

### 3. LAND AND WATER CONSERVATION FUND:

Reform the LWCF to address critical needs on existing public lands

— by Robert H. Nelson, Shawn Regan, and Reed Watson

Congress created the Land and Water Conservation Fund (LWCF) in 1965 to help “preserve, develop, and ensure access to outdoor recreation facilities to strengthen the health of U.S. citizens.”<sup>11</sup> The program is set to expire in 2018, and its potential reauthorization has been the subject of recent debate in Congress.

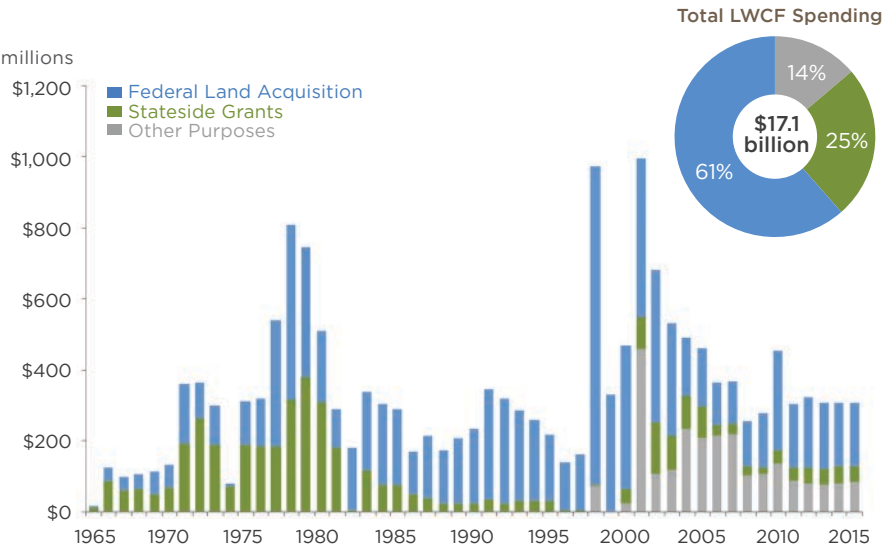
Each year, Congress devotes \$900 million to the LWCF, largely derived from offshore federal oil and gas lease revenues, although any actual spending under the program must be appropriated by lawmakers. The funds are appropriated for three general purposes: federal land acquisition, state-level matching grants for outdoor recreation projects, and a third catch-all category referred to as “other federal purposes.”<sup>12</sup>

The annual funds appropriated through the LWCF for these multiple purposes have varied substantially over time. Overall, the majority of the appropriations (61 percent) has gone toward federal land acquisition, totaling \$10.5 billion and resulting in an expansion of the federal estate by more than 5 million acres—an area equal to the size of New Jersey.<sup>13</sup>

This federal portion of LWCF funding can only be used for land acquisition by federal land agencies; it cannot be used for routine maintenance or operations, or to enhance access opportunities on existing public lands. So while the LWCF allows the federal government to purchase more land, it provides no means of taking care of those lands—nor does it address the critical needs that exist on the hundreds of millions of acres the federal government already owns.

Today, the LWCF is in need of reform if it is going to address the challenges of the 21st century, rather than simply expand the federal estate. Federal land agencies already lack sufficient funds to meet their basic statutory duties or perform their necessary management and maintenance functions. The maintenance backlog for the National Park Service alone, for example, is \$12 billion. (See Section 2 on national parks.)

LWCF APPROPRIATIONS, FY1965-FY2015



The Land and Water Conservation Fund should be reformed if it is going to fulfill or advance its original purpose. Popular misconceptions about the LWCF—including the supposed lack of costs to American taxpayers—warp the political process of federal priority setting, and for overall government expenditures as well.<sup>14</sup> And acquiring more federal lands when we cannot adequately maintain our existing public lands is irresponsible conservation.

Although wholesale reform of the LWCF is unlikely, incremental changes could be made to improve the program and update it for the challenges of the 21st century. Even without modifying the LWCF authorizing legislation, policymakers could implement much-needed changes by simply altering the types of appropriations Congress authorizes under the LWCF.

## Policy Reforms:

- Sharply reduce the level of federal land acquisitions. If additional land acquisitions are made, Congress should ensure they are done in a way that does not place additional financial burdens on already-overburdened land agencies. (See Section 1 on public lands management.)
- Redirect LWCF appropriations to address critical needs on existing federal lands, including deferred maintenance, habitat restoration, management shortfalls, and legally acquired access across private land. This could be done by clarifying the criteria for appropriating LWCF funds to the “other purposes” category to include such needs.
- Negotiate easements or land exchanges to improve public access for recreationists and sportsmen, instead of acquiring land outright. Where improved public access to federal land is needed across private lands, easements or land exchanges—voluntarily negotiated with private landowners—should be the primary means of providing this access.

## Further Reading:

- “5 Myths about the Land and Water Conservation Fund,” by Robert H. Nelson, Shawn Regan, and Reed Watson. *PERC Policy Brief* (April 2016).