Bozeman, Montana, dedicated to improving environmental quality through markets and property rights. PERC's staff and associated scholars conduct original research that applies market principles to resolving environmental problems.

challenges on public lands. I will aim to highlight some of the realities facing the future of recreation on public lands and ways that the LWCF could help address them.

2. Outdoor recreation on public lands has never been more popular.

Outdoor recreation is on the rise.² The Bureau of Economic Analysis has found that outdoor recreation accounts for \$412 billion of gross domestic product—or more than 2 percent of the entire U.S. economy. The bureau also estimates that the sector has consistently grown faster than the national economy in recent years.³ The Outdoor Industry Association, a trade group that represents retailers, outfitters, and similar recreation businesses, estimates that the sector generates \$887 billion in consumer spending and 7.6 million jobs.⁴ Roughly half of Americans ages 6 and up participate in outdoor recreation activities. Whether running or kayaking, fishing or climbing, bird-watching or camping, or doing any other activity outdoors, Americans go on approximately 11 billion recreation outings each year.⁵

Public lands provide the backdrop for much of that recreation. The Outdoor Industry Association calls public lands and waterways “the backbone of our outdoor recreation economy.”⁶ From national forests and wildlife refuges to national parks and wild and scenic rivers, some of the most prized landscapes and destinations in the country are found on public lands. And the popularity shows in visitation trends. Recreation visits to national parks have surged 16 percent in the past five years. That’s nearly 50 million additional visitors, and closer to 60 million if you count the peak visitation years of 2016 and 2017. And 28 individual park sites set visitation records last year.⁷ Similarly, visitation to national forests has steadily increased over the past decade.⁸ The same story applies to many other federal recreation lands managed by the Bureau of Land Management, Fish and Wildlife Service, and Bureau of Reclamation, as it does for numerous state parks from coast to coast.⁹

3. The LWCF faces challenges and opportunities amid a changing recreation landscape.

² A recent report published by PERC documents trends in outdoor recreation on public lands. Parts of this testimony are adapted from the report, “[How We Pay to Play: Funding Outdoor Recreation on Public Lands in the 21st Century](#),” by Tate Watkins. PERC Public Lands Report. May 2019.

³ “[Outdoor Recreation Satellite Account: Updated Statistics for 2012-2016](#).” Bureau of Economic Analysis. September 20, 2018, and “[Outdoor Recreation Satellite Account, Prototype Estimates, 2012-2016](#).” Bureau of Economic Analysis. February 14, 2018.

⁴ “[The Outdoor Recreation Economy](#).” Outdoor Industry Association. 2017.

⁵ “[Outdoor Participation Report 2018](#).” Outdoor Industry Association. July 17, 2018.

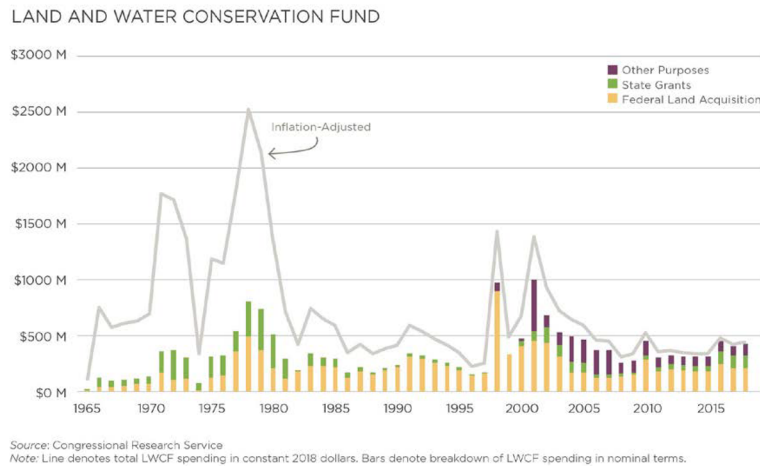
⁶ Supra note 4, p. 3.

⁷ “[National Park Service Visitor Use Statistics](#),” and “[National Park Service visitation tops 318 million in 2018](#),” National Park Service. March 5, 2019.

⁸ “[National Visitor Use Monitoring Survey Results: National Summary Report 2016](#).” U.S. Forest Service.

⁹ Supra note 2 for more background on increases in recreation visits to public lands.

The LWCF has been a significant source of conservation and recreation funding since it came into effect in 1965. Congress created the program to facilitate participation in recreation and strengthen the “health and vitality” of U.S. citizens.¹⁰ The fund is authorized at up to \$900 million per year, subject to the annual appropriations process. Historically, it has been used for three purposes: land acquisition by federal land management agencies for outdoor recreation, grants made to states for outdoor recreation purposes, and “other purposes,” which include special requests for funding made by presidents since 1998.¹¹



The growth of the outdoor recreation sector presents new challenges for the LWCF in the 21st century. Over recent years, recreation appropriations to federal land management agencies have been stagnant or declining after adjusting for inflation.¹² Coupled with increased visitation, that means that public land managers are having to serve more people with fewer resources. The consequences show up in the stressed infrastructure on public lands, such as deteriorating hiking trails, campgrounds, wastewater systems, employee housing, and roads—the very things that allow people to recreate on our majestic lands. The backlog for trail maintenance alone across

¹⁰ [Land and Water Conservation Fund Act of 1965](#), P.L. 88-578, 78 Stat. 897, 54 U.S.C. §§200301 et seq. The text of the law had been codified at 16 U.S.C. §§4601-4 et seq. It was recodified under P.L. 113-287 to 54 U.S.C. §§200301 et seq.

¹¹ [“Land and Water Conservation Fund: Overview, Funding History, and Issues,”](#) by Carol Hardy Vincent. Congressional Research Service Report RL33531. August 17, 2018.

¹² Supra note 2 for background on trends in recreation appropriations.

national parks and forests is \$740 million.¹³ And after spending a day last month in Yellowstone National Park with Superintendent Cam Sholly to see firsthand the deferred maintenance challenges, it is clear employee housing is in poor condition and in need of critical work. Conservation is not only about taking care of what you own but also taking care of those we charge with conserving our natural treasures.

After years of postponing many repairs for lack of funding, agencies within the Interior Department are grappling with \$14.2 billion in deferred maintenance projects.¹⁴ The Forest Service faces its own backlog of \$5.2 billion in overdue maintenance.¹⁵ In other words, today there is a total deferred maintenance backlog of more than \$19 billion on public lands.

The permanent reauthorization legislation passed in early 2019 stipulated that no less than 40 percent of LWCF appropriations shall be spent on federal land acquisition and no less than 40 percent on stateside grants.¹⁶ That means the vast majority of LWCF funding cannot be devoted to other purposes that can enhance outdoor recreation on our federal lands, such as helping address the \$19 billion deferred maintenance backlog.

Furthermore, the LWCF is funded primarily by revenues from the oil and gas leases on the Outer Continental Shelf. It has become increasingly clear that there is competition over and pressure on these revenues. For one thing, the level of annual spending for LWCF approved by Congress each year under the fund has fluctuated greatly over time and in recent years has consistently been only about half of the maximum allowed by law. What's more, federal energy revenues are not only the primary source for LWCF, but also potentially for the proposed Restore Our Parks Act and the Recovering America's Wildlife Act, among other conservation initiatives, resulting in trade-offs between land and water conservation, wildlife conservation, and the care and maintenance of our public lands, not to mention other national priorities.¹⁷

And finally, at the same time there is a move to fully fund LWCF at \$900 million annually, there are also environmental organizations and policymakers advocating for the reduction or elimination of offshore energy production, which would dry up the very source used to fund the program.¹⁸

¹³ ["Forest Service Deferred Maintenance."](#) U.S. Department of Agriculture. Audit Report 08601-0004-31. May 2017; ["Servicewide NPS Asset Inventory Summary."](#) National Park Service. September 30, 2018.

¹⁴ ["Deferred Maintenance of Federal Land Management Agencies: FY2009-FY2018 Estimates and Issues,"](#) by Carol Hardy Vincent. Congressional Research Service Report R43997. April 30, 2019.

¹⁵ Supra note 13.

¹⁶ [John D. Dingell, Jr. Conservation, Management, and Recreation Act](#). P.L. 116-9. § 3001. March 12, 2019.

¹⁷ For background on competition over federal energy revenues, see ["Legislative Proposals for a National Park Service: Deferred Maintenance Fund,"](#) by Laura B. Comay. Congressional Research Service Report IF10987. February 19, 2019.

¹⁸ For example, see ["Drilling, LWCF bills pass after marathon markup,"](#) by Kellie Lunney. *E&E News*. June 20, 2019.

These issues all present challenges for the LWCF as we try to keep pace with the growing recreation sector and the conservation and management needs of public recreation lands. Fortunately, there are policy options that could address several of these challenges and improve the effectiveness of the LWCF program in the future.

4. Public land managers should have flexibility to use LWCF funds for their greatest conservation needs, including land management and maintenance.

As our recreation priorities and needs on public lands evolve, public land managers need appropriate tools to address both current and future management challenges. The LWCF toolbox may have been appropriate when the program was created; however, it appears fairly limited today.

Funding decisions entail trade-offs. Appropriations made through the LWCF for either federal or stateside purposes obviously means that those resources cannot be put to other uses, regardless of the conservation priorities that might be facing public land managers. Beginning in 1998, appropriations under the program began to be used for various “other purposes,” including maintenance, ecosystem restoration, and other aims.¹⁹ The LWCF would benefit from more flexibility within the broader federal purposes component to address such needs, whether deferred or cyclic maintenance, land management, or other conservation and recreation purposes.²⁰ This is especially true as the allocation split of the program was locked in with permanent reauthorization.

Most glaringly, given the massive maintenance needs on existing federal lands, it would be sensible to allow funding flexibility to address deferred maintenance to improve recreation opportunities. For instance, a recent former director of the National Park Service acknowledged that the deferred maintenance backlog was a higher priority than acquiring inholdings within parks.²¹ Yet in other contexts, cyclic maintenance—the routine upkeep that can ward off more costly future repairs—might be more important than deferred repairs.

Relatedly, while the LWCF has funded a small amount of forest management in recent years, it would benefit from more flexibility to address such needs.²² In some places and contexts, land acquisition will be less imperative than conservation priorities that can improve the condition of

¹⁹ [“Land and Water Conservation Fund: Appropriations for ‘Other Purposes,’”](#) by Carol Hardy Vincent. Congressional Research Service Report R44121. May 14, 2019.

²⁰ See [“A New Landscape: 8 Ideas for the Interior Department,”](#) PERC Public Lands Report. March 9, 2017.

²¹ [“Examining the Spending Priorities and Missions of the National Park Service in the President’s FY 2016 Budget Proposal,”](#) House Natural Resources Committee, Subcommittee on Federal Lands Oversight Hearing. March 17, 2015. During testimony by National Park Service Director Johnathan B. Jarvis, Rep. Tom McClintock asked: “What’s the higher priority: the deferred maintenance backlog or new land acquisitions?” Jarvis answered: “Well, if I had to make that kind of ‘Sophie’s choice,’ I’d say it’s the maintenance backlog.”

²² Supra note 19 for general background on the Forest Legacy Program, which aims to acquire or preserve through easements forests that might otherwise be converted to other uses.

existing forests and rangelands through wildfire prevention, weed control, or mitigation of drought impacts. Currently, up to 82 million acres of forests are in need of restoration, more than one-third of the entire National Forest System.²³

The national park superintendents, forest supervisors, and other managers who steward our public lands day to day are the ones best positioned to know what those on-the-ground priorities are. The LWCF would be more effective if the program had more flexibility to respond to these sorts of bottom-up signals about conservation needs.

If anything about the future of the program can be taken for granted, it's that funding priorities will shift over time. In 1965, a minimum threshold of 40 percent of funding for federal acquisition may have made perfect sense. Whether that remains the case in 2019 is probably less clear. What's almost certain is that at some point in the next 50 years, the same rigid threshold may no longer be appropriate. Yet the reauthorization language entrenches that reality, which serves to weaken the program.²⁴

Every acre that the federal government acquires comes bundled with obligations to manage and maintain that land in perpetuity. Unless Congress passes the Restore Our Parks Act or some similar fund—which, as noted above, is competing in part for the same revenue source—there is no LWCF-like fund for maintenance and management. The billions of dollars in deferred maintenance on existing public lands and our other land management needs attest to that truth, and it's one that we should keep in mind when making decisions about future land management. Outdoor recreation should be at least as much about quality as it is quantity.

5. Conservation and recreation funding models that incorporate outdoor recreation users are more stable, reliable, and significant than models reliant on politics.

The historical funding record of the LWCF tracks more like an EKG readout than a reliable and predictable trendline. While the program's funding record has been irregular, unpredictable, and subject to much political wrangling, conservation and recreation funds that rely on users have proven to be much more reliable.

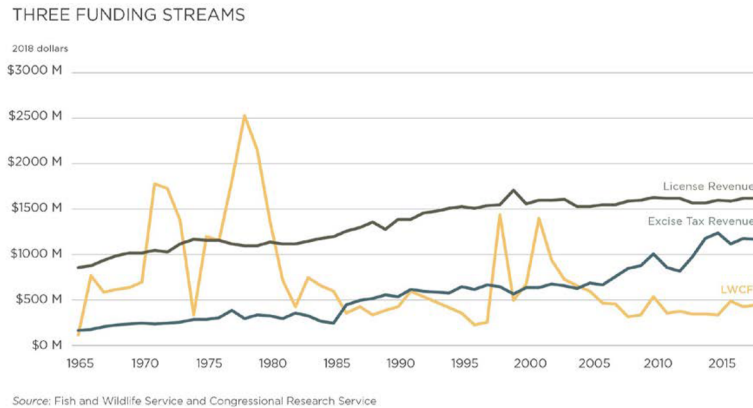
Take, for example, the North American Wildlife Model: The collective budgets of America's state fish and wildlife agencies total more than \$5 billion, and roughly 60 percent of their funding comes from sources related to users—hunters and anglers.²⁵ The largest portion is revenue from state hunting and fishing licenses. In 2018, license sales generated about \$1.6

²³ ["Restoring Forest Health: We Need to Pick Up the Pace,"](#) speech by Mary Wagner. U.S. Forest Service. January 31, 2014.

²⁴ The same is true of the 40 percent threshold for the stateside program; however, acquisitions under the stateside portion of the program do not add to federal maintenance needs.

²⁵ ["The State Conservation Machine,"](#) Association of Fish and Wildlife Agencies and the Arizona Game and Fish Department. 2017.

billion for states.²⁶ In addition to being a significant chunk of money, these revenues have also been extremely stable for half a century. Because they are generated by users, dedicated to specific purposes, and necessary to draw down as a match for federal excise tax dollars, they are largely insulated from the political whims of legislatures.



The second-largest source of funding for state fish and wildlife agencies is revenue from federal excise taxes on firearms, ammunition, bows and arrows, fishing tackle, rods and reels, boat fuel, and related items. These funds are distributed by the U.S. Fish and Wildlife Service through the Wildlife Restoration Program and the Sport Fish Restoration Program, created by the Pittman-Robertson and Dingell-Johnson Acts, respectively. In 2018, the two programs combined provided more than \$1.1 billion to state fish and wildlife agencies.²⁷ The excise tax revenues collected by the federal government are distributed to the states and generally require a state-to-federal funding match of one to three.²⁸ The match component means that states and hunters and anglers are putting skin into the game and have more reason to make sure those federal dollars are put to good use.

Likewise, many hunters and anglers know that they pay into the conservation system, and they are proud of it. In fact, these users lobbied for implementing the excise taxes in the wake of the Great Depression, as fish and wildlife agency budgets were dwindling.²⁹ As a former state fish

²⁶ [Historical License Data](#), Wildlife and Sport Fish Restoration Program. U.S. Fish and Wildlife Service.

²⁷ ["Secretary Zinke Announces More Than \\$1.1 Billion for Sportsmen & Conservation."](#) U.S. Department of the Interior, March 20, 2018.

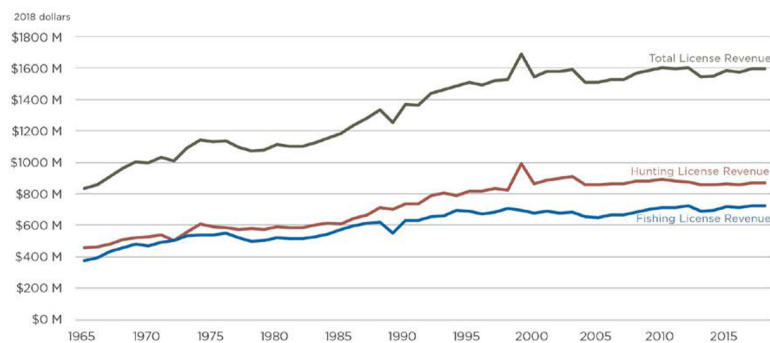
²⁸ ["Wildlife and Sport Fish Restoration Program."](#) Program Brochure. U.S. Fish and Wildlife Service. October 2014.

²⁹ ["Leave No Trace?"](#) by Tate Watkins. *PERC Reports* Vol. 36 No. 2, December 6, 2017.

and wildlife commissioner, I can tell you that pride means these funding sources have an extra level of accountability absent from general appropriations.

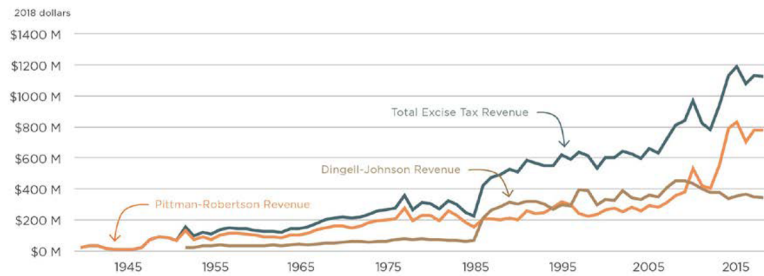
The user-pays models also provide relatively tight feedback loops—or at least much tighter than appropriations dollars. Funding tied to demand for recreation means that if recreation demand grows, revenue grows too. This creates a virtuous cycle whereby funding is generated to steward environmental amenities, restore habitat, and conserve wildlife. With these models, as the recreation sector grows, so does the funding for managing public recreation assets.

STATE REVENUE FROM HUNTING AND FISHING LICENSES



Source: Fish and Wildlife Service, Wildlife & Sport Fish Restoration Program: Historical License Data

WILDLIFE AND SPORT FISH RESTORATION PROGRAM: Apportionments to States



Source: Fish and Wildlife Service, Wildlife & Sport Fish Restoration Program: Historical Funding Data
Note: Program funding comes from federal excise taxes that are apportioned to states for conservation- and recreation-related purpose.

Comparing the long-term trends of these two funding streams and the LWCF is illustrative. After adjusting for inflation, state revenues from hunting and fishing licenses have proven to be remarkably stable over time. The roughly \$1.6 billion in revenue that they yielded in 2018 was also nearly four times larger than the \$425 million appropriated from the LWCF last year. In the same vein, state funding derived from the federal excise taxes on sporting goods have proven to be consistent and substantial. These sources provided more than \$1.1 billion to states in 2018.

Similarly, recreation fees collected at national parks, national forests, and other federal recreation lands have several benefits when compared to general appropriations. Under the Federal Lands Recreation Enhancement Act, certain sites can charge and collect fees on federal lands and waters, either for entrance to a site or for use of an amenity such as a developed campground.³⁰ Sites that collect fees can retain and spend 80 percent of their receipts without further appropriation. This framework aligns incentives by giving managers reason to cater to visitors and enhance the experience on public lands. While not perfect, flexibility from locally retained fee revenues allows superintendents who have the most knowledge about park needs to make decisions about where to spend revenues. It also frees managers of parks, forests, and other sites from wrangling over appropriations for resources that can be funded by fee collections.

Over the past decade, total revenues collected by federal agencies under FLREA have increased by 42 percent in real terms, and virtually all of that increase has occurred over the past five years in lockstep with increasing visitation. In 2018, such receipts totaled \$404 million—almost as much as the \$425 million appropriated through the LWCF.³¹ As Denali National Park Superintendent and three-decade employee of the park service Don Striker has put it: “The bottom line is that fees are now an integral part of our funding. Long ago, Congress realized it could not meet parks’ needs through annual appropriations, and legislators thus authorized us to keep our revenues. The National Park Service should embrace using fees to pay for visitor services.”³²

The original aim of the Land and Water Conservation Fund Act was to provide recreation opportunities to all Americans.³³ Tying some portion of its funding to the original beneficiaries of the act, including hikers, kayakers, whitewater rafters, climbers, mountain bikers, campers, wildlife watchers, skiers, and their gear purchases, would be in line with that aim. It would convert “stoke” into real conservation funding.³⁴ It would also tap a growing market that is placing increased demands on our public lands.

³⁰ [Federal Lands Recreation Enhancement Act](#), 16 U.S.C. §6802.

³¹ *Supra* note 2.

³² [“Washington’s backward funding: How national parks are encouraged to defer maintenance,”](#) by Don Striker. *The Hill*. February 20, 2019.

³³ *Supra* note 11.

³⁴ [“Your stoke won’t save us,”](#) by Ethan Linck. *High Country News*. May 14, 2018.

Furthermore, if user-generated funds, either through user fees and/or a nominal gear excise tax, were incorporated into the federal portion of the program as some sort of match for appropriations dollars, then recreationists could take pride in knowing they are acting as public lands stewards by providing dedicated funding to conservation and recreation. They might even enhance their standing in the federal appropriations process, having real skin in the game and bringing resources to bear.

The stateside LWCF program already incorporates a match component, as do the Fish and Wildlife Service programs that direct federal excise tax dollars to state wildlife conservation. And in fact, sportsmen and -women pay into the conservation system twice—by buying licenses and paying excise taxes—so a funding mechanism that allows other types of recreationists to more directly pay into system is hardly far fetched.

The fact that user-pays-user-benefits funding sources are tied to recreationists helps ensure that the funds promote responsible stewardship of the public lands that serve as some of our greatest recreation assets. The incentive structure created by such funding mechanisms has clear advantages. The funds are reliable and significant sources of recreation funding, two things that are less true of the modern LWCF. The programs also have clear constituencies, which has likely helped bolster the accounts from being raided for other purposes.

The LWCF would benefit enormously from an approach that ties its funding directly to users rather than perpetually being at the mercy of appropriations.

6. LWCF land acquisitions and easements should strategically aim to open access to existing public lands.

When Congress permanently reauthorized the LWCF in 2019, the legislation specified that for future spending approved under the program, at least 40 percent must be allocated for federal purposes, and at least 40 percent must go to the stateside program.³⁵ Given those realities, some of the most sensible and efficient acquisitions will be strategic ones that can open access for hunters, anglers, and recreationists to “locked up” public lands.

