

# APPENDIX C

## Land & Water Conservation Fund Stateside Assistance Program Funding Overview

### I. What is The Land And Water Conservation Fund (LWCF)?

As one of America's oldest and most successful conservation programs, the Land and Water Conservation Fund (LWCF) was created by Congress in 1965 to preserve, create and ensure access to outdoor recreation facilities to strengthen the health of all Americans. With strong bipartisan support over the past 50 years, LWCF has helped fund public land acquisitions, preserve and restore critical wildlife habitat, create more outdoor recreation opportunities on America's public lands, generated greater hunting and fishing access, preserved historic sites, and supported state and local parks, trails, ballfields and swimming pools in nearly every county in America.

### II. How does LWCF funding work?

No taxpayer dollars are used to fund LWCF. Congress funds LWCF predominately with revenues from oil and gas leasing from the Outer Continental Shelf. Recognizing the potential environmental impacts of such leasing, Congress created LWCF in 1965 as an offset and way to provide funds to preserve the environment while promoting health through outdoor recreation. LWCF promotes outdoor recreation in three main ways:

1. **Federal Land & Water Acquisitions**—National Parks, U.S. Fish and Wildlife, BLM, and USFS can acquire new lands and waters and creates additional access to these areas for outdoor recreational purposes. By law, 40% of LWCF funds go to this program.
2. **State Assistance Matching Grants**—States can use LWCF funds for recreational planning, acquiring land and water and developing outdoor recreational facilities. A federal match is available for up to 50% of the costs of a project and the state has 3 years to spend the money. Money has to be used for outdoor recreation. By law, 40% of LWCF funds to the stateside program.
3. **Other Federal Programs**—USFS Forest Legacy Programs and the U.S. Fish and Wildlife Service Cooperative Endangered Species Conservation Fund also receive a percentage of LWCF funds.

### III. How much funding is there for LWCF annually?

In the summer of 2020, Congress passed The Great American Outdoors Act, amending the authorization for LWCF to provide full and permanent funding for the program. The law provides for a deposit of \$900 million into the LWCF each fiscal year which is available the next fiscal year to support the purposes of the program. Passage of The Great American Outdoors Act into law was a major accomplishment since LWCF had been chronically underfunded over the program's history (often receiving less than \$450 million annually) and LWCF was only fully funded twice over the past 50 years. Along these lines, of the \$38 billion in total revenues for LWCF's history, only \$17.5 billion were ever appropriated to LWCF (less than ½). The money that was not appropriated to LWCF by Congress was simply spent on other things. The Great American Outdoors Act put a stop to this chronic underfunding and ensures that America's public lands, parks, wildlife habitat and other outdoor recreation areas have the resources they deserve.

#### **IV. What is the LWCF State Assistance Program?**

The Land and Water Conservation Fund Act of 1965 states that LWCF funds are to be used for both federal purposes and “financial assistance to states.” The LWCF State Assistance Program has provided over \$4.8 billion to states and local communities to fund more than 42,000 outdoor recreational projects across every state and in 98% of counties in America. Providing close to home outdoor recreation opportunities, the LWCF State Assistance Program provides essential funding for everything from state parks and wildlife areas to local parks, trails, boat ramps, swimming pools, ice rinks, and fishing areas. In supporting local and state economies, the LWCF State Assistance Program supports our nation’s local and regional parks, which create nearly \$140 billion in economic activity and support almost 1 million U.S. jobs. With the passage of The Great American Outdoors Act, LWCF is now guaranteed to be fully funded at \$900 million annually, the LWCF State Assistance Program will have substantially more funds (a guaranteed \$360 million annually) as well as a more predictable annual funding stream for each state.

#### **V. How does the LWCF State Assistance Program work and who is eligible to apply?**

Each year, LWCF funds are apportioned to the states by the U.S. Secretary of the Interior through the National Park Service. Under a formula set out in the LWCF Act, each state receives an equal amount of funding annually. The DOI Secretary may further appropriate additional funding based on the state’s population as well as other state recreational needs. Each state has 3 years to obligate these funds to different projects. State agencies, U.S. territories, local governments--including cities, counties, towns and municipalities--and federally recognized Native American Tribal governments are all eligible to apply to LWCF assistance for their outdoor recreation projects.

