

# National Park Service



EXPERIENCE  
YOUR  
AMERICA

## **The Outdoor Recreation Resources Review Commission's (ORRRC) -- 'Greatest Idea'**

---

---

## **Foundations of LWCF State Grant Program**

**National Land and Water Conservation Fund State Grant Training  
Denver, Colorado**

**April 7-11, 2013**



# National Park Service



EXPERIENCE  
YOUR  
AMERICA

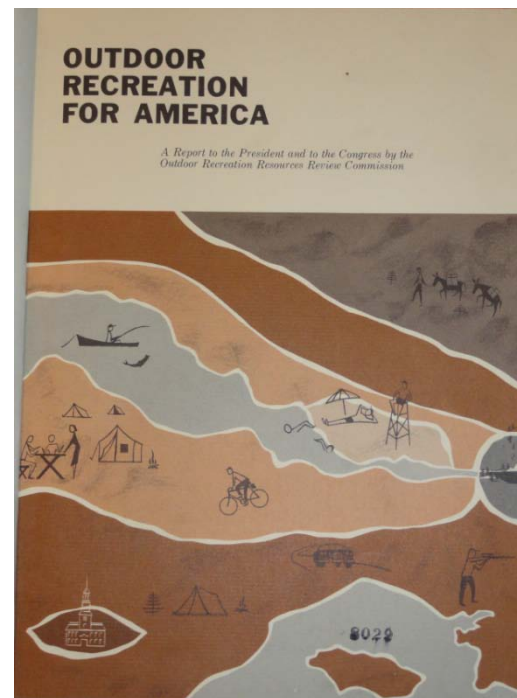
- Session Objectives
  1. Comprehend the genesis of the LWCF Act of 1964 and the fundamental aspects of the State Assistance Program.
  2. Gain familiarity with the organizational and operational structure of the program and be able to identify roles and responsibilities.



# National Park Service



- ORRRC's Mission
  - Determine recreation needs now and in 2000
  - Determine resources needs now and in 2000
  - Recommend policies and programs
- Core Findings
  - Opportunities urgently needed near metropolitan areas
  - Land is available but doesn't effectively meet needs
  - Money is needed



EXPERIENCE  
YOUR  
AMERICA



# National Park Service



EXPERIENCE  
YOUR  
AMERICA

- ORRRC's Recommendations
  - A National Outdoor Recreation Policy
    - "... preserve, develop and make accessible ... such quantity and quality of ... recreation
    - Implementation will require cooperation from all levels of government, especially the States
  - Establish Bureau of Outdoor Recreation
  - Create a grant-in-aid program to stimulate and assist the States



# National Park Service



EXPERIENCE  
YOUR  
AMERICA

- President Johnson's Endorsement
  - LWCF Act received bipartisan support



Signed into law on Sept. 3 1964



# National Park Service



EXPERIENCE  
YOUR  
AMERICA

- LWCF Act's Purpose

“to assist in preserving, developing, and assuring accessibility to all citizens ... present and future generations and visitors ... such quality and quantity of outdoor recreation resources ... are necessary and desirable for individual active participation in such recreation and to strengthen the health and vitality of the citizens of the United States by...”



# National Park Service



EXPERIENCE  
YOUR  
AMERICA

- LWCF Purpose was to be Accomplished by
  - “(1) providing funds for and authorizing Federal assistance to the States in planning, acquisition, and development of needed land and water areas and facilities
  - (2) providing funds for the Federal acquisition and development of certain lands and areas
    - Supports NPS, FWS, BLM, and USFS acquisition needs”



# National Park Service



EXPERIENCE  
YOUR  
AMERICA

- LWCF Act –
  - Established a long term source of funding
    - Proceeds from sale of surplus federal lands
    - Motorboat fuel tax
    - Recreation use fees
  - Set 60% for State grants and 40% federal acquisition





# National Park Service



EXPERIENCE  
YOUR  
AMERICA

- LWCF Act's – Evolution
  - Basic purposes remain the same today
  - Legislative amendments
    - 1968 -- OCS oil and gas royalties added
    - 1976 -- “not less than 40% available for federal purposes” added
    - 1977 -- Funding authorization level increased to \$900m
  - FY1998 expansion of funds for “related purposes” other than land acquisition