Landlocked public lands are lands that cannot be accessed by public roads or adjoining public lands, requiring landowner permission, easements, or purchases of land from landowners. These landlocked public lands are often a result of the historic checkerboard ownership patterns of the West. In some states, even public land sections that touch at parcel corners cannot be accessed without permission from all adjoining landowners.³⁶

A 2018 report published by the Theodore Roosevelt Conservation Partnership and onX found that 9.5 million acres of public lands in the West are landlocked—accessible only with

³⁵ Supra note 17.

³⁶ “[Finding a Way In](#),” by Paul Queneau. *Montana Outdoors*. October 2014.

permission from private landowners.³⁷ In my home state of Montana, the number is 1.52 million acres. To the extent additional land acquisition is needed, it makes sense that those acquisitions should focus on such areas, whether clearing “bottlenecks” to existing lands, smoothing out checkerboarded lands, or otherwise. It also makes sense to use the LWCF to attempt to negotiate easements, voluntarily negotiated with landowners, which could cost significantly less in tax dollars and keep land in the local tax base. These land acquisitions or easement purchases would generally involve smaller, more surgical and strategic purchases that would open up to sportsmen and recreationists tens of thousands of acres already owned by the public.

7. Conclusion

Now is the time to review the implementation of the LWCF in light of permanent reauthorization of the program. By promoting flexibility, involving user-pays models, and strategic acquisitions where necessary, we can make sure the LWCF can meet the challenges and opportunities presented by a growing recreation sector and the demands of the 21st century and beyond.

The LWCF has a storied record of affording Americans recreation opportunities. Responsible conservation means prioritizing the greatest conservation needs. Through these responsible improvements to the LWCF, we can ensure our public lands are conserved and enjoyed well into the future.

³⁷ [“Off Limits, But Within Reach: Unlocking the West’s Inaccessible Public Lands.”](#) Theodore Roosevelt Conservation Partnership and onX. August 26, 2018.

The CHAIRMAN. Mr. Yablonski, thank you. Thank you, all. We appreciate the opportunity for a good discussion today.

I think there is one certain point of consensus—every person on this panel is a supporter of LWCF. I think it is probably fair to say that those of us here, not only on the Committee, but in the Congress, are supporters.

It has been mentioned that from, literally, a historical perspective and opportunities for conservation, we have seen more from this program over its past 50 years than we have with many, many other things that we see here in Congress. So I think that that support was demonstrated in the very strong vote that we had with our lands package earlier this year with the permanent authorization. Now it really comes down to, okay, we love it. How do we pay for it?

Ms. Combs and Mr. French, both of you have mentioned the Public Lands Infrastructure Fund (PLIF) as a way to address the maintenance backlog issues, but the discussion that we have had and where there is seemingly a divide on the issue of LWCF is whether or not we would provide full and mandatory funding for the program. The very direct question to the two of you is whether or not the Administration supports full and mandatory funding for LWCF?

Ms. Combs.

Ms. COMBS. Well, let me just say that the President obviously supports LWCF. He signed it into law, I believe, the permanent authorization on March—

The CHAIRMAN. And yet, it is my understanding that within the appropriations, we don't have anything in the LWCF account.

Ms. COMBS. Yes, I understand that.

And so, let me, sort of, try to parse this a little bit. I heard something interesting from Mr. Yablonski. He talked about quality and quantity of the outdoor experience and I talked a little bit about, sort of, our obligation. I think the LWCF does an absolutely fantastic job, and I heard and I believe everything that Collin and Lauren said. I think it's important.

It's that we are in a slightly different position, Madam Chairman, is that we are the land stewards of the stuff that we already own. And so, what I would say is that my obligation here at the Department of the Interior is to be sure that the Yellowstone experience, or wherever, is safe and is correct and we take care of the lands that we already have.

I think this is an extraordinarily important time in you all's collective deliberation to decide what do you want to do.

I would make one comment about the PLIF. When we have a \$16 billion backlog, that focuses my attention a great deal on that. And so, the PLIF, I would view that is in some sense kind of a—I heard this word used yesterday—kind of a transformative event. In five years, we would have about \$6.5 billion to really make an extraordinary change so—

The CHAIRMAN. But let me ask, because my question is very, very specific. You are talking about the Public Lands Infrastructure Fund, and I think that there is good merit for that. We have a bill out there to address just that.

But the Ranking Member here has a bill. I am sure he will ask the same question——

Senator MANCHIN. Go ahead.

The CHAIRMAN. ——as to whether or not the Administration would support full and mandatory funding, separate and aside from what we may do with the Public Lands Infrastructure Fund.

Ms. COMBS. Well, obviously we are dealing with the President's budget and the guidance from OMB. And so, the budget that we have presented for 2020 represents those priorities.

As I said, the Administration very much supports the LWCF but also has a very high priority on the deferred maintenance. So that is the challenge that we, at Interior, are facing.

The CHAIRMAN. Let me quickly ask. Mr. Yablonski, you have raised addressing the LWCF statute to explicitly include maintenance as a federal purpose.

To those of you, quickly, do you think that we need to amend the statute itself to specifically include maintenance as a federal purpose for use of LWCF?

And my time is just about out so very quickly going down the row. Yes/no?

Ms. COMBS. I think it's up to Congress to decide.

The CHAIRMAN. Mr. French?

Mr. FRENCH. Yeah, the Administration is not taking a position on this.

Ms. IMGRUND. I would say from NASORLO's perspective, no.

Mr. O'MARA. It's a no. Do it with Restore Our Parks Act instead of adding it to this, to LWCF.

Mr. YABLONSKI. I would say these decisions involve tradeoffs, and so the more flexibility, the better. So, I'd say, yes.

The CHAIRMAN. Okay, alright.

Senator Manchin.

Senator MANCHIN. I am more confused now than I was when we started.

[Laughter.]

First of all, Mr. O'Mara—thank you all, I want to thank all the panel. It has been great and I appreciate all of your insight.

One of the most common reasons cited for giving up hunting is the inability of access to public lands, as you know, and the hunting opportunities and the whole connection that we have as our culture.

It is an important issue for the states out West with checkerboard landownership patterns. I am learning more and more about the Western issues and Western lands and BLM and all the other things. But states like West Virginia and other Eastern states, we have limited public lands with most lands in private ownership. Can you help us understand some of LWCF's successes in expanding wildlife habitat in rural states, in Eastern states, along with our Western states too? Very quickly.

Mr. O'MARA. Yeah, so, and Brian mentioned this as well. I mean there's been studies that have been done by TRCP and others looking at the number of public lands that are just inaccessible, a lot of them are BLM lands, in particular.

Senator MANCHIN. Some of the things you have been able to open up with LWCF?

Mr. O'MARA. So, I mean, the Gauley, the Gauley River example is a perfect one——

Senator MANCHIN. Yes.

Mr. O'MARA. ——in West Virginia.

And we've seen, you know, that Senator Heinrich was able to open up the Sabinoso Wilderness Area with a bunch of different funding sources behind that which is the largest wilderness area in the country that didn't have access attached to it.

We've seen opportunities in the Greater Yellowstone kind of environments, a place that does allow some consumptive activities. I can provide you with a full list. There's dozens and dozens of these but there's examples in Arizona. There's examples in Colorado.

Senator MANCHIN. These are properties we already had. We were not able to access them and now we are with the LWCF funds that have been able to be directed toward that.

Mr. O'MARA. And a lot of times it's that surgical, strategic investment where, it don't have to be a handful of acres, right? You don't need to have everything, you just have to have that specific piece to allow access because between roads and other private land-owners, kind of, shutting off access, you don't have it unless you have that single parcel.

Senator MANCHIN. Okay.

And this next question would be, I guess, to Mr. French and Ms. Combs, and whoever.

One week ago, our Committee, I think as Madam Chairman just explained, held a hearing on deferred maintenance and public lands. We discussed funding to fix the \$19 billion backlog and solutions like the Restore Our Parks Act of which I am also a co-sponsor. At the same time, I am the sponsor of a bill to provide mandatory funding for the Land and Water Conservation Fund, along with 43 co-sponsors.

I know some of my colleagues believe we must choose between funding the LWCF and the deferred maintenance backlog. But I am not in that camp at all.

So I think my question would be, can you briefly describe how much, if any, LWCF acquisitions have added to the maintenance backlog? Anybody?

Ms. COMBS. Well, in a practical matter, any piece of land that you buy has built in some maintenance backlog. I don't have that number carved out for this.

I do know that the access points that you all talked about is hugely important. We think that is an extraordinarily positive benefit for the Fund. And I think that the outdoor recreation is a hugely important thing to the young kids of this country who don't get outside enough. We think it's very, very important. But I don't have a specific number for you, Senator, I'm sorry.

Senator MANCHIN. Yes.

Mr. French?

Mr. FRENCH. Senator, you know, our deferred maintenance on infrastructure is a tremendous issue for us. And so, when we look at acquisitions through LWCF, that's actually a key thing that we focus on is how do we not inherit additional deferred maintenance or infrastructure.

So we focus our program on making sure when we do those purchases that either we're using partners or the work is done before we——

Senator MANCHIN. Then there are partnerships in almost all of these programs?

Mr. FRENCH. That's correct.

Senator MANCHIN. And they are very successful in the partnerships.

Mr. FRENCH. So we try to limit taking on any new deferred maintenance.

Senator MANCHIN. Yes.

Mr. O'Mara, real quick.

Mr. O'MARA. And just one note I would add is that there's a lot of places where acquisitions, the kind that are strategically done, actually reduce the maintenance cost, long-term, right?

So you're seeing places where you have fencing or different types of habitat management or conflict with local landowners where they really would like to sell, but this is where predictability comes in, right? Because it's hard for these guys to be able to plan for acquisitions if they have no idea what the funding level is going to be which is why we do need the dedicated, permanent funding at the 900 level so they can make those decisions, but——

Senator MANCHIN. Well, there is going to be an awful lot of argument back and forth on putting money dedicated or we are going to be, basically, permanently funding, if we vote to permanently fund LWCF and it is going to add more to the backlog. And I don't believe that. I want to make sure if we can get some accurate figures to show that it is just not accurate——

Mr. O'MARA. Right.

Senator MANCHIN. ——to be able to say automatically that happens to increase this.

Mr. O'MARA. Right.

Senator MANCHIN. Ms. Combs, this is going to be a yes or no question, very quickly.

There is a process of putting budgets together and I know when I was Governor, I had every agency basically give me their request. They gave me the request and we would look at it, strategically, and see what we could do and what we couldn't do and how much of whatever we eliminated something.

Can you tell me what your request was for LWCF?

Ms. COMBS. Our request is because——

Senator MANCHIN. In the budget, when you put the budget in, your request to the Executive Branch?

Ms. COMBS. I beg your pardon?

Senator MANCHIN. I would assume you put your request in to the Executive Branch, basically, and they review that.

Ms. COMBS. Yes, the budget that was put in does not have any funding for the LWCF.

Senator MANCHIN. So you didn't request anything?

Ms. COMBS. No, sir.

Senator MANCHIN. You left it zero?

Ms. COMBS. Yes, sir.

Senator MANCHIN. That's not good.

Thank you.

The CHAIRMAN. Senator Lee.

Senator LEE. Thank you, Madam Chair, for holding this hearing. Thanks to each of you for coming to talk to us about these important issues today.

Mr. O'Mara, I would like to start with you, if that is okay?

Mr. O'MARA. Yes, sir.

Senator LEE. One week ago today, on June 18th, 2019, your foundation posted an article, an article that made the argument that LWCF funding should be full and it should be mandatory and it should be made permanent. One of the core assumptions, I think, that is underlying that assertion within your article is the position that the LWCF is funded, "At no cost to the taxpayers." This just is not true.

While I acknowledge that oil and gas revenues may fund a portion of the LWCF, I also have to stress that these revenues are paid for by hardworking Americans, hardworking Americans who depend on oil and gas every single day and who pay for it. They rely on that as an energy source, and it is not as though it is free.

In addition to this, every single dollar that is siphoned away from the Treasury for the LWCF is one dollar less for other programs—programs that are supported by Democrats and Republicans alike in both houses of Congress.

In addition to this, when those dollars are used for purchasing additional federal land, that, in turn, results in the existence of less other land, other non-federal land, whether it is private land owned by an individual or by a corporation or, in some cases, like the State Institutional Trust Lands Administration in Utah, state-owned land that is designed to bring in revenue so as to support a public education system.

Every time that happens, that puts additional strain on local communities because it reduces their tax base. You are taking out land that they can no longer tax. It can no longer be put to productive use in most circumstances so they can't tax it. And so, that puts an additional strain on other programs, such as a program known as PILT which stands for Payment in Lieu of Taxes. All these are consequences, and they are certainly things that can be described as costs to the taxpayers.

So I wanted to ask you a couple questions about this.

First, are you familiar with PILT?

Mr. O'MARA. Yes.

Senator LEE. So you are familiar with the fact that the PILT program purports to reimburse local taxing authorities, generally counties, in public land states. And I am somewhat envious of some of my colleagues who acknowledge that they don't have much, if any, federal land in their state.

It is great to have national parks. There are some federal lands that we depend on for recreation and other purposes, and they are wonderful.

In some counties in Utah we have in excess of 90 percent, in some counties in excess of 95 percent of the land that is owned by the Federal Government, meaning it is not subject to taxation, most of the time it can't be developed without a "Mother May I" from the Federal Government. As a result, the tax revenue doesn't come in and it puts a strain on our ability to fund everything from

schools to fire suppression to search and rescue, all of which are made more difficult by that.

I assume you would not tell those communities that LWCF does not cost a dime when they are getting paid pennies on the dollar for PILT for what they could be paid if they were able to tax that land, even at their lowest green bill rate.

Mr. O'MARA. So, the premise of the program, originally, was fairly simple, right? If we're going to take value out of the land, of a public resource, you know, mainly off the coast of Louisiana, we're going to put the value back into land and that the royalties would be paid regardless, and therefore, a portion of that should go back to have the nexus with conservation because that's where the impact is.

Now a lot of the lands that have been conserved do allow working for us, ranching, allow different types of agriculture activities. And then a lot of communities do benefit from the economic activity in the form of hotel nights and restaurant meals—and different retailers.

But we would love to work with you to make sure that we find ways to bolster these local economies in strong ways. We just think that having conserved assets that drive tourism and drive additional recreation activity is a great way to support economic development in communities across the country.

Senator LEE. So do you acknowledge that the use of federal revenues for additional land acquisition under LWCF does, in fact, deplete the dollars available for other programs, programs that might be impacting the nation at large while most of the LWCF dollars may be spent and focused in the West?

Mr. O'MARA. Yes, and I also believe though, that if a public resource is being depleted for a private gain, for the most part, that some of that money should go back toward conservation to make sure that we're mitigating the impact we had on the landscape.

Senator LEE. Fair enough.

I see my time is expired, Madam Chair, but I just want to respond to that by pointing out that I don't disagree in the abstract with that statement. But at a time when we have an enormous backlog, an enormous federal estate amounting to about 30 percent of the land mass in the United States, and that is hurting a lot of the rural communities disproportionately in certain states, like mine where people don't have a tax base. They don't even have a job base anymore because of restrictions attached to that land and because of the fact that they can't tax it and it can't be used for most things.

Add to that the fact that they also have a huge, staggering backlog for maintenance of those lands. It begs the question in my mind whether this really is the best use of these dollars to buy more land rather than taking care of the land we already own.

Thank you.

The CHAIRMAN. Thank you, Senator Lee.

Senator HIRONO.

Senator HIRONO. Thank you. I would like to thank you for your strong support of LWCF. As we focus on the implementation of LWCF, let's not lose sight of the importance of land acquisition to this program.

I suppose since most of the land acquisition under this program is through both federal—among federal, state and private dollars to pay for the acquisition, I say that if a state does not want to have its lands go for public purposes because it wants to maintain a source of revenues for the state, then the state doesn't have to access the LWCF funds.

So I do want to point out the importance of LWCF funds in Hawaii. The benefits this fund have provided to Hawaii have been tremendous. Just last fall, the acquisition of the 2,882-acre Helemano Wilderness Recreation Area was completed thanks to a mixture of federal, state and private dollars, including \$5 million in funding from the Forest Legacy Program. Among the many benefits that conserving this land will provide include protecting habitat for endangered species such as the Hawaiian hoary bat, providing Oahu residents with new outdoor recreation opportunities and protecting central Oahu's aquifer.

Also, last April I was fortunate to attend the Blessing Ceremony marking the sale of the McCandless Ranch to the U.S. Fish and Wildlife Service to expand the Hakalau Forest National Wildlife Refuge on the island of Hawaii, made possible by the Hawaii "Island Forests at Risk" collaborative proposal. And when I spoke with the owner of the McCandless Ranch, he told me that the majority of the interested buyers of his property were loggers or developers, entities that would have ruined habitat that was the last location for the endangered Alalā, or crow, seen in the wild.

Some critics of the Land and Water Conservation Fund point out how expensive the federal land acquisitions are and argue that the money would be better spent going to other needs such as maintenance. That is what we have been hearing this morning. However, we cannot ignore the cost of inaction like what the cost would be of losing the McCandless Ranch land to a developer or a logger.

So Mr. O'Mara, I appreciate that in your testimony you discuss the important contributions of LWCF funds to protect wildlife, drinking water and increasing community resilience.

Can you discuss the urgency with acquiring some of these lands and the costs of inaction if Congress were to stop funding land acquisitions? Can you just briefly go over some of those concerns?

Mr. O'MARA. Given the, kind of, rapid increase in land values in places like Hawaii and around the country, I mean, every year we delay it just becomes more expensive.

Senator HIRONO. Especially land in Hawaii is very expensive.

Mr. O'MARA. Very expensive.

And I think, you know, you increasingly see federal agencies that are focused strategically on inholdings and properties that, you know, kind of, help complete parks, improve management, connect ecosystems. But I mean, if we had fully funded the program at the 900-level starting in 1978 for the full time, a lot of the parcels that we're going back to acquire today for either access or other things could have been purchased at a fraction of the cost. I mean, think about places in Montana and Idaho, you know, today that are much more expensive than they would have been before. And again, it's not to own, you know, it's being very strategic about which ones make the most sense with a collaborative process. But

it has been, kind of, penny-wise and pound-foolish if we're trying to build a comprehensive recreation system across the country.

Senator HIRONO. And it is not as though the land acquisition process is a short process. As Mr. French noted, there are something like seven criteria factors that go into whether or not we are going to seek that kind of land acquisition, not to mention it requires a willing seller. We are not forcing anybody to sell the land to the Federal Government.

I am kind of astounded, Ms. Combs, that the Interior Department did not request any money for LWCF funds. That was your testimony, correct?

Ms. COMBS. Yes, ma'am.

Senator HIRONO. Yes.

We all recognize on this Committee that there is a tremendous backlog on maintenance, \$16 billion or so, but what I don't understand is why we should pick one or the other. Wouldn't you support both? Wouldn't you support LWCF funding as well as this new fund that you are proposing to address the backlog problem?

Ms. COMBS. The Department does support both. Secretary Bernhardt testified he very much supports the Land and Water Conservation—

Senator HIRONO. Then why would you request zero funding for LWCF?

Ms. COMBS. We are going to be sure that we take care of the President's budget and his priorities were the backlog and deferred maintenance and that was our number one priority in our budget, Senator.

Senator HIRONO. So you have made it very clear that LWCF is not a number one priority even as the President continues to ask for billions of dollars for a wall. I think it is very clear what the priorities of this Administration are.

Thank you, Madam Chairman.

The CHAIRMAN. Thank you, Senator.

Senator Gardner.

Senator GARDNER. Thank you, Madam Chair and Ranking Member Manchin, for holding this hearing and Senator Manchin, thank you for the work that we have been able to do on the Land and Water Conservation Fund with this legislation that I hope will be passed soon by the Senate and the House and on its way to the President.

Madam Chair, thank you for your work on the lands bill that passed earlier this year. I think it was one of the most significant conservation packages we have seen in a decade, and I was very pleased with the number of people in this room who collaborated to make that legislation a reality, including, I think, a very striking display of bicameral, bipartisan support. It shows what can be done when people come together, putting aside politics and actually wanting to get good work done for their states.

Of course, the lands bill had the permanent authorization of the Land and Water Conservation Fund which is a first step in making sure that this crown jewel of conservation programs continues well into the future. And now the legislation that we have before us is an opportunity to make sure that it has the funds necessary to con-

tinue providing public access, public opportunities and enjoyment of our great and wonderful public lands in Colorado and elsewhere.

In Colorado we have about 35 percent of the land that is held by the Federal Government and we know about 300,000 acres of those lands are inaccessible. That is, basically, an area the size of Rocky Mountain National Park that is inaccessible in Colorado because it is landlocked where you just cannot get a public road to it. The Land and Water Conservation Fund has become a critical access point to help address some of those concerns.

One of the questions I had for the witnesses today, there is a recent study out showing that of the 2.8 million acres in Colorado that are held by the State of Colorado, about 64 percent of those 2.8 million acres are inaccessible. If you look at 16 percent of them, I think, you just can't get to them because there are no public roads. You have 64 percent that are inaccessible and then you have some 20 percent that may be open for part of the season for hunting or other access but not open year-round. But that is a lot of land. That is even more than the Federal Government has in terms of inaccessible to it.

Can you use Land and Water Conservation Fund, the state funds and others to help, perhaps, provide solutions for the state landlock issues?

Ms. Imgrund?

Ms. IMGRUND. Sure, as I mentioned before, every grant in the program comes from the Statewide Comprehensive Outdoor Recreation Plan process that each state goes through. And I know Colorado has a great plan, not familiar exactly with what it calls for in that plan, but in general, these funds absolutely can be used for that type of activity.

Again, public recreation access to existing lands, expansion of state parks, et cetera, are key assets and key important things in the Land and Water Conservation Fund State Assistance Program.

Senator GARDNER. Yes, and thank you. I think this effort, the Land and Water Conservation Fund, has given about \$278 million to the State of Colorado alone, and it has gone to improving access for things like outdoor recreation.

This is a \$28 billion economy in Colorado in consumer spending, the outdoor recreation economy. And so, when we think about important issues like protecting our economy, protecting our manufacturing base, protecting our energy base, we also have to look at this incredibly economically important driver of our recreation base. That is what the Land and Water Conservation Fund will help us do with a \$28 billion driver of our economy that we can actually do, put policies around, to make that, continue to allow that industry to thrive, that economy to grow and the hundreds of thousands of jobs that it creates.