To administer and oversee the LWCF State Assistance Program, each state must designate a State Liaison Officer (SLO) and Alternate State Liaison Officer (ASLO). Additionally, each state must create a Statewide Comprehensive Outdoor Recreational Plan (SCORP) that sets the outdoor recreation priorities and goals for each specific state. While some SCORPs may prioritize funding for state parks or acquisition of new state lands to be used for outdoor recreation, others may prioritize improved access to hunting and fishing areas, outdoor recreation focused on promoting tourism or creation of local parks, biking and walking trails. To maintain eligibility for LWCF state assistance grants, states must also update their SCORP every 5 years. Further, governing entities that apply for these funds must also meet certain matching fund requirements as discussed below.

#### **VI. Does the LWCF State Assistance Program require matching funds?**

Yes. The LWCF stateside grant program will match up to 50% or less of the project’s total cost. State agencies, U.S. territories, local governments and Native American Tribes that apply for LWCF state assistance grants must be able to fund the remainder of the project’s cost. As discussed below, there are many creative ways to meet the LWCF match. It’s also important to note that the LWCF state assistance grant program is a reimbursement program. All grantees must submit reimbursement requests to their State Liaison Officer in order to receive the grant funding.

## VII. How does LWCF benefit urban communities?

In addition to being eligible to apply for funds through the general State Assistance Program, the LWCF Outdoor Recreation Legacy Program (ORLP) was started in 2014 to provide stateside grants to urban communities – jurisdictions of at least 50,000 people – with priority given to projects located in economically disadvantaged areas lacking in outdoor recreation opportunities. While supporting urban wildlife habitat, open spaces and community parks, ORLP also seeks to promote active lifestyles by getting kids outdoors, which has been shown to make kids smarter, happier and healthier. ORLP recognizes that city parks are essential to attracting and maintaining a strong workforce and spurring economic investment in urban communities. Since 2014, ORLP has provided millions of dollars to urban communities across America to plan and build parks and other recreation facilities in underserved communities. Currently, ORLP grants range up to \$750,000 and must also meet the state matching funds requirements.

## VIII. What are the primary sources of LWCF matching funds?

Successful LWCF applicants find creative ways to fund their proposed outdoor recreation projects. Below are some of the main sources for matching LWCF funds:

1. **Bonds:** Various municipalities across the country have passed bonds to generate funds to meet the LWCF match for outdoor recreation projects.
2. **Fees:** Some states designate park entry fees, concession sales from public events, and consumer use fees as their sources of LWCF match funding.
3. **Taxes:** Certain states have been creative in generating LWCF matching funds through taxes. For example, Texas allocates taxes from the sale of sporting goods to help fund their state parks.
4. **In-Kind Donations:** Many grantees have met the LWCF match through in-kind donations. These donations may range from donation of labor and volunteer hours, to donated resources and materials.
  - a. For example, a private electrician may agree to donate their time to put up new lights at a local ballfield to help meet this match. Or a county uses the labor of a road crew and county materials as their LWCF match to construct a new park.
  - b. Many non-profit organizations partner with government entities and provide volunteer hours as well as materials for certain projects to help meet the match.
5. **Private Land Donations:** Donation of private land to states, local governments and Native American tribes can be used to meet the LWCF match. Private lands must be donated for the purposes of outdoor recreation and the matching value will be appraised at fair market value.
6. **Private, Corporate & Non-Profit Donations:** Some governing bodies and urban communities seeking ORLP funds have received directed donations from private individuals, corporations and non-profits to satisfy their LWCF match.
7. **Federal Funding:** Generally federal funds cannot be used as a match for another federal grant; however, there are some exceptions. The Recreational Trails Program (RTP) and the Community Development Block Grant (CDBG) can be used as a match for LWCF.

## **IX. How are LWCF Stateside Grant Programs evaluated?**

Each state has a SLO and ASLO who works with eligible entities on their project proposals. Once submitted, applications are evaluated by the state agency, and depending on the jurisdiction, an advisory committee may be created for additional project review. Applications are evaluated based on how well the proposal addresses outdoor recreation priorities and goals identified in that particular state's SCORP, well as on the technical merits of the project, previous applicant performance, availability of funding, project readiness, and a site visit/inspection. Top ranking proposals are then reviewed by the NPS and funded until the grant allocation is expended for that given year. In addition to reviewing incoming projects, every five years the SLO and/or ASLO must conduct a compliance visit to each LWCF funded site to ensure that the site continues to be used for its original purpose of outdoor recreation.