So we have to get this bill done. This is the crown jewel. It shows our constituents that have so much support for protecting our public lands that the Congress can and will, indeed, find an additional way to work together and to work forward on this important solution.

I have a number of questions for Susan, I am sorry, Ms. Combs. I am just asking a question.

How do we make sure that we balance, because I think we can, this is a smart country, the people of this country are very talented, we can balance the need for making sure we catch up with the backlog but also using the Land and Water Conservation Fund to acquire opportunities as they present themselves?

Ms. COMBS. Well, I look forward, very much, Senator, to working with you on this because I do think that we can strike a balance. I think we have to strike a balance, and I think we have to be creative. And so, I look forward to working with you in your great state.

Senator GARDNER. Thank you.

Madam Chair, thank you.

The CHAIRMAN. Thank you, Senator Gardner.

Senator Heinrich.

Senator HEINRICH. I want to thank Senator Gardner for making the point that I think very effectively refutes some of the talking points that we heard earlier in the hearing that somehow LWCF acquisitions are not put to productive economic use, because I think most Western states can speak that nothing could be further from the truth.

And when you look at the scale of hunting and fishing and the outdoor recreation economy and how, in many Western states, that economic activity now eclipses traditional sectors like mining and agriculture. This is not something where we are taking lands out of economic productivity. In many cases, we are enhancing the economic productivity of those counties. It is why you see county commissions send letters to me saying please, please make this LWCF acquisition because this would be good for our local economy, be it for hunting or fishing or mountain biking or a number of other things that often drive these rural economies today.

So it brings me back to Ms. Combs. I am having an impossible time squaring what you are saying with your budget. You said some very flowery things about the Land and Water Conservation program, but I guess I would just ask you, what should my constituents believe, the flowery words or the zeroes that went into the budget for Land and Water Conservation Fund acquisitions? Because I can guarantee you there is a demand among my constituents in my state for those targeted acquisitions, particularly for access.

Ms. COMBS. Senator, obviously, National Park Service and others and BLM take a look and, if Congress gives us funding to do a land acquisition, we follow the same, kind of, process. We work with the local communities to find out what are the important elements they need, where are the access points?

We're also working across the bureaus that we have now operating. The Secretary just announced about two weeks ago that we're going to be opening up to outdoor recreation about 1.4 million acres of Fish and Wildlife Refuges, et cetera.

Senator HEINRICH. I appreciate that and I think that is good policy, but when you put a zero in for acquisitions and we know that there are literally millions of acres that are closed to recreational use, closed to the recreational economy and closed to the public, it is indefensible, in my opinion, that we have zero line items for

Land and Water Conservation Fund acquisitions when you hear the amount of support around this dais for it.

Maintenance and infrastructure is the job of Interior. It is the job of Agriculture. And we are in the current backlog situation, not because of LWCF which is working. We are in the current backlog situation because, with the exception of Fish and Wildlife which has done a remarkable job in the last couple of years, the Administration and these agencies have under-resourced maintenance and infrastructure. We need to fix that, and we owe that to the American people to fix that. But to somehow blame the Land and Water Conservation Fund for the mismanagement and the misinvestment, to me, is absolutely ridiculous, and I think putting zeroes in the budget line items is also absolutely ridiculous.

Mr. O'Mara, I want to ask you, can you talk a little bit about how Land and Water Conservation Fund acquisitions can actually save money on an operational basis?

For example, you know, one way that I am familiar with is sometimes the impact on fire management when you have a broken or checkerboarded land management pattern and then suddenly you can manage that landscape as a landscape as opposed to a bunch of little pieces.

Mr. O'Mara?

Mr. O'MARA. And I'll build on Mr. French's testimony. I mean, I think, you know, especially in the West where you do have the checkerboard, whether it's fire management, more wildlife habitat corridor management, basic habitat restoration projects, it just becomes much more complicated if there's a lack of clarity over a bit of different management techniques in different places. You have fencing issues in a lot of places where you wouldn't need them otherwise if there was more contiguous ownership.

So we've seen examples where, you know, maintenance costs and restoration costs go down fairly precipitously and given the fires that we're seeing, we should have more landscape scale management so we're managing at a landscape scale as opposed to a parcel level which, you know, fire doesn't respond to or respect the parcel boundaries that we've imposed on these landscapes.

Senator HEINRICH. Thank you, Madam Chair. I am going to yield back the last 18 seconds of my time.

The CHAIRMAN. We will give those 18 seconds to Senator Barrasso, who has quickly airdropped in.

Senator BARRASSO. Thank you so much, Madam Chairman. I want to thank you for holding this meeting. I appreciate the timing of today's hearing, because just last month the Government Accountability Office released their report about the Land and Water Conservation Fund. We are also in the midst of the appropriations process and in my home State of Wyoming, summer use of public lands is well underway.

Over the years, the Land and Water Conservation Fund has funded important works all across the country. There is no question about it. In Wyoming, LWCF has provided funding for rodeo grounds in Meeteetse, for a shooting range in Lusk, and a variety of softball and baseball fields. These kinds of projects don't comprise, regrettably, the majority of funds that are expended under the LWCF during the whole 54-year history.

While I support what the Land and Water Conservation Fund is trying to accomplish, the projects, I recognize the significance for the communities around the country. I am still concerned about how funding is allocated and prioritized and how Congress will remain engaged in the future.

Congress has made progress in returning the LWCF appropriations and apportionments to their original intent during the lands package. I continue to believe that 60 percent stateside and 40 percent federal allocation should be reinstated. It is how it was originally set up.

When describing the federal side of the program it would be much more accurate to call it the Land and Water Acquisition Fund. You know, over the 54-year history of the program, about 27 percent of all the funds have been allocated for stateside grant programs while more than \$11 billion, 60 percent, of the money has been used for federal land acquisition.

Now that \$11 billion reference seems familiar and it is worth discussing because, Madam Chairman, just last week you and Ranking Member Manchin called a hearing here to review the deferred maintenance backlogs of all the federal and land management programs. And I will tell you, all of these agencies are authorized to acquire land using the federal side of the Land and Water Conservation Fund. The National Park Service, alone, has an \$11 billion backlog.

Generally, federal LWCF funds are limited to acquisition, and although the Act authorizes other purposes like forest legacy and facility management, the GAO recently reported that the historical average for all these other purposes was just 14 percent. You are well aware of the problem with that.

I think that if we are really going to have a conversation about conservation of land and water, we have to take a hard look at what action is going to provide for the best future for these resources. In some cases, the resources may benefit from other management decisions rather than adding them to the roles of federal agencies whose deferred maintenance backlogs that this Committee routinely debates.

So before I turn to the witnesses, just one final concern. Last Congress the Committee debated a proposal that would have provided mandatory funding for the Land and Water Conservation Fund. I said it then and I will say it now, I don't believe Congress should abdicate its responsibility to take a hard look at the priorities of this each year as we make important decisions about natural resource management, the federal estate and the priorities of our constituents. I think it is a valuable program. I believe Congress should ensure it continues to provide value to the constituents and to local communities.

Ms. Combs, over the last ten years, how much money do you think for the "other purposes" of the Fund did the Interior agencies collectively use for facility management, for ecosystem restoration, for other authorized uses?

Ms. COMBS. Senator, not as much as was used, obviously—and I can get you those percentages, I've seen them—as it was for acquisition. And that's been the primary focus has been acquisition. And that was, a lot of it was inholdings and within parks which

were very, very valuable to go ahead and get an inholding and if they were not for other purposes.

Senator BARRASSO. Mr. French, do you have any idea in terms of the Forest Service?

Mr. FRENCH. Again, I don't have those specific numbers, but it's very similar to the Department of the Interior and we'll follow up with you on those.

Senator BARRASSO. No, I appreciate it because a couple weeks ago the Committee held a very valuable hearing on wildfire and the outlook for 2019. And again, last week, the Forest Service's deferred maintenance backlog was clearly tied to funding for wildfire mitigation activities. This week, we are talking about how a vast majority of funds have been used to add more assets to the federal sites.

So over the last ten or so years, we look at these other purposes and funding and how it has been used for activities, and I want to make sure we are doing things that we need to do in terms of wild-life prevention and mitigation. Any additional thoughts on that?

Okay, and if not, go ahead.

Ms. COMBS. Senator, I would just say that both Forest Service and Interior are very, very focused about wildland fire, you know, wildland-urban interface. It is an extraordinary problem.

And I'm pleased to announce that we've got a great partnership with the Forest Service, but the West is burning, the East is able to burn and those funds for suppression and prevention and post-fire restoration are incredibly important to the humans that reside in those areas and to the resources that got burned up.

Senator BARRASSO. Well, yes.

Madam Chairman, I just want to be clear. I support the Land and Water Conservation Fund. I am committed to ensuring robust, public access to our natural resources. I am equally committed to ensuring that our vast forests and our prairies and waterways remain healthy for future generations. I know that the Land and Water Conservation Fund is a part of that, but I believe we need to continue to allow the Fund to adapt to current and emerging needs and continue to have these conversations.

Thank you for the hearing today.

The CHAIRMAN. Senator King.

Senator KING. I find myself agreeing with the Senator from Wyoming. But it seems to me there are two separate conversations, two separate issues at stake. One is funding and then what to do with the funding. Those are the two issues.

The problem, as I see it, is right now we have a proposal for no funding and, yet, we are talking about the importance of land conservation. I am reminded of the old poem, "Mother, may I go out to swim? Yes, my darling daughter, Hang your clothes on a hickory limb, but don't go near the water."

Having this structure of we just reauthorized permanently the Land and Water Conservation Fund, but if we don't fund it, it doesn't mean anything.

I guess the question before us is, we ought to fund it to the authorized level. I disagree with the Senator from Utah, this is money that comes in and you characterized it, it comes from the land and it was designed in 1965 to go back to the land. I mean,

that is exactly what this purpose was, and to the extent that we are siphoning off these funds for other, entirely different purposes, that is really not appropriate. Then the question is allocation.

Mr. Yablonski, in your testimony, I do want to clarify one issue. You mentioned that there might be demands on the Fund from other purposes like the Restore Our Parks Act. The Restore Our Parks Act explicitly does not—

Mr. YABLONSKI. Yeah.

Senator KING. —go into the Land and Water Conservation Fund. It is right in the language of the bill, the Restore Our Parks Act is funded by excess revenues that would otherwise go into the Treasury. So I just want to clarify that it is not a violation of the Land and Water Conservation Act funding.

Mr. O'Mara, am I correct about the fundamental structure that this is from the land to the land?

Mr. O'MARA. And the idea was very simple when Secretary Udall and President Kennedy proposed it which was if we're going to take a public asset and basically liquidate it and turn it into value, a lot of which is private, some of the revenues from that should be put back into the land to make sure that we're mitigating the impact we've had.

Senator KING. But over the years it has been siphoned off, it has not been allocated at all. I think there are only two years it has been funded to its maximum in the last 20, is that true?

Mr. O'MARA. Yeah, so in 1978 it was increased to \$900 million. Only two years, 1998 and 2001, has it been allocated fully. Twenty-two billion dollars that should have gone toward the Land and Water Conservation Fund have been used for other purposes, just siphoned off and raided into the other Treasury park programs.

Senator KING. And if we talk about using it for maintenance, that is not what it was originally intended for, is that correct?

Mr. O'MARA. Correct. I mean, the idea was that this was going to create recreational opportunities and access opportunities across the country. And this is why I think the legislation you're leading with others is very complementary, but it's a separate piece of legislation that should be supported on its own right as opposed to being merged into this bill.

Senator KING. Mr. Yablonski, convince me that this money should be used for maintenance when that was not its original purpose.

Mr. YABLONSKI. Well, actually, so the original purpose of the statute was to facilitate outdoor recreation. And I would say it would be really compelling to figure out what our public land managers believe would facilitate outdoor recreation the best.

I think in many cases, access, roads, campgrounds, trail maintenance is better linked to, or better linked to recreation than potentially acquisition. So that's why I would think that, you know, again, going back to the original purpose of the Act, if we really want to facilitate recreation, what might our public land managers believe would really facilitate public outdoor recreation and again, campgrounds, trails?

There's a trail in Bozeman, Montana, Sacagawea Peak, that I take my family to hike to, and there's a road up there to the Ferry Lake Trailhead. It is more dangerous for me to drive that road to

the Ferry Lake Trailhead than to haul myself 2,000 feet up to tag the top of that peak. So as a recreationist I would say, in that particular case, maintenance would be more important.

Senator KING. Madam Chair, is the allocation of these funds within the jurisdiction of this Committee in authorizing legislation or is it strictly appropriations?

The CHAIRMAN. We included in our legislation last year a calibration, if you will, of state side to federal side. So yes, we did that.

Senator KING. It requires, as I recall, it was——

The CHAIRMAN. Forty and 40 and then there was the specific set aside as well for additional uses.

Senator KING. Then the question is whether the Appropriations Committee pours the money into the fund——

The CHAIRMAN. Correct.

Senator KING. ——that will then go into those.

The CHAIRMAN. But we dealt with the clarification as to the state side piece because what had happened, as I mentioned in my opening, was we were seeing greater acquisition, greater dollars being sent to the federal side as opposed to the state side.

Senator KING. And our bill, as I recall, changed that, fixed that.

The CHAIRMAN. Correct.

Senator KING. So, that is——

The CHAIRMAN. Correct, so that is within this Committee's jurisdiction.

Senator KING. Good. Thank you.

Thank you all, and thank you for your testimony today. I think this is an important subject.

Madam Chair, thank you for calling this hearing.

The CHAIRMAN. Thank you.

Senator McSally.

Senator MCSALLY. Thank you, Madam Chair, for this very important hearing. The Land and Water Conservation Fund is really important to Arizona. As an outdoorswoman myself, I very much appreciate the value of the Fund and how it has impacted Arizona.

Outdoor recreation in Arizona is a \$21 billion industry, supports more than 200,000 jobs and generates nearly \$1.5 billion in state and local taxes. So this is an economic issue as well as an access issue and a conservation issue.

We have benefited over the last 50 years in Arizona from \$240 million of LWCF funds. Investments have benefited projects both large and small, from iconic national parks to local outdoor recreation areas within local communities.

I have been a consistent supporter of the LWCF throughout my time in Congress, and I am glad that we joined together in order to permanently reauthorize it as part of the lands package last year.

Mr. O'Mara, I want to highlight, ask you to talk a little bit further about a case you highlighted in your testimony in Arizona. You mentioned a recent conservation success story about the ET Ranch near Safford, Arizona. Can you elaborate more how local stakeholders were involved in this process and how it will benefit the residents and the visitors to the area?

Mr. O'MARA. Yeah, so it's a wonderful project and it's a project that brought together partners from a range of different conserva-

tion groups, working with the state, working with yourself, working with the state government as well as the federal agencies.

And the idea was to improve public access to a 6,600-acre BLM Wilderness Area that was not accessible for the most part around Safford and then the nearby 26,000-acre, 27,000-acre, Santa Teresa Wilderness Area as well. And so, by protecting these 600 acres, very strategically in the ET Ranch, we were able to connect, kind of, these areas and providing access for the first time ever. And I think for the residents of that area that have had these lands, kind of, viewable, but not necessarily accessible, kind of look, but don't touch.

Senator MCSALLY. Exactly.

Mr. O'MARA. It's transformative. And the local community is benefiting already from tourism and more folks going to the area. So, it's a great win-win-win.

Senator MCSALLY. No, it is a fantastic success story, when you think about it, how we preserve these amazing areas but then we can't let anybody have access to them. This is a perfect example of it making sense based on its original intent and being a good investment.

I next want to pick up on the discussion that is sort of ongoing which is, we do have a massive backlog in maintaining our federal lands and, as we know, the Land and Water Conservation Fund has focused mostly on acquisition of new lands.

I realize there are some people advocating that these are two separate decisions, but in reality if we are choosing to increase federal lands, there has to be some element in the decision-making process of whether we can sustain those lands and whether that is practical and affordable as well.

Ms. Combs, could you share in the decision-making process whether there is any element of the sustainability and the maintenance and the cost as these acquisitions are under consideration?

Ms. COMBS. From the federal side, which is, of course, what we take care of, we look at this and I think Collin's made an interesting point about, sort of, if you get an inholding then you may not have to fence it off, et cetera. And there's certainly some efficiencies there.

I would say, however, from anybody that owns a piece of property, if it's got a structure on it of some kind, you may have a maintenance, probably you may have a roof or something. So you have to take a look at that.

And they're trying to balance, if you're National Park Service or whomever, you're trying to balance, what is the value to the surrounding land and is it worth it? And then you get it, sort of, voted up through a panel and what you are always trying to do is to not add more deferred maintenance.

It is such an unfortunate requirement to focus on that, but we do understand that the access is critically important and the example you gave of the 600 acres opening things up, I think that is extraordinarily poignant, look but don't touch.

It really is important for us to really examine each parcel and what is its potential net. Is there a debt negative burden? And is it, of course, outweighed by the positive benefit? And so, we ask the National Park Service and BLM and Fish to take a really hard look

at that each time, and we think that's very important. So it's an ongoing conversation with respect to each and every parcel.

Senator MCSALLY. Okay, great.

Any other panel member want to comment on that part of the process? Yes, sir?

Mr. YABLONSKI. Yeah, Senator, I would just say, so when the lands package passed, LWCF was permanently reauthorized so permanent is a pretty long time. It goes forever and ever. And the allocations were locked in permanently too, is my understanding, at the 40 percent for federal purposes which has been defined primarily, if not solely, acquisition, 20 percent for other purposes which is that flexible pot that maybe you could use for maintenance or for other programs. But 20 percent historically, if you look at the last ten years, is probably the lowest percentage that it's ever been. So that's been locked in.

So it would just seem to make sense when you're looking at something that's forever and ever, maybe there are acquisition needs that are here and now, but as you move forward in the life of the program, you may shift even more and more to maintenance. There will be, sort of, a critical mass of acquisition and then it will need maintenance and you would think Congress would want to have that flexibility in a permanent program to be able to shift to the highest priorities.

Senator MCSALLY. Great, thanks for your perspective. I am out of time.

Thank you, Madam Chair.

The CHAIRMAN. Thank you, Senator McSally.

Senator Daines.

Senator DAINES. Thank you, Chairman Murkowski.

The Land and Water Conservation Fund has been absolutely critical to the State of Montana. It is remarkable, 70 percent of our fishing accesses have been funded through LWCF. In fact, this time of year, if you are in the Minneapolis Airport, Denver, Salt Lake, Dallas, Atlanta and checking the flight that is going to Bozeman—which I make that trek back and forth virtually every week—there are as many flyrods getting on that plane as there are passengers. It is an incredible driver for our economy in Montana.

The beauty of that is fly fishers come out to Montana, and I was fly fishing in Montana before Brad Pitt discovered it back in the '90s. But it is catch and release. Our fishing has never been stronger in terms of fish per mile. It has wonderful ecosystems, and now we can access them because of the Land and Water Conservation Fund and these fishing access sites. It is critical to unlocking access to our public lands. We have very unique stream access laws in Montana. The public can access from high-water mark to high-water mark.

LWCF supports our logging activities to ensure that we are better stewards of our forests, protecting our timber industry and the jobs there, the Forest Legacy Program, protecting water quality in very important watersheds for our communities in Montana. LWCF allows ranching families to keep their businesses and heritage in the family. It protects habitat for many of our state's iconic wildlife species, and there is much, much more in Montana.

Our public lands, our outdoor recreation opportunities in Montana, they are the envy of the world. They are our way of life, and much of that has been enabled because of the Land and Water Conservation Fund.

Earlier this Congress, we took a historic step to permanently reauthorize LWCF by passing a bipartisan public lands package. It took a public lands package to bring divided government together.

While I appreciate today's hearing to focus on the oversight of this program, I encourage this Committee to back up the commitment we made earlier this year and that is to provide full dedicated funding for the program. That is why I was happy to introduce a bipartisan bill, Senate bill 1081, the Land and Water Conservation Fund Permanent Funding Act to fully fund this program. I am glad the House Natural Resource Committee took action just last week to report their counterpart legislation out of their committee, and I encourage this Committee to act quickly.

While enacting permanent reauthorization was important to ensure the American people that the program is here to stay, there is substantial need in Montana to provide the certainty that funding will also exist year after year.

There are plans underway by our state to build more fishing accesses to some of our more popular rivers that become overcrowded now in the summertime. There are still over 1.5 million acres, 1.5 million acres, of public land in Montana that is inaccessible to the public. The Nature Conservancy's Clearwater Blackfoot project—100,000 acres of forest lands that are in need of funding for targeted easements, targeted acquisitions and other forest projects to keep this landscape working. The Lolo Trails Landmark area—14,000 acres of premier recreation, outdoor recreation lands, vital hunting access on these lands themselves and on adjacent national forest ownership. LWCF is also a critical tool to building and restoring big game wildlife corridors, looking at migration patterns of our wildlife which I know is a priority for this Administration. These uses are all critical to supporting our some \$7 billion outdoor economy that we find in Montana as it relates to recreation. We need to act now, and I encourage this Committee to take that action.

So my question is for Mr. O'Mara.

Could you speak to the importance of enacting Senate bill 1081 providing for full mandatory spending of LWCF?

Mr. O'MARA. Yeah, thank you, Senator, and thanks for your incredible leadership on this. It's the most important step we can take for conservation in this country right now.

If you look at the number of communities that have public lands that they cannot access because of a lack of access points and you think about the transformative nature of investments that you've helped make in, like, the Tenderfoot or in the Rocky Mountain Front, you know, allowing that kind of access creates opportunities for local economies that are, frankly, in desperate need of more opportunities right now.

And so, I think, there's a lot of priorities before the Congress, but this is absolutely one of our top to try to get done this year.

Senator DAINES. Mr. Yablonski mentioned the Sacagawea Peak and the Ferry Lake access too. One of the challenges we face right

now is we love our public lands, and the areas where we have great access to public lands tend to be growing, places like my hometown of Bozeman. We just need to continue to invest here because when you go to trails now, they are crowded. And we need to continue to invest here.

And last, I will say this, we look at the \$7 billion economy for Montana for outdoor recreation, I think that is just the tip of an iceberg. And the reason I say that is because when you look at the reason companies are growing and the reason people are moving to Montana, it is because of the access to our public lands, the way of life that we have.

I think there is a whole other economy there that's happening and can fit in our high-tech category because men and women want to enjoy where they work. They like to play as well as work hard, and that is all part of this economy that is growing right now in many parts of Montana.

Thank you, Chairman Murkowski.

The CHAIRMAN. Thank you, Senator Daines.

Senator Wyden.

Senator WYDEN. Thank you very much, Madam Chair.

And Madam Chair, I want to thank you and Ranking Member Manchin for holding this hearing on important implementations affecting the Land and Water Conservation Fund. In my view, the big implementation issue with this critical program is inadequate funding.

You and I, Madam Chair, have talked about this since the days when I was Chair of the Committee and we worked on it, and the issue is as important now as it was then.

I do want to get into an issue that, to my knowledge, Madam Chair, has not been discussed in this Committee, but I think it is going to have to be discussed because it reflects a development that was reported on in the news just in the last couple of days. In the last couple of days, it came to light that millions of acres in the West are now being bought up by just a few private landowners, and this has introduced a whole host of new issues. Apparently, according to these news reports, some of these private landowners essentially are asking people about their political views before allowing local folks to cross onto public lands. Now if this is the case and if it is widespread and, again, this is a brand-new news report and all of us know that it ought to be taken in that context, this ought to be concerning to all Americans in this Committee. Publicly owned lands are everybody's lands and this Committee has always had the responsibility of doing oversight to making sure that public lands meant just that, that public lands ensured equal access.

So I thought, Mr. O'Mara, apropos of this, what do you know about this development, if anything, and what are your thoughts about the prospect of the possibility of new, very large, private landowners in effect developing something which I don't know of in the law, as a former Chair of the Committee, basically saying you can have a political test that determines whether somebody gets access to public lands.

Tell me what, if anything, you know about this development. How serious it is and maybe it is not serious and what you think

about the concept of having almost a political litmus test for getting access to public lands?

Mr. O'MARA. Yeah, I mean, so across the—thank you for the question.

Across the West we are seeing, kind of, these large and very wealthy individuals buying up more and more tracts. And it's actually a little more insidious than you even mentioned, in that you're seeing folks actually try to shut down existing public access, public roads, things like that, that are public assets so they're basically either just closing on their own with like, kind of, gates and the like or trying to go to county commissions to get them to condemn roads in some cases, trying to make it all private.

There's 9.5 million acres that are currently inaccessible that are public lands, federal open lands that the public just cannot get to right now. That number is actually going to get bigger if some of these acquisitions occur, some of these, kind of, large landowners buy more land and then try to shut down additional access. And frankly, it's changing the very nature of, kind of, conservation in some communities.

Like in Idaho, for example, lands that have been accessible for a long time, even though they're privately held, there's just, kind of, a common understanding that if folks were going to hunt responsibly or fish responsibly, that that would be allowed. And you are seeing these—I haven't seen so much on the political test, but I am seeing folks shut down land that's been accessible for generations.

And you think about, like in Oregon or like the John Day River, like the little acquisition that you led, you know, a few years ago, you know, made that waterway accessible at scale. If we lose those opportunities then we don't have a tool to combat that, like full funding of LWCF. We're going to see more and more access be lost in over that time in the years ahead.

Senator WYDEN. I don't have much more time. I would like to hold the record open for you to outline any additional views you may have on this. I know it is striking you as something that you were not prepared to be asked about this morning.

I would only ask, Madam Chair, if we could discuss this in the days ahead because I was struck by this news just a couple of days ago. The article was very detailed. It was, of course, just a news report. But if even a portion of what was described there is accurate, particularly with respect to access of public lands, that is something we have always gotten into. And under your leadership and the Ranking Minority Member, I would very much like to see us get into it.

The CHAIRMAN. Well, I appreciate that, Senator Wyden. I, too, read the article with great interest and probably similar concern.

I think that is a subject that is important for this Committee's discussion, but I think also one of the points that Mr. O'Mara raised in that you do have significant, significant lands that are being bought up by very wealthy individuals that, again, are cutting off what we would assume to be historic access to hunting and fishing. It is a reality that the lands that we seek to enjoy are becoming more and more limited whether it is through what was described in the New York Times article or the very significant areas

of land that we drive by and say, well, I remember being able to go fish on that, but now it is owned by X millionaire.

Senator WYDEN. Madam Chair, my time is up. I very much share your view as it relates to hunting and fishing and these other uses. I am going to be heading home to rural Oregon this weekend. I am sure I am going to hear about that.

I thank you for your thoughtful response and look forward to having the chance to talk about it.

The CHAIRMAN. Thank you.

Senator Hoeven.

Senator HOEVEN. All that talk about hunting and fishing is making me anxious to go hunting and fishing.

[Laughter.]

Thanks to all of you for being here.

Assistant Secretary Combs, the deferred maintenance backlog for the National Park Service has grown to over \$12 billion. It is many millions in our state and I am sure in every state.

Does the authority of the LWCF State and Local Assistance Program, as administered by the National Park Service, extend to the maintenance of infrastructure, for example, road repair? In our national parks, we need road repair. What is being done there? What can be done?

Ms. COMBS. Senator, let me make sure I understand your question. Are you asking about, what is Parks doing right now if it's road repair or is this related—

Senator HOEVEN. Road repair in the parks.

Ms. COMBS. Well, we're way behind. We're about \$16 billion in the hole on all across everything. The bulk of it is in the National Park Service. For example, there is a water line that is not, that breaks a lot in the Grand Canyon area. We have roads that don't work. We have buildings that don't work. We have toilets that don't work. We have a horrible deferred maintenance backlog. And so, that is why the Administration has supported the effort to go ahead and have a short, but very important five-year period to take money out of the energy that's produced from the lands that are held by Interior, put them back into these lands and see that we can transform this and turn this around and have a safe and enjoyable experience for our customers, who we have hundreds of millions of people.

Senator HOEVEN. So you are a strong supporter of the Restore Our Parks Act of which I am a co-sponsor—

Ms. COMBS. Yes, I am.

Senator HOEVEN. —and feel that the infrastructure funding is an absolute priority for our National Parks?

Ms. COMBS. Yes, I do and I would say we, all of us here at this panel, support recreation. We support outdoor activities.

It's just that our focus is on, primarily on, the assets, the land assets that we have in order that we can provide the best value to the wonderful families and people that come and visit them. And it's got to be safe and it's got to be an enjoyable experience.

Senator HOEVEN. That sure seems like a bill we ought to be able to move because it is also bipartisan.

Mr. French, as of last year the Forest Service managed approximately 193 million acres, with 80 million acres, or 40 percent, deemed to be at high risk of wildfire.

Talk to me about how you work with the local ranchers and others that live either on the, like the grasslands, the tenants and that live out and near the, you know, these national, these public lands. Talk to me about how you are working with them in terms of controlling wildfire because it affects them too, right? Do you do controlled burns or any of those kind of things, that can affect ranchers in the area or, for example, ranchers on the national grasslands?

Mr. FRENCH. Yeah, thank you, Senator.

That is a huge issue for us, both for the protection of their livelihoods and then for the resources that we're asked to manage.

This is one of those areas in terms of access that becomes really important—whether it is through easements or through coordination with local ranchers or through permanent access—that road infrastructure and getting into those areas where we have wildfires is critical. We have to create close working relationships with those folks so that we can actually access the lands to provide that wildfire suppression.

Senator HOEVEN. Good. I think that is really important.

I think it makes you more effective and it certainly makes for better relations out there, helps them, and what you do has a very significant impact on them.

What about your deferred maintenance backlog?

Mr. FRENCH. It's huge. And you know, probably the biggest factor that has affected us on our deferred maintenance actually is the cost of wildfire suppression.

And right now, we have more than 370,000 miles of road and 13,000 bridges. We need that infrastructure just to go in and access to provide wildfire suppression and prevention activities on behalf of recreationist, our grazing communities, our forest products industry. Having a sustainable, well maintained set of infrastructure is critical for those responses. Our total backlog is about \$5.2 billion and one of our primary focuses right now is how to get ahead of that.

Senator HOEVEN. So that access and that infrastructure, is very important to you?

Mr. FRENCH. Incredibly important.

Senator HOEVEN. Okay.

Ms. Imgrund, how does the Land and Water Conservation Fund's State and Local Assistance Program help states keep up with local recreational infrastructure needs? I mean, now I am talking about some partnerships, well, partnerships with the states and then also any public-private partnerships too. Again, going back to meeting that critical infrastructure need.

Ms. IMGRUND. Sure. Parks are really a form of equity in the United States so that having a whole bunch of different kinds of parks is really important to the outdoor recreation needs across the country.

In states, the grant programs support projects that are identified by local communities. So those local communities and the states, itself, can apply for money for acquisition and for development of

parks. The maintenance and stewardship of those parks is the responsibility of the local and state governments. So federal funds are not used for the ongoing maintenance and stewardship of those local parks, but those local and state parks are supported and improved through the federal Land and Water Conservation Fund.

Senator HOEVEN. You mentioned in your testimony, though, ways to improve access to public lands and outdoor recreation. Do you believe there could be improvements to the LWCF State and Local Assistance Program? And could those improvements be implemented administratively or does it require action by Congress?

Ms. IMGRUND. There are a number of improvements that could be made to the program such as assuring that funds are more readily available to the states. I think that full funding would assist with that because the National Park Service and the Department of the Interior would have certainty on the funding that was going to be going to the states and could more quickly apportion the funding to the states.

There are also a number of other issues such as the need for some administrative support for the states to steward the sites over time which would come out of the regular LWCF allocation. We'd like to talk about that. We think that could be done for the appropriations process.

And we're also interested in looking at an extension of an area that's called Temporary Nonconforming Use. So each LWCF site is protected permanently when the funding is allocated from the Federal Government to the state and then to the grant. Those funds, then the states inspect those areas every five years to assure that they are still being used for outdoor recreation. But sometimes, those areas, there might be a small project that either expands the recreational access to the park or as a highway project that might take part of the park as a staging area for a short period of time. In other words, the park is not permanently converted, but it's converted for a short period of time. Currently that is allowed for six months, and we would like to see that changed to three years. We also think that that could be done through the appropriations process, because it was previously done through a conference committee report.

The CHAIRMAN. Thank you.

Senator HOEVEN. Well, that is good, you have the Appropriations Chairman here to talk to about it.

[Laughter.]

Thank you, Madam Chairman.

The CHAIRMAN. Thank you.

Let's go to Senator Cantwell.

Senator CANTWELL. Thank you, Madam Chair, and thanks for having this important hearing. I so appreciate all my colleagues' viewpoints. I feel like a lot of people put cards on the table this morning as to how we make our way through this process. And I certainly appreciate all the hard work of the Chair and the Ranking Member on trying to figure this out and move forward.

You know, I come from a state that can be somewhat empathetic to all of the viewpoints that have been discussed here. I mean, certainly there are counties in Washington State that are 80, or a very high percentage of public/federal land and yes, we want PILT

money and we are a state that definitely has a lot of national parks and we want backlog and maintenance and certainly, certainly, believe in LWCF.

I forgot, my colleague from Maine asked for—yes, yes, please go ahead.

Senator KING. One question for the record.

The CHAIRMAN. Certainly, Senator King.

Senator KING. If you all could share your thoughts with us in writing after this hearing.

My concern with the use of LWCF for maintenance is a kind of moral hazard problem that if LWCF becomes the go-to fund for maintenance, nobody will ever have a maintenance budget again. And then what we are really doing is facilitating both Congress' and the agencies' avoidance of doing deferred maintenance.

The word deferred means somebody put it off. And so, if you could give us your thoughts. Maybe a matching requirement if LWCF puts up some maintenance money, the agencies have to put up a matching amount? I don't know. I am looking for guidance here because if we use LWCF, it would take the whole fund for 15 years just to cover deferred maintenance and I am worried about the moral hazard. So thank you very much.

Thank you, Madam Chair.

Senator CANTWELL. Thank you.

Playing into that, I guess, my point is I know some people think we definitely used LWCF to help us not increase the backlog and maintenance. I mean, that is what we did at Mount Rainier by fixing the Carbon River because it was flooding out. That is what we have done in expanding land at White Salmon. So the notion that somehow this is, you know, counter, it is helping us.

The question is, my personal viewpoint this morning would be, why do we collect, why do we have this money in the budget for LWCF and then not spend it—more than 50 percent of the money is not spent?

And so, when I look at it, I look at this report, Ms. Combs, that the Department of the Interior did two years ago now that basically said, 101.6 million people access recreation, hunting and fishing in the United States of America. That should be the premise for increasing more access to public lands. That is a great report. I hope we update it in 2019.

The outdoor economy with over \$887 billion of consumer spending and 7.6 million jobs and an opportunity for rural communities just to add a little bit of investment to attract people to come for rural economies is just—I hope that we will figure this out.

Mr. O'Mara, I wanted to ask you, because one of the reasons why I am so anxious about figuring this out and getting it right to continue making the investments in LWCF and to take care of the backlog and maintenance is I feel like climate is impacting our public lands. If we don't have all the tools to best deal with that, then we are going to be challenged, whether it is at Denali where you might have some erosion or like we had with the Carbon River. Why is this even more urgent now to figure this out and not steal from Peter to pay Paul, but to come up with ways to deal with both of these programs?

Mr. O'MARA. And I appreciate the question. And look, you're in an unenviable position as a Committee because you're basically on the back end of having decades of underinvestment in our public lands. I mean, if these are public lands then in many ways it's going to be our salvation and on the climate side between natural carbon sinks as well as trying to have more resilient lands.

We haven't treated them that way. We haven't treated them very well. And I think whether it's, you know, improved forest management because we are able to acquire individual parcels that allow, like landscape scale, for fire management or if it's resilience around conservation and wetlands that absorb millions of gallons of water so communities behind them don't get flooded out, this is going to be one of the most important tools we have to make communities safer and more resilient as you start seeing more impacts. And it's got to be part of the bigger suite. And frankly, you know, we're in the richest country in the world, we have to figure out a way to fund land conservation, habitat restoration and maintenance at a time when we need all three given the impacts we're seeing on the landscape.

Senator CANTWELL. And to make sure that we are not losing, I would hope that Interior would update that report and then show us, if we took care of backlog and maintenance and made the proper investments in LWCF, what kind of economic return we might get as a nation because if we are at \$887 billion now and further investment.

Look, I know there are properties in the State of Washington that I would like to see upgraded, that I think would attract even more people to come. I am sure there are also properties in Glacier National Park and other places. But we also have to realize if we don't have the proper investment, we might lose some of the access because of the impacts of climate. I really think we ought to get that number as well so we can see. Can we work with you, Ms. Combs, on that?

Ms. COMBS. Absolutely, Senator. Thank you.

Senator CANTWELL. Alright.

Thank you, Madam Chair.

The CHAIRMAN. Thank you.

We have had an opportunity to hear from quite a range of Senators here today. I think it speaks, again, to the level of interest in this matter and the challenges that we have in front of us.

I wanted to ask a question just relatively quickly here because, Mr. Yablonski, you, in your testimony referred to, kind of, an alternative to the mandatory funding piece, in terms of a proposal to use user fees as a potential offset following the Pittman-Robertson Fund that has been successfully implemented for decades. It is something that I have thrown out there in different conversations just to try to test the temperature, if you will. You have actually released a report, "How We Pay to Play," which examines the implementation.

So let me start with you first and ask for your suggestions or your thoughts as to how Congress, if we were to implement this type of a user fee to support recreation funding, how do you suggest that that is structured? And then as he is responding to that,

Mr. O'Mara, I am going to ask you to weigh in here, give your views on this as something for us to consider.

Mr. YABLONSKI. Right.

Well, Madam Chair, as you know, I mean, this is an enormous opportunity to bring an additional source of revenue to the table for all the conservation needs that we've been talking about here today.

Sportsmen, as our report laid out, through hunting and fishing licenses bring in about \$1.6 billion a year and excise taxes on deer and equipment related to hunting and fishing brings in an additional \$1.1 billion a year for wildlife conservation. So you put those two together, you have \$2.7 billion going to states for wildlife conservation. Essentially sportsmen are underwriting the majority of wildlife conservation in America today.

And you compare that number to the \$400+ million with LWCF and you see that there's this potential if you could look at the market and where it's growing and we keep hearing here today about outdoor recreation and this is, sort of, the shifting sands of preferences and demographics, but an \$887 billion economic output. If you were to tap one tenth of one percent of that, you would fully fund LWCF at the levels that everybody is seeking forever and ever.

So one, you know, opportunity here is to look to the outdoor recreationists, people like me. I'm a—I go hunting and for every ten times I go hunting, nine of those times I'm a hiker, maybe only one time, you know, I'm a bad hunter, so maybe one time out of ten, I'm actually a hunter. But I don't pay anything as a hiker for the impacts I have to trailheads and to the trails that I'm actually hiking on.

So I think part of this needs to be a bottoms-up thing. I think with the hunting and angling community in the 1930s and 1950s, they bought into this. There was an ownership interest in conservation, and they wanted this kind of license and they wanted the excise tax. And they guarded it jealously.

And I really think it's incumbent on the outdoor recreation community to, sort of, have this ground swell and figure out how they can, sort of, what I would call, BYOLR, Bring Your Own Life Raft, and actually be a part of the solution here where you have an ownership interest in conservation funding going forward.

The CHAIRMAN. Mr. O'Mara, your thoughts?

Mr. O'MARA. I'm hesitant to disagree with my good friend, Brian, but the American people have already paid in some way. I know it doesn't score well and it doesn't, kind of, meet, kind of the CBO, the way we think about scoring. But the deal that was cut in 1964 was this idea that we're going to be having to liquidate additional public resources in the form of offshore oil and gas to meet the growing population at the time, and therefore, those revenues should go toward conservation to basically mitigate the impact.

And so, I get that it doesn't score because it's money that could otherwise go to Treasury, but in some ways, they already have paid through the degradation of our public resources.

I mean, and as someone who my organization helped, kind of, write Pittman-Robertson in 1937, it has been incredibly successful. We've done a wonderful job bringing back white-tailed deer and elk

and mule deer and pronghorn and a whole range of sport fish and wild turkeys and a whole range of waterfowl. We've also done a pretty bad job with everything we don't hunt and fish.

And one of the challenges we face right now is a lot of the species that are in trouble, you can create a moral hazard in the design of these programs because in that case, because the funding came from sportsmen, they rightfully, including myself, want the conservation of game species. We didn't see a lot of work on, kind of, other areas, so we would love to work with you on trying to figure out ways to fund all these things.

I do think we hold conservation to a higher bar than we do other parts of funding in the budget. I mean, when you see places that we've waived pay-go. You see places where, you know, supplementals or OCO or things like that, we tend not to hold conservation to the same standard, we tend to hold it to a higher bar.

But this is a tough conversation but I do think that, you know, taxing backpacks and things like that, probably isn't the right way to go if we're going to try to have a permanent, sustained funding model. We should be able to find a couple billion dollars in a multi-trillion-dollar budget for conservation that supports an \$887 billion economy.

Senator MANCHIN. I want to follow up on that.

The CHAIRMAN. Senator Manchin.

Senator MANCHIN. Yes, it is very interesting to me.

Somehow there has to be skin in the game. We all have to have skin in the game. And I think that Collin, you just mentioned that you think that the taxpayers already have skin in the game. They are paying. With that though, the money is dedicated from off-shore, I understand. But we have a \$23 trillion debt. Nobody is even talking about that.

This is going to hit us so hard and the next generation is not going to be able to carry the load. And no one, I mean, not a Democrat, not a Republican, is talking about the financial crisis that is going to hit this country and hit it so hard, we won't be able to breathe. It will make 1927, 1928 look like a blip on the radar screen. And nobody has raised a flag on that one.

To me, you are talking about, Brian, I think, basically in all the things we use, camping gear, this, that, and everything else, if there was a fee. I don't know. What type of percentage are you talking about, the same as what we do on ammo, the 10, 11 percent? Are you talking in that 5 to 10 percent range?

Mr. YABLONSKI. I don't even think it would have to be that high. I mean, depending on the gear that's being used. There's so much more gear, potentially, that's being used in the outdoor recreation world that you could really diffuse that kind of a—

Senator MANCHIN. So, a five percent fee, maybe?

Mr. YABLONSKI. Yeah, something like that would certainly—

Senator MANCHIN. Okay.

But with that, if we had something written into legislation that says, for the amount of money that we, as the Federal Government had to appropriate a match for that money that we were collecting.

Mr. YABLONSKI. Right.

Senator MANCHIN. That went directly toward.

Mr. YABLONSKI. Right.

Senator MANCHIN. You are talking about directly toward deferred maintenance.

Mr. YABLONSKI. That's right, or any of the conservation needs. I mean—

Senator MANCHIN. I know, but if we don't start directing money toward deferred maintenance—we are having a hard time.

Mr. YABLONSKI. Right.

Senator MANCHIN. We are talking about permanent funding of LWCF. Basically, for us to continue the great program and all the work that has been done, what we do with LWCF, if we broaden that thing out, I will swear to goodness, we will end up, if everyone else starts raiding that piggybank, we won't be getting what we are getting now. We are very much concerned about that. I am.

This additional pot of money really intrigues me because then it makes the Federal Government, it makes all of us, step to the plate and says, okay, the private sector has put in this. We have to match this. This is mandatory appropriations.

Mr. YABLONSKI. And Mr. Senator, if I may?

Historically, that match on the sportsmen side that has been brought to the table, the Pittman-Robertson and Dingell-Johnson.

Senator MANCHIN. Yes.

Mr. YABLONSKI. Those funds had been pretty immune to raiding or shifting money out of there, and I think that's because the sportsmen really have a vested interest in it. I mean, they stand over the shoulders and say, where is my money going?

We had a case in Florida where a legislator actually wanted to eliminate fishing licenses for a year. The groups that fought that right out of the chute were the anglers and the fishermen because they knew that revenue was going straight back to angling, fishing, biology, recreation or conservation that benefited them.

Mr. O'MARA. And like I said, some other generation is going to end up paying for the deficit. You know, look, but it wasn't conservation that drove any of that, right? I mean, between the wars and the tax cuts, the stimulus. I mean, like, you look at the places where the big pieces came from. I would argue that, you know, we were at about, I don't know, two percent of the federal budget was going toward conservation during the Carter and Nixon Administrations. We're like, well less than one percent right now.

A generation of disinvestment in this area, as we increase entitlements, as we increase defense spending, as we increase all these other things, are the reasons why we're paying hundreds of billions of dollars right now in disaster relief for wildfires, for flooding. I mean, like we haven't conserved these natural systems. We've got companies that can't make them move the landscape because of ESA because we have to save the species proactively, so we're trying to do it after the fact.

Land and Water is an important piece of that equation, and I think there's places where—we're incredibly penny-wise and pound-foolish as a government, right? Well, we're paying for it regardless. I mean, you guys are going to have to vote on another \$100 billion of supplementals at the end of this Congress because of the hurricanes and the forest fires—they're going to come inevitably.

And so, a little bit of investment that allows us to reduce that cost because you know every \$1 we spend in this area, especially if it's mitigation focused, is going to save us \$4 somewhere else in the budget. Anybody that had that kind of return in the private sector would take that in a heartbeat. But yet, we always put things off because it's easier and it's the next person's job.

So I would encourage us to think about what the avoided cost if we're thinking about the long-term scoring, the long-term applications on the debt, not just, kind of, the hard line item because it's just gotten us to a place right now where, you know, we've got folks suffering from wildfires that, frankly, should never be in that position if Chris had the resources he needed to actually manage our forests and to get them healthier and have them more fire resilient. But we keep, we wind up in this feedback loop, unfortunately. But we're paying the consequences because we're doing the preventative measure on the front end.

Senator MANCHIN. Good, good, good conversations, good panel.

The CHAIRMAN. Thank you all. This has been important discussion.

This is just a reminder to us, as a Committee, the role that we play when it comes to the stewardship of our lands and access to them. It is not just about buying them, making sure that they are there as public assets, but what we then do with them, how we care for them.

I think we recognize that we have failed in that category in terms of caring for much of our public lands and this is why, I think, we are having this tension now where people like me are saying, you have acquired enough or certainly, at least in my state. Now let's make sure that you are doing right, you are being honest with how you are caring for these lands because when we want to talk about access, it is not just making sure that it is there in that colored spot on the map, but it is a place that I want to go to because it is not trashed.

We have some important considerations here, but I think there is clearly a commitment from folks on this Committee and throughout the Senate, throughout the Congress, that we want to try to do right by our public lands.

Your comment, Mr. O'Mara, about, you know, you can't remember the last movie you went to or what you ate, but you do remember your hiking trips. There is a connection to the land, I think, that we all have. And for those who don't have that, I feel sorry for them because they are missing a very important part of who we are and what we can connect to.

I think I am extraordinarily blessed to have what I have in my state, and I am thankful for that. And I want to make sure that others have an opportunity for continued use and enjoyment. That is how we take care of things.

With that, we stand adjourned.

[Whereupon, at 12:12 p.m. the hearing was adjourned.]

APPENDIX MATERIAL SUBMITTED

U.S. Senate Committee on Energy and Natural Resources
June 25, 2019 Hearing: *The Implementation of the Land and Water Conservation Fund Program*
Questions for the Record Submitted to the Honorable Susan Combs

Questions from Chairman Lisa Murkowski

Question: Is maintenance a factor in the existing process to select federal land acquisition projects? If so, how does each Bureau factor in maintenance needs in acquisition projects? If not, why not?

Response:

All three land acquisition Bureaus, the Bureau of Land Management (BLM), U.S. Fish and Wildlife Service (FWS), and the National Park Service (NPS), consider maintenance requirements during the acquisition project selection process.

The Bureau of Land Management conducts a preliminary assessment for potential acquisition projects at the local level to consider the additional maintenance impact of the project and how it may impact future resource needs. If a potential acquisition parcel includes facilities or structures not needed for BLM's mission, BLM will work with the seller or a non-governmental organization to remove the facility or structure prior to conveying the property to the government.

The FWS avoids acquiring land with improvements that would increase maintenance needs unless there is a compelling justification to do so, such as providing public road or trail access to lands or waters that do not already have suitable access. Since 2010, more than 75 percent of FWS acquisition acres have been conservation easements, where the private landowner retains ownership of the lands, as well as responsibility for managing the land. In a few cases, FWS acquires land with improvements that enhance public wildlife-dependent recreational access.

The NPS considers all future costs, including maintenance and operations, when examining requests for the protection of park unit resources through land acquisition. During the initial ranking process, the park unit describes how the resource, if acquired, will impact the bottom line of the unit's operational and general maintenance costs, as well as any others that would factor in, either positively or negatively. At the national ranking level, both the costs and the savings associated with a proposed action and projections into the future are considered in the total ranking of each request.

Question from Senator Ron Wyden

Question: During the hearing, there was much back and forth about how the Land and Water Conservation Fund may or may not add to the deferred maintenance backlog on lands managed by the Department of the Interior. Please provide specific examples of how LWCF can actually be used in some cases to reduce the deferred maintenance backlog.

Response:

One of the primary examples of deferred maintenance savings from federal land acquisition projects is the benefit of no longer having to maintain fencing when a private parcel within public

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land areas is acquired. The acquisition eliminates the need to maintain fencing in place to prevent public trespassing on private lands, and promotes ease of access for better management of fire, law enforcement and potentially recreational access.

Sometimes an acquisition can provide superior access to public lands, eliminating the need to maintain inferior routes or construct an alternative route. At the Trempealeau National Wildlife Refuge in Wisconsin, the refuge's main road floods several times per year and is sometimes closed for extended periods due to flood damage, however, a recent acquisition provides consistent access to the refuge in an area not subject to flooding.

Within the Fish and Wildlife Service, acquiring land within refuge areas can eliminate the need to maintain dikes, levees, and other structures that prevent FWS waters from flooding adjoining private lands. At Siletz Bay, Nestucca Bay, and Bandon Marsh NWRs in Oregon acquired lands eliminated the need for FWS to maintain levees to prevent flooding of adjacent private lands. At all three refuges, the levees and associated water control structures were dilapidated and in need of expensive repair. At Lower Klamath NWR, in California and Oregon, the acquisition of a flowage easement will enable FWS to restore waterfowl habitat on 10,000 acres of public land and 4,000 acres of private land while eliminating the need to maintain existing levees to prevent flooding of private lands. The Bureau of Reclamation estimated new levee construction would have cost up to \$26 million without the easement acquisition.

Question from Senator Mazie Hirono

Question: If Congress were to provide full mandatory funding for the LWCF by passing S. 1081, do your agencies currently have prioritized lists of land acquisition projects that have been reviewed and are ready to utilize these funds?

Response: As indicated in the FY 2020 President's Budget, the Department's priority is to take care of the resources we have rather than acquiring new Federal lands. Individual bureaus continue their established, annual processes to identify land acquisition priorities. The Budget does not propose funding for new land acquisition.

Question from Senator Angus S. King, Jr.

Question: There has been a lot of discussion about using LWCF funds to address the maintenance backlog on our federal lands. My concern is that this will lead to management agencies eliminating maintenance funding in their budgets and relying solely on LWCF funds. Do you have suggestions to avoid this issue?

Response: The Department manages an infrastructure asset portfolio with a backlog of over \$18 billion in deferred maintenance. To address these needs, the FY 2020 President's Budget re-proposes a Public Lands Infrastructure Fund that would generate up to \$6.5 billion over 5 years for deferred maintenance needs of the Department. Similar legislation, S. 500, has been introduced on a bipartisan basis in the Senate, and we look forward to working with the Congress on this

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legislation. Addressing the maintenance backlog needs of the Department with the time-limited Infrastructure Fund will significantly improve many of America's most visible, visited, and treasured places, however, it will not replace the need for continued operational and cyclic maintenance of our asset portfolio.

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Questions for the Record Submitted to Mr. Chris French

Questions from Chairman Lisa Murkowski

Questions: Is maintenance a factor in the existing process to select federal land acquisition projects? If so, how does the Forest Service factor in maintenance needs in acquisition projects? If not, why not?

Response: Yes. The USDA Forest Service policy is not to acquire lands with maintenance requirements, and to have the seller remove structures, close mines, and address hazardous materials issues (if those exist). There are circumstances where the Forest Service acquires fee title to lands crossed by roads (or trails) that are needed for access. In addition, in rare circumstances the Forest Service may acquire a structure if the agency determines it has historical value or can be used to generate income as a recreational cabin.

Question from Senator Ron Wyden

Question: During the hearing, there was much back and forth about how the Land and Water Conservation Fund may or may not add to the deferred maintenance backlog at the Forest Service. Please provide specific examples of how LWCF can actually be used in some cases to reduce the deferred maintenance backlog.

Response: “Deferred maintenance” refers to the continual delay of infrastructure maintenance. Recent examples of LWCF projects that have reduced maintenance needs include the Beavertail to Bearmouth land acquisition on the Lolo National Forest in Montana and the Historic Portage Pass Trail acquisition on the Chugach National Forest in Alaska.

Beavertail to Bearmouth: This project is located where multiple tracts of non-Federal land are interspersed with tracts of Federal land (known as a “checkerboard” pattern). This acquisition would bring the non-Federal parcels into Federal ownership, eliminating over 34 miles of property boundary surveying, marking, and maintenance - over \$500,000 in savings. The consolidation eliminates about two encroachments per mile, and the acquisition removes the road use conflicts with private interspersed ownerships relying on old easements.

Historic Portage Pass Trail: The acquisition will make a net positive contribution to operation and maintenance by providing the Forest Service with greater flexibility to manage trailhead and trail access in response to public demand and resource needs. Acquiring the property reduces maintenance costs by converting a road bridge near the trailhead to foot traffic, limiting the frequency and extent to which public funds are expended on replacing road culverts and maintaining roads.

Question from Senator Mazie Hirono

Question: In Hawaii invasive species contribute a significant amount of hazardous fuel load for wildfire. Acquiring and conserving lands in Hawaii provides important resources to remove invasive species,

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protect native species, and reduce our wildfire risk. In your testimony you note that the President's FY 2020 budget proposes no funding for the land acquisition program in order to focus resources on reducing wildland fire risk, contributing to the improvement of forest and grassland conditions across shared landscapes, and contributing to rural economic prosperity.

Is it your opinion that land acquisitions do not reduce wildland fire risk, contribute to the improvement of forest and grassland conditions, and contribute to rural economic prosperity?

Response: Within the constraints of the FY2020 budget, the Administration proposed to directly address wildland fire, forest and grassland conditions, and rural economic prosperity. The FY2020 budget includes \$450 million to mitigate wildfire risk through our hazardous fuels program, \$375 million to improve forest condition through our Forest products program, and \$258 million in recreation program funding. Overall, the Forest Service strives to achieve a footprint where the agency can effectively maintain and improve land management, public and emergency access, environmental conservation, and the sustainability of the national forests and grasslands.

Question from Senator Angus S. King, Jr.

Question: There has been a lot of discussion about using LWCF funds to address the maintenance backlog on our federal lands. My concern is that this will lead to management agencies eliminating maintenance funding in their budgets and relying solely on LWCF funds. Do you have suggestions to avoid this issue?

Response: The Forest Service has more than \$5.2 billion in deferred maintenance related to infrastructure that includes over 370,000 miles of roads, 13,400 bridges and trails, dams and both administrative and wildfire facilities that impact every aspect of the Forest Service mission. Addressing this deferred maintenance is a critical issue affecting the agency's ability to achieve its mission, which is why the Administration is proposing to establish the Public Lands Infrastructure Fund. This proposal would provide mandatory spending for the Forest Service and Department of the Interior land management agencies to address deferred maintenance, including infrastructure needs associated with access and management of the National Forest System. The Public Lands Infrastructure Fund would not replace or eliminate maintenance funding in our discretionary budgets.

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Question for the Record Submitted to Ms. Lauren Imgrund

Question from Senator Angus S. King, Jr.

Question: There has been a lot of discussion about using LWCF funds to address the maintenance backlog on our federal lands. My concern is that this will lead to management agencies eliminating maintenance funding in their budgets and relying solely on LWCF funds. Do you have suggestions to avoid this issue?

Answer: The National Association of State Outdoor Recreation Liaison Officers (NASORLO) strongly supported the permanent re-authorization of LWCF in the Dingell Act and the Congressional intent to dedicate this fund for its original purpose. NASORLO does not support the use of LWCF Funds for maintenance. The intent of LWCF is to assist states with their outdoor recreation needs through grants for recreation planning, acquiring and developing facilities for outdoor recreation and to acquire new federal recreation lands. Our organizational surveys show that the needs are great and that matching funds are available to support full-funding of LWCF at the state level. Maintenance funding for these facilities (local, state, and federal) should be through the regular budget process.

U.S. Senate Committee on Energy and Natural Resources
 June 25, 2019 Hearing: *The Implementation of the Land and Water Conservation Fund Program*
 Questions for the Record Submitted to Mr. Collin O'Mara

Questions from Senator Ron Wyden

Question 1: As we discussed in the hearing, recent news reports outline how just a few wealthy individuals have bought up millions of acres of land out West. According to reports, some of these landowners are actively working to restrict access to adjacent public lands, close public roads, and even requiring political tests before allowing members of the public to cross onto public lands.

In your experience, how prevalent is this problem?

It's a real problem, and it's growing. Many of the lands being closed have historic public use, or are used to access public land. The National Wildlife Federation respects private property rights, but a select group of people buying up vast stretches of land and closing off public access only reinforces the need to fully fund the Land and Water Conservation Fund. Parcels of land, strategically purchased, could open up nearly 10 million acres of public land to hunting, fishing, backpacking, and more. We simply need tools to secure access to our public lands before even more acres are bought up, as described in recent reports, with the specific intent of restricting public access to public land that are the birthright of all Americans.

Question 2: How many acres of public lands in the United States lack public access? How many in Oregon?

According to the most recent data from onX and the Teddy Roosevelt Conservation Partnership, 9.52 million acres of our public lands nationwide are "landlocked"—meaning they have no public access. These inaccessible 9.5 million acres prevent adjacent communities from fully benefitting of our nation's growing \$887 billion outdoor economy which employs more than 7.6 million Americans.

The same analysis shows Oregon has 443,000 acres of inaccessible public land. For perspective on how large of an area that is, it's nearly 100,000 acres larger than the Wallowa's Eagle Cap wilderness, Oregon's largest. It is the equivalent of more than 10 percent of the entire Portland metropolitan area—which includes seven counties. That much land in Oregon is inaccessible to the public. Permanent full-funding for LWCF would go a long way toward unlocking these lands for the public to access, use, and enjoy.

Question 3: How can programs like the Land and Water Conservation Fund help open access to public lands?

The committee report accompanying the legislation that was the foundation for the LWCF states that it is "important that acquisition be undertaken before the land becomes unavailable either because of skyrocketing prices, or because it has been preempted for other uses." Rising land values and loss of land to development are **still** two of the primary reasons we need the program fully funded by Congress.

Thanks to LWCF, last December the Bureau of Land Management bought about 300 acres of the 18,500 acre Sun Ranch (most of the ranch is covered by a conservation easement) to provide a fishing access site along the banks of Montana's Madison River—a famous flyfishing destination. The Madison Valley is a relatively undeveloped place, but its beauty and world-class fishery inspire more people to arrive every

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day, and land values climb accordingly. In fact, three-hundred acres immediately south of this property have already been subdivided. Without LWCF money, the Sun Ranch and access to the Madison would likely have been lost as well.

This is just one example, but similar situations play out across the country every day. In 2016, an agreement between private and public interests opened up the 16,000 acre Sabinoso Wilderness in New Mexico for the first time. Time and again LWCF purchases by the federal and state agencies, along with private partnership matching dollars, have proved invaluable to create access to federal land where it would never otherwise exist.

Question 4: During the hearing, you mentioned how the Land and Water Conservation Fund can actually be used to reduce the maintenance backlog on public lands. Please elaborate on that comment and provide examples of how LWCF can reduce maintenance costs.

Our federal land management agencies incur significant costs, and grapple with management challenges, associated with inholdings on National Forest System lands and those managed by the Department of the Interior. In many cases resolving these inholding and adjacent lands conflicts reduces costs to the agencies.

For example, a 21-acre parcel was purchased in the Upper Mississippi River National Wildlife and Fish Refuge that allowed the Fish and Wildlife Service to remove fencing in a flood prone area that had cost more than \$6,000 in annual repairs.

One acquisition in Colorado's Ophir Valley significantly reduced the number of boundary miles needing maintenance for saving of about \$60,000. It also eliminated the need for at least five road and trail rights-of-way, and the Forest Service was able to more effectively treat for invasive species throughout the entire upper Ophir Basin by eliminating the previously untreated inholdings.

The National Park Service was able to reduce law enforcement needs on the Obed Wild and Scenic River by purchasing private inholdings that were an unfortunate hotbed for vandalism and other criminal activity.

Furthermore, it's estimated that the LWCF money invested on coastal wetlands and islands resiliency around Cape May, New Jersey, and along the Delaware Bayshore, prevented nearly half a billion dollars of damages during Hurricane Sandy. Further, acquisitions to expand National Forests into the wildland-urban interface can both prevent development in fire prone areas, while allowing for improved forest management which further reduces the risk of catastrophic megafires. Every \$1 invested on conserving and restoring these types of natural defense prevents \$4-10 in damage, which Congress often ends up paying for through emergency supplemental appropriations.

The reason we need permanent full-funding of LWCF now is because none of these parcels that can reduce management costs are getting cheaper, and coastal storms, extreme megafires, and other devastating community impacts are only growing in intensity. Every dollar invested now on inholding

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acquisition, coastal resiliency, improved forest management, or natural infrastructure returns significant savings to all taxpayers and reduces demands upon the federal Treasury.

Question from Senator Bill Cassidy

Question: Tuesday, you acknowledged the Land and Water Conservation Fund (the Fund) revenues are principally generated off Louisiana's coast. You shared with my colleagues that Congress needs to mitigate against the impact on our landscape to allow for access to lands for recreational opportunities. The higher future costs associated with inaction was also discussed.

According to data from the Departments of the Interior and Agriculture, from 2006-2019, two states, California and Montana, saw the most investment from the Fund for federal land acquisitions.

Similarly, according to a recent GAO report, from 2013-2017 Western and Midwestern states saw more federal investment for land acquisitions than investment elsewhere.

However, according to the Bureau of Labor Statistics, as of 2015 approximately 40 percent of the nation's population lived along coastlines, which are becoming more vulnerable to rising seas.

In keeping with concept of mitigation and lowering future costs, what are your thoughts on amending the current distribution of funds to allow for more dollars to be spent along coastlines to achieve the goals conserving both land and water resources?

The National Wildlife Federation is a strong supporter of investing in natural infrastructure to bolster coastal resiliency and mitigate climate impacts, including more powerful hurricanes and rising sea levels. The National Wildlife Federation, through its Mississippi River Delta Restoration program, is deeply engaged in advocating for implementation of Louisiana's Coastal Master Plan, with more than a dozen staff in New Orleans, Baton Rouge, Washington D.C. and around the country devoted to this vital mission. In 2012, the National Wildlife Federation was a key player in the coalition to secure passage of the RESTORE Act, which has provided funding to help Louisiana advance its coastal restoration goals.

Alongside coalition partners, we have also worked to defend GOMESA against repeated attempts across Administrations to rescind the program, which, in addition to contributing funds to LWCF efforts, also provides a critical, steady source of revenue for implementation of Louisiana's Coastal Master Plan. We have also consistently advocated for Louisiana and other Gulf Coast states to receive a greater share of OCS revenues and we agree that more resources must be invested to mitigate for sea-level rise and to build and protect the necessary natural infrastructure that will defend communities against extreme weather events.

We have also worked with federal and state administrations to ensure that LWCF dollars are used to secure tens of thousands of acres of park and refuge land on the Louisiana coast, as well as working with the Federal and state agencies that manage these lands to ensure that they remain essential partners in the struggle to preserve and restore the coast.

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We can achieve the worthy goals of coastal restoration without altering the formula for LWCF. We should invest more money in coastal resiliency and increase the portion of OCS revenues going to the Gulf Coast and other Coastal states, but LWCF itself need not be altered at the expense of other projects that result in clean water, wildlife habitat, open space, getting kids outdoors, and a reduction in management costs for the federal agencies. Full funding of LWCF would help us achieve all of these objectives.

Questions from Senator Mazie Hirono

Questions: In your testimony, you discuss the multiple benefits of the Land and Water Conservation Fund, including protecting wildlife, drinking water, and increasing community resilience. How does the LWCF help threatened and endangered species through habitat conservation? How would fully funding the LWCF enhance efforts to protect threatened and endangered species?

Right now more than 1/3 of all wildlife species in the United States are at heightened risk of extinction. Wildlife and wildlife habitat in our country are under intense pressure from increasing urbanization; industrial, commercial, and residential development; and the more frequent and intense droughts, wildfires, hurricanes, and flooding events fueled by climate change. All of this leads to increased fragmentation and degradation of critically important wildlife habitat. (A study from Conservation Science Partners and Center for American Progress showed that between 2001 and 2011, a football field's worth of natural area in the West disappeared every 2.5 minutes).

Simply put, LWCF is one most effective tools we have for safeguarding open space and protecting critical habitat necessary for wildlife to thrive. In addition to general LWCF acquisitions, the Cooperative Endangered Species Conservation program within LWCF supports voluntary, on-the-ground conservation projects, such as conserving important breeding habitat or migration corridors, that benefit candidate, proposed, and listed endangered species. The LWCF also improves management of land, water, and wildlife by consolidating protected landscapes, which reduces management costs and challenges. Better coordinated management supports healthier habitat and wildlife populations, especially important for recovering ESA listed species.

Question from Senator Angus S. King, Jr.

Question: There has been a lot of discussion about using LWCF funds to address the maintenance backlog on our federal lands. My concern is that this will lead to management agencies eliminating maintenance funding in their budgets and relying solely on LWCF funds. Do you have suggestions to avoid this issue?

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The \$20 billion maintenance backlog carried by our federal land management agencies is a significant issue that we are pleased Congress is currently working to resolve. This should be done without sacrificing LWCF's capital investments or breaking the underlying promise of LWCF that, if public trust resources were extracted (offshore oil and gas) for primarily private gain, then the public would benefit from a small portion of the royalty revenues supporting land conservation for the enjoyment of all Americans. Conservation is already less than 1% of the federal budget and, in the richest country in the world, we should not be cannibalizing existing accounts to fulfill our obligation to properly manage our shared public lands heritage – protecting land and wildlife, and addressing public lands maintenance needs. Further, inflation has increased 285% since the \$900M authorization level was established in 1978, meaning that the purchasing power of the LWCF to conserve special places has decreased by nearly three-fold in the past 40 years. Redirecting more resources out of this account to pay for maintenance would simply diminish LWCF even more and, as the Senator suggested, create a moral hazard whereby future administrations and future Congresses would likely reduce requests and appropriations for maintenance and divert a larger and larger portion of LWCF away from its intended purpose.

Legislation such as the Recovering America's Wildlife Act and the Restore Our Parks Act would direct much-needed resources to recovering our seriously at-risk American wildlife, and to maintaining to our public lands and facilities. In addition to passing the Land and Water Conservation Fund Permanent Funding Act, we need to pass these two bills which will provide dedicated resources that address conservation comprehensively, and conserve and restore our shared natural heritage. All three of these pieces of legislation would help grow our nation's \$887 billion outdoor economy, which supports 7.6 million jobs, and each would reduce long-term liabilities for the government by investing in the proverbial ounce of prevention that will reduce the need for pound of cure in the form of emergency supplemental appropriations, escalating maintenance needs, or more expensive (and restrictive) emergency specie recovery needs when species are on the brink of extinction.

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Question from Senator Angus S. King, Jr.

Question: There has been a lot of discussion about using LWCF funds to address the maintenance backlog on our federal lands. My concern is that this will lead to management agencies eliminating maintenance funding in their budgets and relying solely on LWCF funds. Do you have suggestions to avoid this issue?

Response: At its heart, the idea of allowing LWCF funds to be used to address maintenance needs is about giving agencies flexibility to ensure proper quality, not just quantity, of outdoor recreation, an aim set out in the first paragraph of the original act.¹ Caring for trails and campgrounds and improving access for outdoor recreationists all naturally fit within the purview of outdoor recreation, in many cases more so than land acquisition. The LWCF should be an outdoor recreation fund, and ideally the program funding would be directed toward whichever resources can facilitate outdoor recreation the best.

The concern that more money might go to maintenance should not negate the idea of allowing more program flexibility. It would simply show that, for those closest to the land, maintenance is the greatest priority. In some places and contexts, there will be greater needs for outdoor recreation maintenance, and in others, there might be a greater need for acquisition.

Furthermore, perhaps deferred maintenance is a higher priority than land acquisition today, but that may not remain the case forever. This reality underscores the importance of flexibility. With the LWCF now reauthorized permanently, a large portion of it—the 40 percent federal component—would not be able to address future conservation and recreation priorities that fall outside the purview of land acquisitions.

It also highlights the importance of relying on park superintendents, forest supervisors, and other public land managers when it comes to making trade-offs about spending decisions. On-the-ground managers are in a better position to know where and how funds can be best put to use in their units than politically appointed agency heads in Washington, D.C. Giving such local managers the ability to use funds on the needs that they help identify and prioritize would promote both quality and quantity of recreation opportunities as laid out in the original LWCF act. In some cases, that will mean using funds for maintenance that facilitates and improves recreation opportunities. But this does not have to be a static exercise, and Congress has the oversight ability to see where LWCF spending goes and can review that spending periodically.

The current reality is that maintenance needs on public lands are immense. Federal land management agencies face \$19 billion in deferred maintenance projects, in addition to their cyclic maintenance requirements. Based on recent history, there is little evidence that agencies would eliminate maintenance funding in their budgets if they were allowed to use LWCF funds to supplement their spending on maintenance; the needs are so large that it would be counterproductive. More likely than not, agencies would see LWCF as additive to those funds.

¹ [Land and Water Conservation Fund Act of 1965](#), P.L. 88-578, 78 Stat. 897.

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The current backlog is the product of inadequate funding for cyclic maintenance on public lands, with the predicament of the National Park Service a prime example. As the Government Accountability Office noted in a 2016 report²:

In recent years, reports prepared by the Park Service and stakeholder groups have highlighted challenges that the Park Service faces—particularly fiscal challenges—and the Park Service has reported that its funding does not cover the cost of its mission to preserve the parks for current and future generations to enjoy. In a 2013 testimony before Congress, the Director of the Park Service said that the organization faced a maintenance backlog of about \$11.5 billion at the end of fiscal year 2012 and would need to spend nearly \$700 million per year on deferred maintenance to keep the backlog from continuing to grow.

Today, the deferred maintenance backlog for parks is no smaller than when that report was issued. Even if full funding of \$900 million of the LWCF were somehow permitted to be spent solely on National Park Service maintenance, it would take more than a decade to eliminate the agency's deferred maintenance backlog. These numbers signify that it would be impossible for agencies to rely solely on LWCF for maintenance needs and would still need the support of dedicated funding through tools like the Restore Our Parks Act and Congressional appropriations.

Moreover, a former director of the National Park Service acknowledged that the deferred maintenance backlog was a higher priority than acquiring inholdings within parks.³ But the LWCF in its current form can do very little to help address this issue. Given the massive maintenance needs on existing federal lands, it would be sensible to allow funding flexibility to address deferred maintenance to improve recreation opportunities.

² ["National Park Service: Process Exists for Prioritizing Asset Maintenance Decisions, But Evaluation Could Improve Efforts,"](#) p.1. Government Accountability Office. December 2016.

³ ["Examining the Spending Priorities and Missions of the National Park Service in the President's FY 2016 Budget Proposal,"](#) House Natural Resources Committee, Subcommittee on Federal Lands Oversight Hearing. March 17, 2015. During testimony by National Park Service Director Johnathan B. Jarvis, Rep. Tom McClintock asked: "What's the higher priority: the deferred maintenance backlog or new land acquisitions?" Jarvis answered: "Well, if I had to make that kind of 'Sophie's choice,' I'd say it's the maintenance backlog."



Protecting the places you love to hike

The Honorable Lisa Murkowski
Chairman
Committee on Energy & Natural Resources
304 Dirksen Senate Building
Washington, DC 20510

The Honorable Joe Manchin
Ranking Member
Committee on Energy & Natural Resources
304 Dirksen Senate Building
Washington, DC 20510

June 24, 2019

Re: Statement in Support of the Land and Water Conservation Fund

Dear Chairman Murkowski, Ranking Member Manchin, and Members of the Committee,

On behalf of the American Hiking Society, our members, supporters, and the millions-strong hiking community nationwide, we thank the committee for holding a hearing to review the implementation of the Land and Water Conservation Fund (LWCF) and encourage the committee to consider legislation to provide full, dedicated funding to the program.

LWCF Funds Trail Projects Across the Country, Fueling the Recreation Economy

The Land and Water Conservation Fund is America's most important program to conserve irreplaceable lands and improve outdoor recreation opportunities throughout the nation. The program has funded nearly one thousand trail projects and thousands of other projects ranging from National Parks, Forests and Wildlife Refuges, to community parks and ball fields in all 50 states. Our National Scenic and Historic Trails, which celebrated their 50th Anniversary in 2018, have benefited from LWCF funding. LWCF funded the completion of the Appalachian Trail and the building of major segments of the Pacific Crest Trail, and at least ten other scenic and historic trails, over 52 different projects.

According to the Outdoor Industry Association, trail-centered activities directly generate over \$594 billion¹ and nearly 3.5 million jobs.² On federally managed land, outdoor recreation contributes more than \$64.6 billion to the national economy and supports more than 623,000 jobs annually.³ Much of this spending takes place in small communities along each of the trails, communities for which this income is substantial, meaningful, and will remain local. Many of the jobs that trails create cannot be exported offshore: guides and outfitters, hotel staff and restaurateurs, and numerous others directly benefit the community in which they reside. Open, connected, and completed trails are essential for this continued economic benefit.

The maintenance and construction of our nation's trails is largely supported by trail organizations and citizen volunteers who leverage government resources, including LWCF funding, to maintain and expand our trails. On the National Trails System alone, since 1995,

¹ OUTDOOR INDUSTRY ASSOCIATION, OUTDOOR RECREATION ECONOMY 18 (2017), available at https://outdoorindustry.org/wp-content/uploads/2017/04/OIA_RecEconomy_FINAL_Single.pdf. Trail centered activities generated \$594,311,835,880 from including retail spending, salaries, and federal and state taxes.

² *Id.* Trail centered activities create 3,476,845 jobs.

³ OUTDOOR INDUSTRY ASSOCIATION, OUTDOOR RECREATION ECONOMY 15 (2017), available at https://outdoorindustry.org/wp-content/uploads/2017/04/OIA_RecEconomy_FINAL_Single.pdf; "Forest Service Makes it Easier for Visitors to Enjoy National Forests and Grasslands," U.S. Forest Service, <https://www.fs.fed.us/news/releases/forest-service-makes-it-easier-visitors-enjoy-national-forests-and-grasslands>.

hundreds of thousands of citizen volunteers have contributed more than 19 million hours to build and maintain National Scenic and Historic Trails, and nonprofit trail organizations have contributed more than \$200 million toward trail stewardship projects, a total value of \$577.4 million.⁴

Trails are more than just an economic engine. Since our nation's founding, the outdoors has been a distinctive part of our American experience, and trails are integral to that experience. Whether it's a family out for a hike on a nearby trail, a returning veteran walking off the war, or hunters and anglers accessing their sites, Americans continue to seek places for outdoor recreation, a connection to nature, and healthy exercise. By addressing long overdue improvements to trails and the creation of new trails, Congress can ensure that outdoor recreation remains open and accessible.

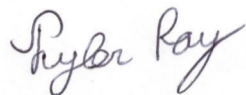
Full and Dedicated Funding Needed through S.1081, Land and Water Conservation Fund Permanent Funding Act

Earlier this year, Congress overwhelmingly passed a permanent reauthorization of the Land and Water Conservation Fund (LWCF), ensuring the program will be around for future generations, but that promise does not guarantee it will receive adequate funding each year. Permanent reauthorization has not eliminated threats to LWCF and its many benefits to communities.⁵ LWCF funds have been specifically put aside from offshore oil and gas drilling royalties, intended as a reasonable conservation offset for energy development. Yet year after year, on average more than half these funds have been diverted, only to vanish into the general revenue stream with no accountability.

S.1081 would provide full, permanent, and dedicated funding for LWCF, realizing the promise that was made to the American people when first authorized nearly half a century ago: to take the proceeds from natural resource development and invest a small portion in conservation and outdoor recreation. Permanent and dedicated funding is a must to ensure that our nation's trails, public lands, parks, and open spaces remain protected and accessible for generations to come. American Hiking Society urges the committee to promptly consider S.1081.

Please contact Tyler Ray, Director of Policy and Advocacy, tray@americanhiking.org, 301-565-6704 x705 with any questions or for additional information.

Sincerely,



Tyler Ray
Director of Policy and Advocacy

⁴ Partnership for the National Trails System, Contributions Sustaining the National Scenic and Historic Trails (2018), <http://pnts.org/new/partnership-for-the-national-trails-system-gold-sheet-of-volunteer-contributions-in-2018/>.

⁵ For example, despite signing S. 47 (including the permanent reauthorization of LWCF) into law, the Administration proposed a 105% cut to LWCF funding in its FY20 budget proposal.

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Jeff Chapman BCHW

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BACK COUNTRY HORSEMEN OF WASHINGTON
P.O. Box 1132
Ellensburg, WA 98926

June 24, 2019

Energy and Natural Resources Committee
304 Dirksen Senate Bldg.
Washington, DC 20510

RE: Land and Water Conservation Fund Review Hearing 6/25

The Back Country Horsemen of Washington (BCHW) is a service based volunteer group that works to maintain our recreation facilities on our public lands in Washington State. We have 33 chapters located in communities throughout the state with members actively involved in everything from farming/ranching to urban office employment. In 2018 we invested over 73,000 hours of volunteer service of which over half was in trail maintenance with and without pack and saddle stock. As land managers will report, the use of stock for hauling materials, supplies, and crews into the backcountry is often key to completing trail maintenance projects. With fewer agency stock strings, volunteers are critical to having a viable, safe, and sustainable trail system in Washington State.

In order to carry out its mission, BCHW partners with many similar non-profits such as the Pacific Crest and Pacific Northwest trails associations, the Washington Trails Association, the Mountain to Sound Greenway, and many others. We use financial grant tools provided by the government to support this work. Gas tax grant programs such as the Recreational Trails Program (RTP) and Nonhighway and Off-road Vehicle Activities (NOVA) grant programs are critical to dealing with recreational infrastructure and deferred maintenance. Many grants are tied to the State Comprehensive Outdoor Recreation Plan (SCORP) in Washington State, not just the LWCF stateside grant requests. For our non-urban recreation needs, the SCORP planning handled by our Washington State Recreation and Conservation Office (RCO) is a highly valued part of the stateside LWCF funding. Washington State keeps a comprehensive public facing website of every grant project (RTP, NOVA, LWCF-stateside, Washington Wildlife and Recreation Program (WWRP), etc) submitted including those that are funded. This database/website (PRISM) allows citizens to see the details of projects including exactly how the projects benefit the trails based recreation community.

With federal side LWCF, we have a much harder time discovering how the funding is actually used and what specific recreation benefits the projects provides now or in the future to the trails based recreating community. We would like to see an effort made by the federal agencies to post details about the awarded federal side projects and which recreation benefits they are expected to provide trail users. For example, do the projects provide access to a trail system (which one) or promote the completion of a national scenic trail (which one)? The Washington State RCO PRISM system can be a model of what we would hope to see in the future for the federal side LWCF projects.

Thank you for your consideration of our request,

Kathy Young

Kathy Young, President, Back Country Horsemen of Washington
PO Box 1132, Ellensburg, WA 98926
president@bchw.org



**National Trust for
Historic Preservation**
Save the past. Enrich the future.

**SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
FULL COMMITTEE HEARING TO REVIEW IMPLEMENTATION OF THE
LAND AND WATER CONSERVATION FUND PROGRAM
JUNE 25, 2019
COMMENTS OF THE NATIONAL TRUST FOR HISTORIC PRESERVATION**

Chairman Murkowski, Ranking Member Manchin, and Members of the Committee, I appreciate this opportunity to share the National Trust for Historic Preservation's perspective on the Land and Water Conservation Fund (LWCF)—an extremely popular and effective program for conserving our nation's land, water, historic, and recreation heritage. My name is Tom Cassidy, and I am the Vice President for Government Relations and Policy.

The National Trust for Historic Preservation is a privately-funded charitable, educational and nonprofit organization chartered by Congress in 1949 in order to "facilitate public participation in historic preservation" and to further the purposes of federal historic preservation laws.¹ The intent of Congress was for the National Trust "to mobilize and coordinate public interest, participation and resources in the preservation and interpretation of sites and buildings."² With headquarters in Washington, D.C., nine field offices, 28 historic sites, more than one million members and supporters and a national network of partners in states, territories, and the District of Columbia, the National Trust works to save America's historic places and advocates for historic preservation as a fundamental value in programs and policies at all levels of government.

The National Trust for Historic Preservation applauds your leadership in securing permanent reauthorization of LWCF, and we encourage the Committee to advance the LWCF Permanent Funding Act (S. 1081) to ensure full funding of LWCF activities each year. The National Trust has long advocated for full and dedicated funding for LWCF, including submitting testimony to a hearing on LWCF held by this Committee on April 22, 2015.

For more than 50 years, LWCF has helped enhance our national parks, preserve battlefields, and bring other lands with historic and cultural significance into public stewardship at the federal, state, and local level. Congress voted overwhelmingly to reauthorize LWCF earlier this year, and now Congress should ensure the program reaches its potential by passing full funding legislation.

Despite its success, less than half of the funding set aside for LWCF has been used for its intended purposes since the program was created in 1965. S. 1081 would fix the shortfall going forward by guaranteeing full funding of \$900 million annually for this crucial program.

¹ 54 U.S.C. §§ 312102(a), 320101.

² S. Rep. No. 1110, 81st Cong., 1st Sess. 4 (1949).

Since its creation, LWCF has invested \$18.9 billion³ in conserving outdoor spaces for the American people to experience and enjoy. Along with its well-documented success in providing opportunities for hunting, fishing, hiking and other outdoor recreational activities, LWCF plays a pivotal role preserving our nation's historic places. LWCF has invested more than \$550 million to add specifically to our nation's historic and cultural parks managed by the National Park Service,⁴ and many millions more to add other public lands that tell diverse stories of our nation's history.

Many of our nation's most significant historic and cultural landscapes have been protected with investments from LWCF. Gettysburg National Military Park in Pennsylvania, Martin Luther King, Jr. National Historical Park in Georgia, Brown v. Board of Education National Historic Site in Kansas, and Canyons of the Ancients National Monument in Colorado have all benefited significantly from LWCF. In Ohio, thanks largely to LWCF, lands once slated for development and were instead conserved as part of the Hopewell Culture National Historical Park, which is among our nation's newest proposed World Heritage Sites. At Chancellorsville Battlefield in Virginia—which the National Trust named as one of America's 11 Most Endangered Historic Places in 1998—LWCF was essential for preservationists, the National Park Service, local leaders, and developers found solutions to successfully protect key portions of the Chancellorsville Battlefield while enhancing economic growth. These success stories exist in every state in the nation.

In Alaska, LWCF has benefitted the Sitka National Historical Park, which includes the site of the 1804 battle between invading Russian traders and indigenous Kiks.ádi Tlingit, historic Haida and Tlingit totem poles, and one of the few surviving examples of Russian colonial architecture in North America. In West Virginia, LWCF has added nearly 2,000 acres to Harpers Ferry National Historical Park, allowing visitors to more fully experience its rich, multi-layered history of the area well known for abolitionist John Brown's raid in 1859 and a view Thomas Jefferson once described as, "perhaps one of the most stupendous scenes in Nature."

States and local governments also heavily rely on the LWCF to plan, secure lands, and manage parks that allow people to experience history close to home. Furthermore, LWCF-funded American Battlefield Protection Program (ABPP) acquisition grants have provided more than \$56 million to states, local communities, and nonprofit partners to protect threatened battlefield lands.⁵ These projects not only prevent loss due to incompatible uses, they provide access for people to enjoy and learn from our shared public lands.

The work of preserving historic places and enhancing recreational opportunities is far from finished. Our parks and public lands tell the story of America, and our history is still being written. Thank you again for holding this hearing and for your attention to the important issue of providing reliable full funding for LWCF.

³ "Land and Water Conservation Fund: Overview, Funding History, and Issues." Congressional Research Service RL33531. June 19, 2019.

⁴ According to data provided by the National Park Service for acres acquired through the LWCF in historical and cultural parks from 1965 to August 2016.

⁵ Battlefield Land Acquisition Grants Awards, FY 2011 – FY 2017: <https://www.nps.gov/abpp/grants/CWBLAGgrants.htm>.

OUTDOOR ALLIANCE

June 24, 2019

Senator Lisa Murkowski
Chair, Senate Committee on Energy and Natural Resources
522 Hart Senate Office Building
Washington, DC 20510

Senator Joe Manchin
Ranking Member, Senate Committee on Energy and Natural Resources
306 Hart Senate Office Building
Washington, DC 20510

Re: Full committee hearing to review LWCF

Dear Chairman Murkowski and Ranking Member Manchin:

On behalf of the human powered outdoor recreation community, thank you for holding a hearing to consider the benefits of the Land and Water Conservation Fund. Our community strongly supports LWCF, and we greatly appreciate your efforts leading to the passage of permanent reauthorization of the program through the John D. Dingell, Jr. Conservation, Management, and Recreation Act. We strongly support full and dedicated funding for LWCF, and we greatly appreciate the efforts of the committee toward passage of S. 1081, the Land and Water Conservation Fund Permanent Funding Act.

Outdoor Alliance is a coalition of ten member-based organizations representing the human powered outdoor recreation community. The coalition includes Access Fund, American Canoe Association, American Whitewater, International Mountain Bicycling Association, Winter Wildlands Alliance, The Mountaineers, the American Alpine Club, the Mazamas, Colorado Mountain Club, and Surfrider Foundation and represents the interests of the millions of Americans who climb, paddle, mountain bike, backcountry ski and snowshoe, and enjoy coastal recreation on our nation's public lands, waters, and snowscapes.

Outdoor Alliance and the outdoor recreation community strongly support the Land and Water Conservation Fund, and we applaud its recent permanent reauthorization. Over the life of the program, however, Congress has not lived up



OUTDOOR ALLIANCE

to the program's full promise, and more than \$20 billion collected expressly for LWCF purposes have been misdirected. To fulfill the promise of LWCF, we strongly support S. 1081 to ensure that each year, LWCF's full \$900 is applied toward recreation and conservation goals.

The Land and Water Conservation Fund is an overwhelmingly successful program for achieving balanced use of public lands by directing a portion of royalties from off-shore oil and gas development toward targeted recreation and conservation projects. To highlight just a few of the benefits LWCF has provided for human powered outdoor recreation:

- In West Virginia, critical river corridor protections have been established for the legendary Gauley and New Rivers. For the Gauley, all of the public access points along the Middle and Lower stretches of the river—used by more than 50,000 people annually—have been made possible through LWCF.
- In Colorado, the Black Canyon of the Gunnison National Park is home to superlative multi-pitch climbing and one of the most high-quality multi-day class V whitewater runs in the intermountain West. The area has benefitted from \$2.8 million in LWCF funding to protect nearly 11,000 acres in the Park.
- In Montana, the 320 acre Bozeman Pass project protected an area under intense threat of development to ensure continued access to climbing sites and mountain biking trails. Nearby, the Chestnut Mountain acquisition offers spectacular views, amazing mountain bike trails, and high quality limestone with an abundance of rock climbing.
- In California, San Onofre State Beach received more than \$71,000 in LWCF funds in 1972 to support park improvements. Those funds helped make San Onofre a worldwide destination, and California's 5th most visited state park, bringing in more than 2.5 million visitors annually. San Onofre is arguably one of the most valued stretches of beach in California because the park houses world class surfing, camping, and hiking. The park also provides refuge for 12 threatened and endangered species and contains sacred Native American sites.¹

¹ Additional examples of the ways in which LWCF has benefitted human powered outdoor recreation are available in story-map form at <https://outdooralliance.maps.arcgis.com/apps/MapJournal/index.html?appid=e415ef4ccc1446258c642de1b0ea55c4#>.



OUTDOOR ALLIANCE

While the examples above represent marquee attractions and resources protected through LWCF, there are thousands of less-iconic areas where access and enjoyment, as well as conservation values, have benefitted from LWCF, and these places are of tremendous value to local communities across the country. Over the life of the program, LWCF has funded close-to-home recreation opportunities in all fifty states and every congressional district. According to a recent study by the Trust for Public Land, spending on land acquisition through the Land and Water Conservation Fund produces a return on investment for local economies at rate of 4 to 1.²

We appreciate the committee's longstanding support for LWCF, and we look forward to working with you to advance S. 1081.

Best regards,



Louis Geltman
Policy Director
Outdoor Alliance

cc: Adam Cramer, Executive Director, Outdoor Alliance
Chris Winter, Executive Director, Access Fund
Beth Spilman, Interim Executive Director, American Canoe Association
Mark Singleton, Executive Director, American Whitewater
Dave Wiens, Executive Director, International Mountain Bicycling Association
Todd Walton, Executive Director, Winter Wildlands Alliance
Tom Vogl, Chief Executive Officer, The Mountaineers
Phil Powers, Chief Executive Officer, American Alpine Club
Sarah Bradham, Acting Executive Director, the Mazamas
Keegan Young, Executive Director, Colorado Mountain Club
Chad Nelson, CEO, Surfrider Foundation

² THE TRUST FOR PUBLIC LAND, RETURN ON INVESTMENT FROM THE LAND AND WATER CONSERVATION FUND, <https://www.tpl.org/return-investment-land-and-water-conservation-fund>.



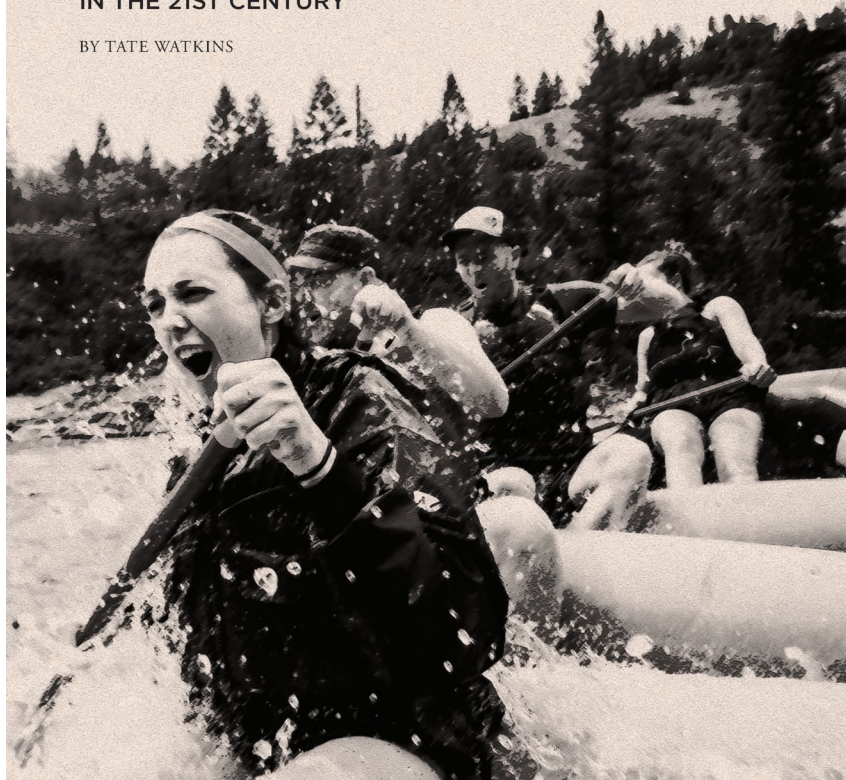


PERC PUBLIC LANDS REPORT | MAY 2019

HOW WE PAY TO PLAY

FUNDING OUTDOOR RECREATION ON PUBLIC LANDS
IN THE 21ST CENTURY

BY TATE WATKINS



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2048 Analysis Drive, Suite A, Bozeman, MT 59718 | (406) 587-9591 | perc.org | perc@perc.org



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SUMMARY

The recreational demands of the 21st century are bringing new challenges for public land management. This *PERC Public Lands Report* examines some of the primary sources of funding for outdoor recreation-related opportunities on public lands, aiming to be informative rather than claiming to be exhaustive or comprehensive. It demonstrates that by many measures, inflation-adjusted recreation-related funding is stagnant or declining despite increased attention on and demand for outdoor recreation.

As public lands that provide outdoor recreation opportunities grow in importance, it's worthwhile to examine how we fund and maintain those lands. Adequate funding will not in and of itself guarantee responsible stewardship of our public recreation lands. But recent trends suggest that many sources of recreation funds have either stagnated or declined in real terms, even as visitation has been increasing over the long term. An assessment of recreation-related funding sources and their trends can provide insights about different funding strategies and, ideally, help inform and improve the future of recreation on public lands.

HOW WE PAY TO PLAY

FUNDING OUTDOOR RECREATION ON PUBLIC LANDS IN THE 21ST CENTURY

INTRODUCTION

Outdoor recreation is on the rise. Nearly half of all Americans recreate outdoors, and the sector is becoming more important on various fronts, whether socially, economically, or politically. A recent assessment by the Bureau of Economic Analysis found that outdoor recreation accounted for \$412 billion of GDP in 2016—or 2.2 percent of the entire U.S. economy.¹ The bureau estimated that the sector has grown faster than the overall national economy in three of the four years that it has analyzed.²

The participation rate in outdoor recreation has been consistent over the past decade. The Outdoor Foundation reports that 49 percent of Americans ages 6 and up participated in an outdoor recreation activity in 2017.³ Given population growth, the absolute number of Americans recreating outdoors has been on the rise, increasing from about 136 million participants a decade ago to 146 million in 2017. Some of the most popular activities today include running, fishing, cycling, hiking, and camping. In all, Americans go on nearly 11 billion recreation outings each year.

Public lands are the backdrop for much of that recreation. The Outdoor Industry Association calls public lands and waterways “the backbone of our outdoor recreation economy.”⁴ From national forests and wildlife refuges to national parks and wild and scenic rivers, some of the most prized landscapes and destinations in the country are found on public lands. National and state parks combined to host more than 1 billion visits last year. And local ball fields, recreation facilities, and public parks provide numerous weekend and after-school recreation opportunities across the nation.

The recreational demands of the 21st century are bringing new challenges for public land management. This *PERC Public Lands Report* examines some of the primary sources of funding for outdoor recreation-related opportunities on public lands, aiming to be informative rather than claiming to be exhaustive or comprehensive.⁵ It demonstrates that by many measures, inflation-adjusted recreation-related funding is stagnant or declining despite increased attention on and demand for outdoor recreation.

While the focus of this *Public Lands Report* is recreation funding, much public spending on the broader category of natural resources benefits and enhances the provision of recreational amenities. For instance, spending to improve wildlife habitat could be justified by and aimed at achieving certain conservation outcomes, yet such spending could result in more and better wildlife for sportsmen and other recreationists to enjoy. This report, therefore, examines sources of funding that relate to recreation generally, including some that support habitat restoration, wildlife management, and other conservation aims that are linked to recreation.

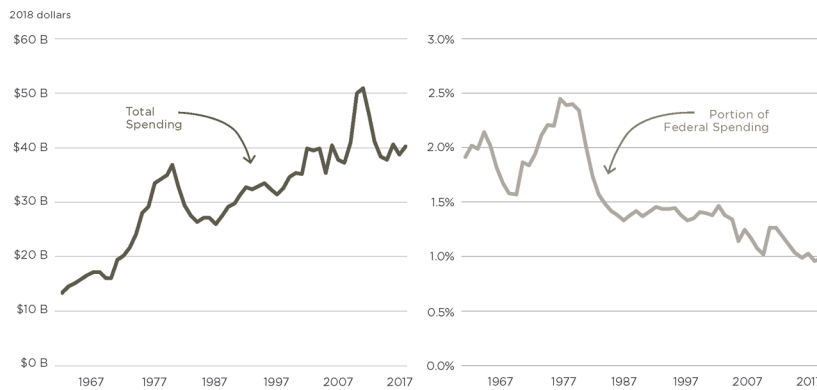
As public lands that provide outdoor recreation opportunities grow in importance, it's worthwhile to examine the way that we fund and maintain those lands. An assessment of those funding sources and

their recent trends can provide insights about different funding strategies and, ideally, help inform and improve the future of recreation on public lands.

SPENDING ON NATURAL RESOURCES, ENVIRONMENT, AND RECREATION

The Office of Management and Budget's breakdown of the federal budget into functions and subfunctions provides a snapshot of all federal spending. Function 300 concerns all programs relating to natural resources and the environment, which includes spending on environmental protection and enhancement, recreation and wildlife areas, and the development and management of land, water, and mineral resources owned by the U.S. government.⁶

FIGURE 1:
FEDERAL SPENDING ON NATURAL RESOURCES AND ENVIRONMENT



Source: White House Office of Management and Budget Historical Tables, Function 300

In real terms, spending under Function 300 has more than doubled since 1962, albeit with periods of volatility. Spending under the budget function was approximately \$13 billion in 1962 in real terms and had risen to \$40 billion by 2018.

Over time, however, that spending has represented a smaller and smaller share of total federal spending. Throughout much of the 1960s and 1970s, when the overall federal budget was significantly smaller than it is today, Function 300 accounted for roughly 2 percent of all federal spending. Today, the function accounts for less than 1 percent of all federal outlays—about \$40 billion of a \$4 trillion budget.

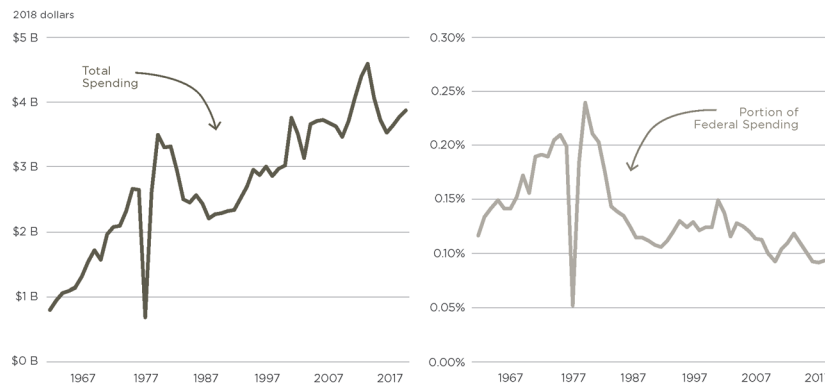
Within Function 300, Subfunction 303 covers federal outlays on recreational resources. The subfunction encompasses spending toward acquiring, operating, and improving recreational lands and facilities;

managing fish, wildlife, and parks; and preserving historic areas.⁷ In real terms, spending under Subfunction 303 has risen from approximately \$800 million in 1962 to nearly \$4 billion in 2018. As a share of overall spending, however, the subfunction comprises just 0.09 percent of the entire federal budget today, down from 0.12 percent in 1962.⁸

FEDERAL LAND MANAGEMENT AGENCIES

Most federal spending on recreation is channeled through four of the major land management agencies. Three are housed in the Interior Department: the National Park Service, the Bureau of Land Management, and the Fish and Wildlife Service. The Forest Service is housed within the Department of Agriculture.⁹

FIGURE 2:
FEDERAL SPENDING ON RECREATIONAL RESOURCES



Source: White House Office of Management and Budget Historical Tables, Subfunction 303.

National Park Service

The National Park Service manages roughly 80 million acres of federal lands across 419 park units, a figure that includes the country's 61 national parks as well as hundreds of sites within the system that have other classifications, such as national monuments and national preserves.¹⁰ Established in 1916, the mission of the National Park Service is "to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."¹¹ In 2000, the agency updated that mission, tweaking the language to accept "the validity of outdoor recreation," a change that reflects the growing importance of recreation in the 21st century.¹²

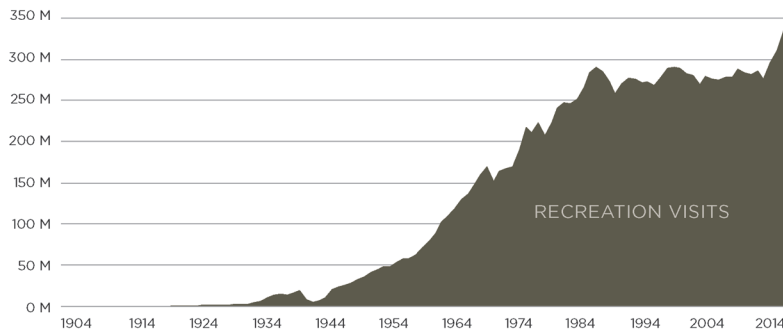
That growth is reflected in the historical trend in visitation across the National Park System. Park visitation has increased more than fourfold since 1960, when national parks and other agency-managed units received 72 million visits.¹³ More recently, after nearly three decades of relatively flat visitation that began in

the late 1980s, visits to the park system have surged since 2013, increasing by 16 percent in just five years. The uptick is likely due to various factors, including the park service's centennial celebration in 2016 as well as the rise of outdoor recreation generally. In 2016 and 2017, systemwide visitation reached all-time highs of nearly 331 million visits, before falling to 318 million visits in 2018. Even with the overall decline last year, 28 individual sites set new visitation records.¹⁴

Despite the upward trend in visitation, discretionary appropriations to the National Park Service have essentially remained flat in real terms for more than a decade. Excluding a funding spike in 2009 that was driven by an increase in federal spending in the wake of the Great Recession, the agency's appropriations have steadily hovered around \$3 billion.¹⁵

The story is largely the same when it comes to the portion of parks appropriations devoted to maintenance. According to a recent Government Accountability Office report, from 2006 to 2015 the park service received about \$1 billion each year for maintenance projects—about one-third of the agency's

FIGURE 3:
NATIONAL PARK SYSTEM VISITATION

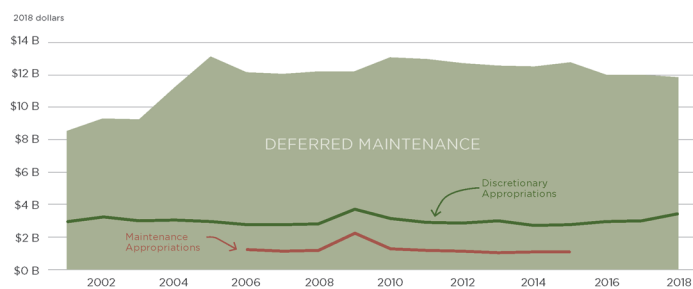


Source: National Park Service Visitor Use Statistics



Visitors enter Grand Canyon National Park. © Grand Canyon National Park.

FIGURE 4:
NATIONAL PARK SERVICE: Appropriations and Maintenance



Source: National Park Service, Congressional Research Service, and Government Accountability Office



A closed picnic area at Great Smoky Mountains National Park.

appropriations.¹⁶ This funding has not been sufficient to keep up with the maintenance needs of aging park assets and infrastructure, a factor that has contributed to the nearly \$12 billion of deferred maintenance that has accumulated across the agency's 419 units.¹⁷

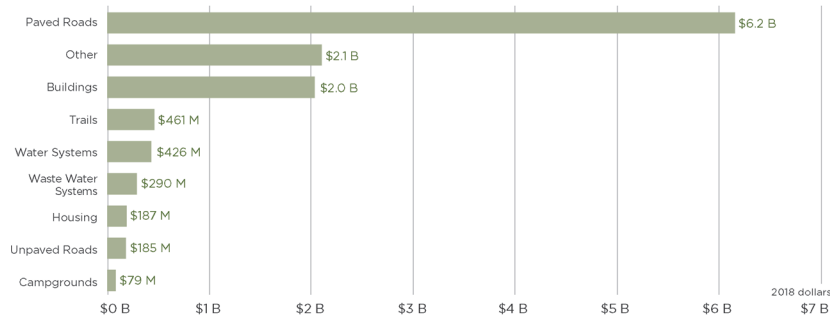
In terms of asset types, paved roads account for more than half of the maintenance backlog. About 40 percent of paved roads in national parks are considered to be in "poor" or "fair" condition.¹⁸ While the recreational access provided by roads is a crucial part of the park experience for a majority of visitors, improvements to roads and bridges in parks have historically been funded through the Department of Transportation, not the National Park Service.¹⁹

The system of trails across national parks, on the other hand, is a recreational asset whose maintenance responsibilities fall squarely to the National Park Service. Hiking trails are arguably the archetype of human-powered recreation. And throughout the national park system, thousands of miles of trails are

rated as "poor" or "seriously deficient."²⁰ The breakdown of deferred maintenance shows that across all parks nearly half a billion dollars is required for trail repairs alone.

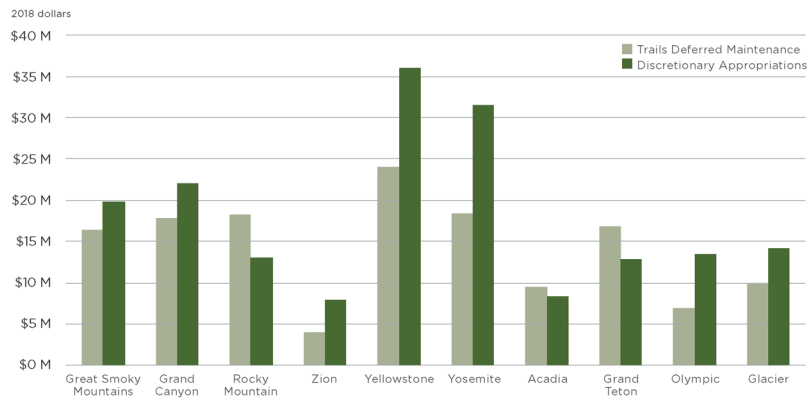
A look at the 10 most visited parks in the country gives a sense of the magnitude of the challenge facing many sites. Three out of the 10 parks have trail maintenance backlogs that exceed the amount of funding they received in discretionary appropriations last year, meaning that even if those parks devoted all of their appropriations to trails projects, they still would not fully address their trail maintenance needs. In fact, the combined trails maintenance backlog for the 10 most popular parks would equal 79 percent of their combined appropriations.²¹ The story is much the same for other recreation-related assets within the National Park System, including visitor centers, historic buildings, water and wastewater systems, and employee housing. Clearly, national parks are facing enormous and daunting maintenance challenges.

FIGURE 5:
NATIONAL PARK SERVICE: Deferred Maintenance Categories



Source: National Park Service Servicewide Asset Inventory Summary, Fiscal Year 2018

FIGURE 6:
MOST VISITED NATIONAL PARKS: Trails Deferred Maintenance and Appropriations



Source: National Park Service Asset Inventory Summary by Park, Fiscal Year 2018

Forest Service

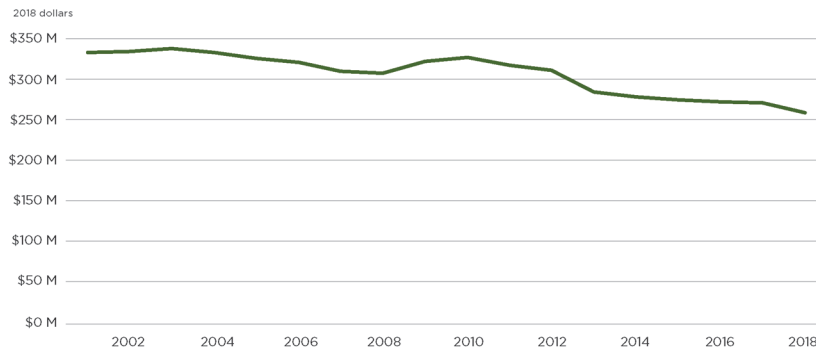
The Forest Service manages more than 190 million acres of land for multiple uses such as timber management, livestock grazing, wildlife and fish habitat, and recreation.²² National forests provide ample outdoor recreation opportunities, from hiking, biking, and horseback riding to hunting, dirt biking, and camping. The Forest Service manages approximately 30,000 developed recreation sites nationwide.²³ The agency faces a deferred maintenance backlog of its own of nearly \$5.5 billion, including \$279 million in unfunded trail repairs.²⁴

According to visitor surveys conducted by the agency, visitation to national forests has remained relatively steady over the past decade. In 2016, there

were an estimated 148 million recreation visits to national forests.²⁵

The main Forest Service account that covers recreation spending is the agency's Recreation, Heritage, and Wilderness account. The agency calls recreation "the single greatest use" of national forest lands, and expenditures from the account support various activities, including visitor center and campground operations as well as management of permits for ski areas, marinas, and lodges.²⁶ Appropriations to the account have been falling gradually in recent years, decreasing by 23 percent since 2001, after adjusting for inflation. The agency received \$258 million in appropriations to the account in 2018—less than its trail maintenance backlog and equivalent to approximately \$1.74 per recreation visit.²⁷

FIGURE 7:
FOREST SERVICE: Recreation Appropriations



Source: U.S. Department of Agriculture Budget Justifications, Forest Service: Recreation, Heritage, and Wilderness

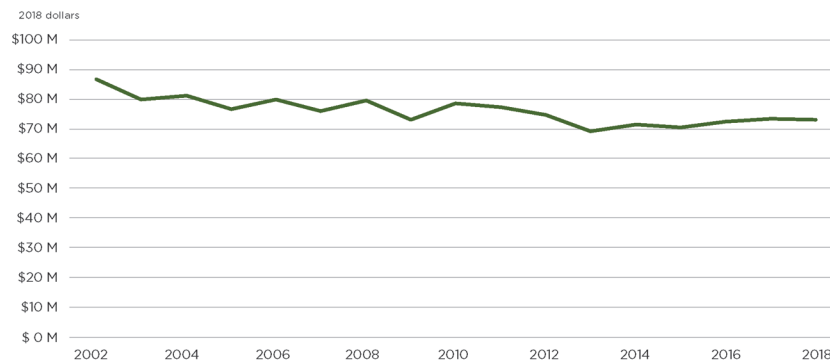
Bureau of Land Management

The Bureau of Land Management is the nation's largest landlord, managing nearly 250 million acres of federal land.²⁸ While grazing, timber, and conservation are important management responsibilities for the agency, recreation falls under its multiple-use mandate as well. The agency's deferred maintenance backlog has grown by 65 percent over the past decade in real terms and is currently estimated at \$810 million. Approximately three-quarters of the agency's deferred maintenance consists of roads, bridges, and trails.²⁹

Bureau of Land Management sites offer ample recreation opportunities, including hiking, hunting, fishing, camping, climbing, visiting cultural and historic sites, off-road vehicle driving, mountain biking, wildlife viewing, and more. The agency's 4,000 recreation sites receive approximately 67 million visits annually, an increase of about 30 percent since 2001.³⁰

After adjusting for inflation, appropriations to the agency for recreation management have fallen by 16 percent since 2001. Appropriations for recreation management totaled \$73 million in 2018, or roughly \$1.09 per recreation visit.³¹

FIGURE 8:
BUREAU OF LAND MANAGEMENT: Recreation Appropriations



Source: U.S. Department of the Interior Budget Justifications, Bureau of Land Management: Recreation Management

Fish and Wildlife Service

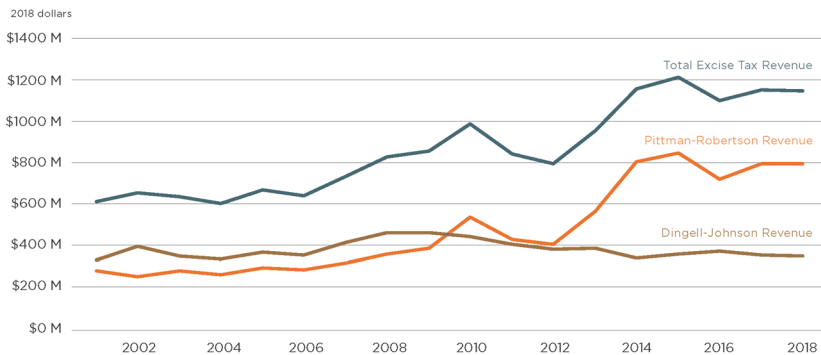
The Fish and Wildlife Service manages nearly 90 million acres of federal lands. Its primary mission is to conserve plants and animals, although other uses, including recreation, are permitted so long as they do not interfere with the primary mission.³² The agency manages 460 wildlife refuges that are open to the public.³³ It reports a deferred maintenance backlog of \$1.4 billion, a decrease of nearly 60 percent in real terms over the previous decade. “Other structures” and “buildings” combine to account for a little more than half of the agency’s backlog.³⁴

The most prominent recreation component administered by the Fish and Wildlife Service is the Wildlife and Sport Fish Restoration Program. Its goal is to “conserve and manage fish and wildlife and their habitats for the use and enjoyment of current and future generations.”³⁵ The federal program disburses

funds to states through grants, which carry out various conservation- and recreation-related activities with the funds. Those activities include habitat management and restoration, hunter education and safety, improvement of fishing and hunting access, and wildlife population management.³⁶

The Wildlife Restoration Program was created in 1937 by the Wildlife Restoration Act, more commonly known as the Pittman-Robertson Act, which established federal excise taxes on firearms, ammunition, and archery equipment for the purpose of funding state-level conservation programs. The Sport Fish Restoration Act of 1950, also known as the Dingell-Johnson Act, established a similar fishing-related program. Its funding comes from excise taxes on fishing tackle and equipment and boat fuel. Both programs apportion funds to states using a formula that takes into account the number of paid license

FIGURE 9:
WILDLIFE AND SPORT FISH RESTORATION PROGRAM: Apportionments to States



Source: Fish and Wildlife Service, Wildlife & Sport Fish Restoration Program: Historical Funding Data.
Note: Program funding comes from federal excise taxes that are apportioned to states for conservation- and recreation-related purposes.



holders, and in general, funding from the programs require a state match, which is primarily funded through hunting and fishing license sales.

Pittman-Robertson and Dingell-Johnson have a long track record of funding conservation and recreation projects. The federal excise taxes distributed by the Fish and Wildlife Department are crucial sources

of funding for state fish and wildlife agencies. In 2018, the two programs combined to apportion more than \$1.1 billion to state fish and wildlife agencies.³⁷ For more detail on the historical trends of these funds, see the State Fish and Wildlife Agencies section of this report.

Fee Revenues and Donations

There are a handful of other sources of recreation funding that do not come from congressional appropriations but are nonetheless important for several federal land agencies. The first is recreation fees. The Federal Lands Recreation Enhancement Act allows certain agencies, including the National Park Service, Forest Service, and Bureau of Land Management, to charge and collect recreation fees on federal lands and waters, either for entrance to a site or for use of an amenity such as a developed campground.³⁸ Sites that collect fees can retain and spend 80 percent of their receipts without further appropriation. Over the past decade, total revenues collected by federal agencies under FLREA have increased by 42 percent in real terms—from \$284 million in 2009 to \$404 million in 2018—and virtually all of that increase has occurred over the past five years.

The vast majority of fee receipts come from national park units, about one-quarter of which charge entrance fees. In 2018, the National Park Service accounted for 74 percent of all FLREA receipts. The Forest Service collected 17 percent of the total.³⁹

Franchise fees from concessionaires are another meaningful source of funding for certain recreation sites. Federal agencies, particularly the National Park Service and the Forest Service, outsource certain operations to private concessionaires in exchange for fees. Lodges, gift shops, and campgrounds are examples of facilities commonly operated by concessionaires. In 2018, the National Park Service generated approximately \$126 million from concessions fees.⁴⁰

Private donations are another source of funds that can help accomplish beneficial recreation projects on public lands. The nonprofit Yellowstone Forever, for example, granted \$5.9 million to Yellowstone National Park in 2018 for more than 50 projects, including fish restoration efforts, trailhead displays, and black bear research.⁴¹ And in Great Smoky Mountains National Park, a partnership with local philanthropic

organizations has yielded \$500,000 in donations that fund rehabilitation of many of the most popular and highest-priority trails in the park.⁴² In 2018, donations to the National Park Service totaled \$47 million.⁴³

While these sources of funding are important, they're a relatively small portion of the federal funds that provide recreation opportunities across public lands. In 2018, fees, concessions, and donations combined to account for approximately \$475 million, or about 11 percent of the National Park Service's total budget authority.⁴⁴

LAND AND WATER CONSERVATION FUND

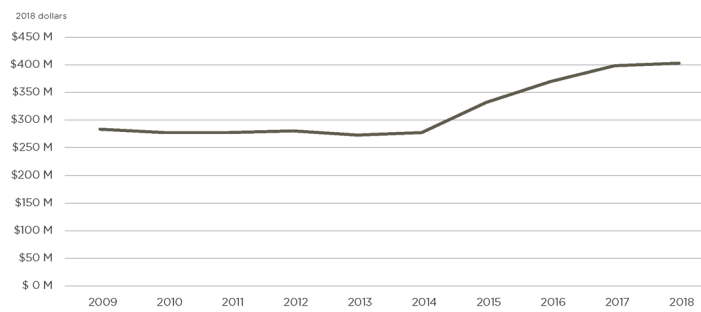
The Land and Water Conservation Fund has been a significant source of conservation and recreation funding since Congress established it in 1965. The program was created "to help preserve, develop, and ensure access to outdoor recreation facilities to strengthen the health of U.S. citizens."⁴⁵ The fund is authorized to accrue up to \$900 million annually, but the spending is not mandatory. Congress must approve any LWCF spending each year through the appropriations process. Virtually all funding for the program comes from revenue derived from offshore oil and gas leases.

Historically, the LWCF has been used for three purposes: land acquisition by federal land management agencies for outdoor recreation, grants made to states for outdoor recreation purposes, and so-called "other purposes," which includes special requests for funding made by presidents since 1998. Since the act's inception, the state-grants program has been a significant source of funding for state and local recreation, whether by providing means to repair or build trails on state lands, funding construction or renovations at local parks and sports facilities, or supporting other recreation-related projects. The level of annual spending approved by Congress each year under the fund has fluctuated greatly over time.



Donation box at Great Smoky Mountains National Park.

FIGURE 10:
FEDERAL LANDS RECREATION ENHANCEMENT ACT REVENUES



Source: Congressional Research Service

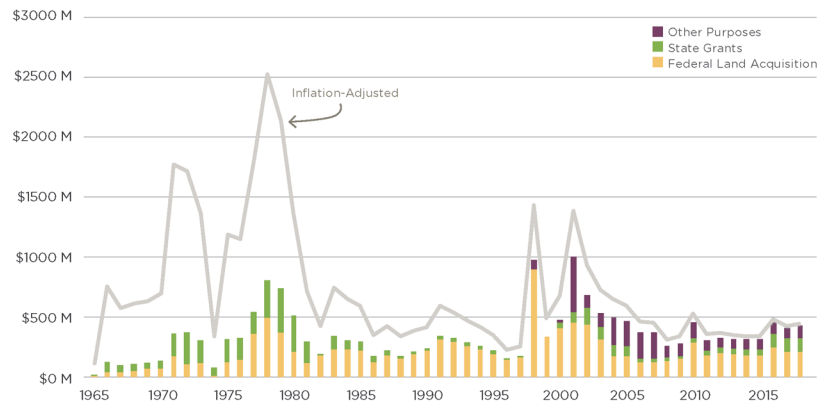
As part of a broad public lands legislation package, Congress permanently reauthorized the LWCF in 2019. The legislation did not mandate any funding under the LWCF, meaning that Congress will continue to use the annual appropriations process to approve spending under the fund. The bill did specify that for future spending approved under the program, at least 40 percent must be allocated for federal purposes and at least 40 percent must go to states.⁴⁶

Adjusting program funding for inflation over its history shows a significant decline in real terms since the peaks of the late 1970s, representing less bang for the buck going to conservation and recreation over time. Likewise, in recent decades state grants

have taken a back seat to federal land acquisition and, since 1998, to the broad “other purposes” category. In fact, states have received just 13 percent of LWCF allocations since 1998.

While the spending power of the LWCF has declined significantly over the long run due to inflation, the amount of spending actually approved by Congress has also proved to be relatively unpredictable year to year. In recent years, Congress has approved LWCF spending at roughly half of its \$900 million annual accrual level. The LWCF’s unpredictable track record reflects the uncertainty of the political process inherent to congressional appropriations decisions.

FIGURE 11:
LAND AND WATER CONSERVATION FUND



Source: Congressional Research Service

Note: Line denotes total LWCF spending in constant 2018 dollars. Bars denote breakdown of LWCF spending in nominal terms.



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STATE CONSERVATION AND RECREATION FUNDING

States also provide a significant portion of government funding that supports recreation opportunities, much of which overlaps with spending on conservation. State parks and state fish and wildlife agencies are two of the most important entities devoted to recreation at the state level. In addition, some states have begun to establish dedicated offices of recreation in recent years.

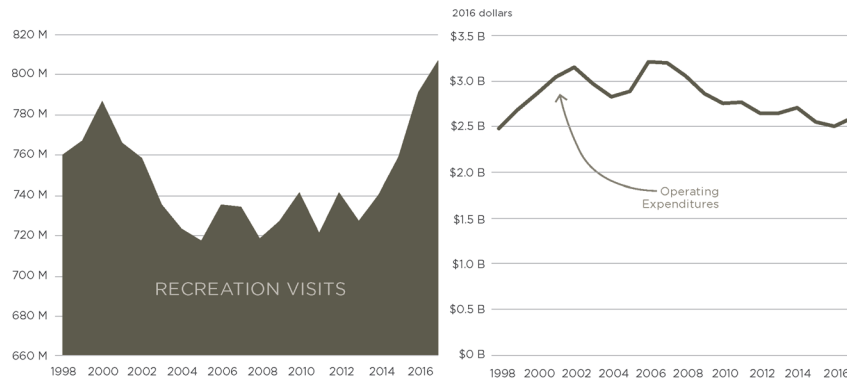
State Parks

While national parks garner many headlines and feature some of the most famous landmarks and sites in the country, state parks outnumber national park units by a factor of 20 and provide countless recreation opportunities. From Florida to Alaska, more than 8,500 state park areas offer virtually any and all types of recreation, including hiking and camping, skiing, golfing, kayaking and swimming, picnicking, and simply enjoying the outdoors.⁴⁷

After a dip in visitation around the time of the Great Recession, state parks have seen attendance grow steadily in recent years. In 2017, about 807 million people visited state parks nationwide—nearly twice as many visits as to federal parks and forests combined. The trend in operating expenditures over the past decade, however, has been a steady decline, falling from more than \$3.0 billion in 2008 to about \$2.5 billion today.⁴⁸

Operating expenditures include spending on all goods and services that go toward managing a state park system, meaning it can serve as a rough proxy for the amount of funding available to run parks. While there's wide variation in the way that state park systems are funded across the country—with some extremely dependent on state general funds and others completely funded by park users—the roughly 17 percent decrease in expenditures over the past decade is evidence that funding is being squeezed in many states.⁴⁹ The upshot is that many state park systems face the same challenge as national parks—having to serve more visitors with less funding.

FIGURE 12:
STATE PARKS VISITATION AND OPERATING EXPENDITURES



Source: National Association of State Park Directors

State Fish and Wildlife Agencies

The collective budgets of state fish and wildlife agencies total roughly \$5.6 billion. These agencies manage land, habitat, and wildlife within states. Nearly 60 percent of their funding comes from sources related to hunting and fishing, and the largest portion is revenue from state hunting and fishing licenses, which combine to equal about \$1.6 billion.⁵⁰

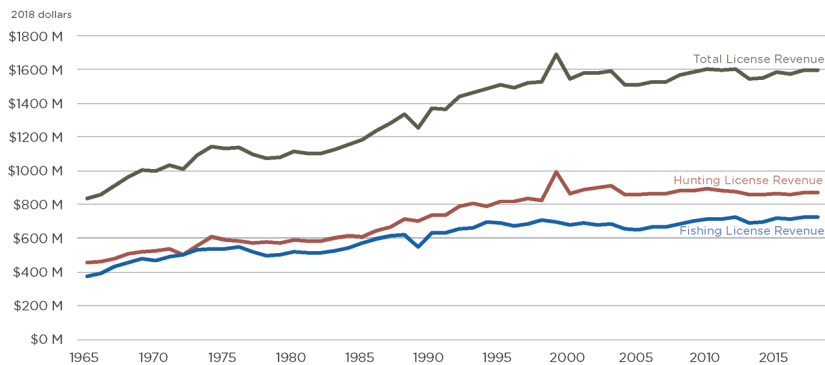
Collectively, these agencies' second-largest source of funding is revenue from federal excise taxes on firearms, ammunition, fishing tackle, and related items. These funds are distributed by the U.S. Fish and Wildlife Service through the Wildlife Restoration Program and the Sport Fish Restoration Program, created by the Pittman-Robertson and Dingell-Johnson Acts, respectively. In 2018, the two programs combined provided more than \$1.1 billion to state fish and wildlife agencies.⁵¹ The excise tax revenues collected

by the federal government are distributed based on a formula that takes into account the number of paid license holders in a state, and generally, grants under the program require states to match federal funding at a ratio of one to three.⁵²

The reliance on hunting and fishing for state funding has become cause for concern given long-term trends of those activities. The share of the adult population that are hunters peaked around 1960 at about 11 percent. That participation rate had fallen to 4 percent by 2016, or about 11 million hunters, a decrease of more than 2 million hunters over the previous five years. When it comes to fishing, participation peaked in 1975 at about 24 percent of the adult population. That rate had fallen to 14 percent by 2016, or about 36 million anglers.⁵³

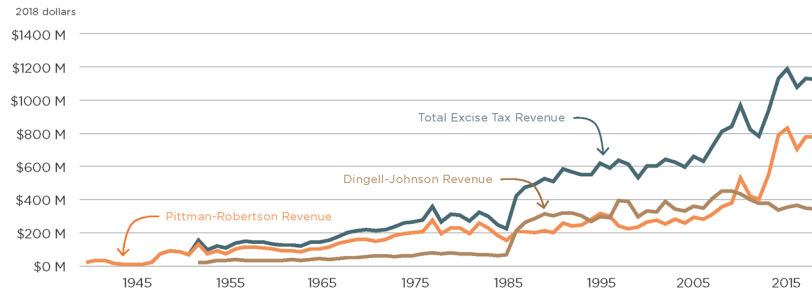
These declines in participation have thus far not been reflected in the relatively stable streams of revenue that come from state hunting and fishing licenses.

FIGURE 13:
STATE REVENUE FROM HUNTING AND FISHING LICENSES



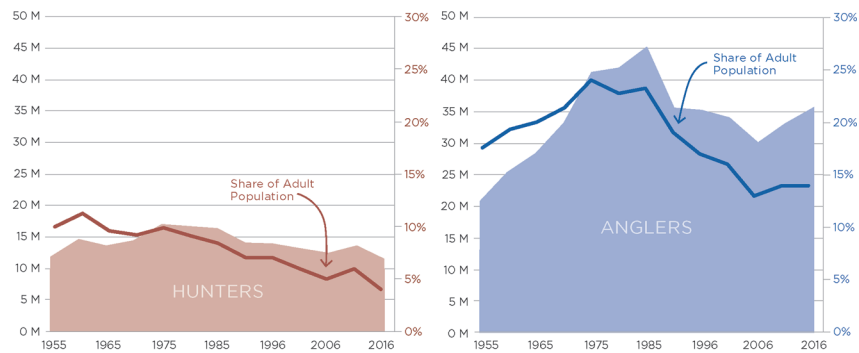
Source: Fish and Wildlife Service, Wildlife & Sport Fish Restoration Program: Historical License Data

FIGURE 14:
WILDLIFE AND SPORT FISH RESTORATION PROGRAM: Apportionments to States



Source: Fish and Wildlife Service, Wildlife & Sport Fish Restoration Program: Historical Funding Data
Note: Program funding comes from federal excise taxes that are apportioned to states for conservation- and recreation-related purpose.

FIGURE 15:
HUNTING AND FISHING TRENDS



Source: Fish and Wildlife Service and Census Bureau National Surveys of Fishing, Hunting, and Wildlife-Associated Recreation

Similarly, revenues from the excise taxes established by Pittman-Robertson and Dingell-Johnson have either remained stable or increased in recent years.

It's possible that states have become more adept at pricing hunting and fishing licenses in ways that have maintained agency revenues—such as charging more for out-of-state licenses and tags.⁵⁴ Population growth also helps offset the decline in participation rates, making it easier for states to maintain—if not grow—their license revenues. When it comes to Pittman-Robertson and funding for the Wildlife Restoration Program, it seems plausible that recent increases have been driven largely by activities not necessarily related to hunting, including growth in handgun sales, target shooting, and gun collecting.⁵⁵ Regardless, anecdotal evidence from state agencies suggests that long-term declines in hunting and fishing have become cause for concern given the significant amount of funding historically derived from hunters and anglers.⁵⁶

State Recreation Offices

In recent years, more and more states have sought to establish dedicated recreation offices separate from other state agencies.⁵⁷ These fledgling offices have been created in part to champion the benefits that stem from the outdoor recreation economy as well as to drive the legislative agenda of recreation interests. Relatedly, some states have tried to implement mechanisms to secure dedicated funding for recreation, whether by redirecting sales taxes on sporting goods, channeling a portion of lottery proceeds, or tapping into real estate tax revenues.⁵⁸ These strategies have had mixed success and, in many cases, still must prove their staying power—especially where they were enabled by statutes that require annual legislative appropriations—but there's no doubt that new sources of funding dedicated to recreation would be a boon for many states.

THE FUTURE OF RECREATION FUNDING

The sources of funding covered in this report provide an overview of federal and state resources devoted to outdoor recreation on public lands. Together, they also illuminate some of the current and future challenges of funding outdoor recreation at local, state, and federal levels.

Recent trends suggest that much of the recreation funding available to federal land management agencies has either stagnated or declined in real terms, even as visitation to many federal lands has been increasing over the long term. As a result, funding shortfalls for maintenance and other needs are substantial and growing. The Land and Water Conservation Fund remains a significant source of funds for federal- and state-level recreation projects, yet its funding levels have proven to be unpredictable year-to-year. Trends in hunting and fishing participation suggest concern for the future of funding sources tied to those activities.

Comparing the long-term trends of three funding streams reveals several important truths about historical recreation funding. After adjusting for inflation, state revenues from hunting and fishing licenses have proven to be remarkably stable over time. State licenses have not only been a significant source of funding for more than half a century, but as a point of comparison, the roughly \$1.6 billion in revenue that they yielded in 2018 was also nearly four times larger than the \$425 million appropriated from the Land and Water Conservation Fund last year.

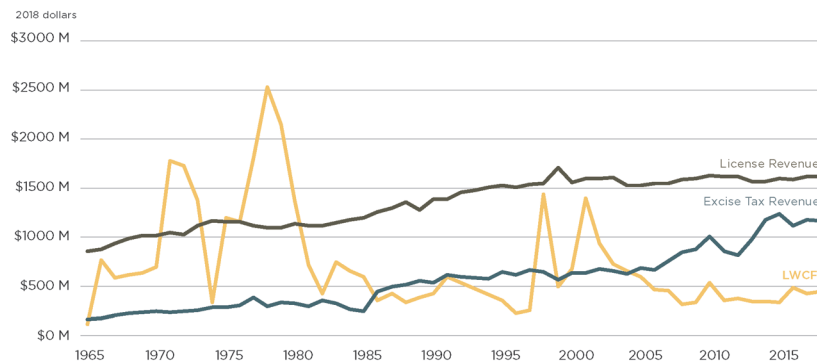
Likewise, state funding derived from federal excise taxes on equipment for hunting, shooting, fishing, and boating have proven relatively consistent and substantial as well. These sources provided more than \$1.1 billion to states in 2018.

By contrast, the Land and Water Conservation Fund has proven to be a much less stable funding source. It's clear that the fund today is yielding much less conservation and recreation—at least as measured by level of inflation-adjusted funding—than it has over much of its history. In fiscal year 1980, for instance, \$509 million was appropriated under the LWCF, or roughly 17 percent more than the \$425 million that was appropriated in 2018. Yet in real terms, the 1980 appropriation had more than three times the purchasing power of the 2018 one—roughly \$1.3 billion compared to \$425 million.⁵⁹ Clearly, the LWCF was getting a lot more bang for its conservation and recreation buck in past decades. By contrast, revenues from licenses and excise taxes are steady or even growing in real terms.

Furthermore, the ups and downs of the LWCF record even over recent decades could be interpreted as par for the course given the way the program was constructed. The uncertainty and partisanship inherent to the congressional appropriations process means that the federal and state agencies that partially rely on the fund never know how much will be approved from year to year. The funding ultimately depends on factors almost wholly unrelated to outdoor recreation, like the overall political climate, partisan priorities for government spending, and who happens to be in the White House or chair the House Natural Resources Committee.

There's an undeniable contrast between the historical record of funding from the LWCF and the two state sources that are either directly or indirectly

FIGURE 16:
THREE FUNDING STREAMS



Source: Fish and Wildlife Service and Congressional Research Service



tied to user demand for recreation. State license revenues and proceeds from federal excise taxes have proven much more reliable and significant sources of funding over time. Furthermore, the fact that these sources are tied to recreationists helps ensure that the funds promote responsible stewardship of the public lands that serve as some of our greatest recreation assets. The incentive structure created by such funding mechanisms has clear advantages. The funds are dedicated to conservation and recreation and therefore, unlike many other public revenues, cannot be siphoned away to the U.S. Treasury and diverted

to other purposes. The programs also have a clear constituency, and the accounts have proven resistant to being raided for other purposes.

The good news for Americans who enjoy recreating on public lands is that demand for outdoor recreation is healthy and potentially growing. If the enthusiasm for enjoying public lands can be better channeled into user-funded mechanisms that support the maintenance and improvement of them, then outdoor recreationists of all stripes would have much to gain.

ENDNOTES

A note on charts and data sources:

Unless otherwise noted, government spending figures within this report are for fiscal years and are adjusted for inflation using the GDP Chained Price Index from the White House Office of Management and Budget, Historical Tables, Table 10.1, "Gross Domestic Product and Deflators Used in the Historical Tables."

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Tate Watkins is a research fellow at the Property and Environment Research Center.

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