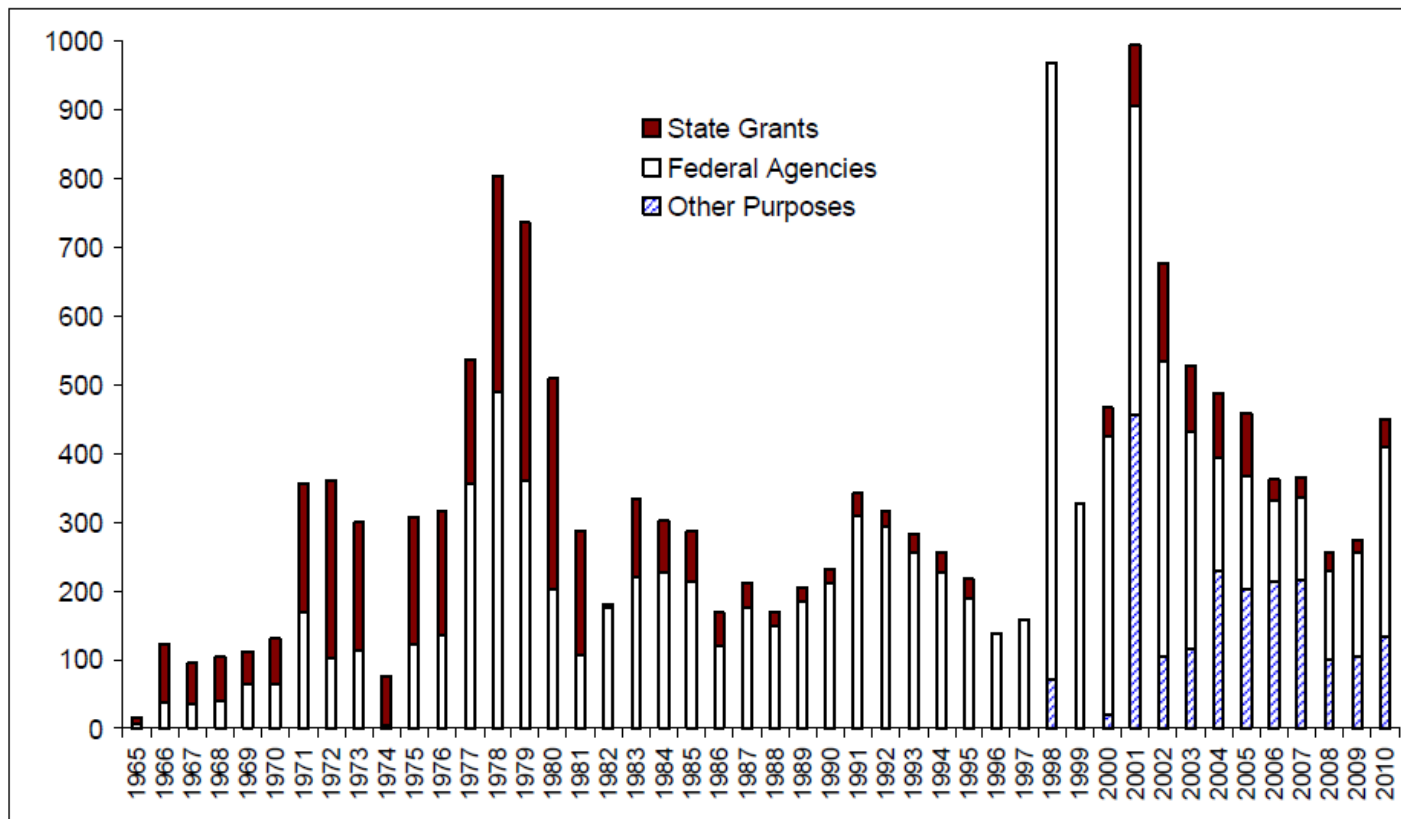


# National Park Service



**Figure 1. LWCF Appropriations, FY1965-FY2010**

(in millions of dollars)



**Source:** The primary source for these data is the DOI Budget Office; data updated May 29, 2009. See the Land and Water Conservation Fund, MSEXcel spreadsheet, on the Budget Office's website at [http://www.doi.gov/budget/budget\\_general/bgindex.html](http://www.doi.gov/budget/budget_general/bgindex.html) (visited on July 30, 2010).

**Notes:** The graph does not reflect \$76 million provided for the transition quarter from July 1, 1976, to September 30, 1976.

EXPERIENCE  
YOUR  
AMERICA

# National Park Service



- September 30, 2015 – a Date to Remember
  - 50<sup>th</sup> Anniversary of the LWCF Act
  - LWCF Act's sunset date
    - Continuation of funding
    - Preservation of the recreation estate i.e. 6(f) protection

EXPERIENCE  
YOUR  
AMERICA



# National Park Service



## LWCF State Assistance Program



EXPERIENCE  
YOUR  
AMERICA



# National Park Service



EXPERIENCE  
YOUR  
AMERICA

- LWCF State Assistance -- Relevancy
  - The State Assistance Program is the only state and federal partnership program in the federal government for creating and protecting public parks and outdoor recreation opportunities close to home



# National Park Service



EXPERIENCE  
YOUR  
AMERICA

- Core Legislative Cornerstones of the State Assistance Program
  - 1. Partnership to assist states in building a state and local park system, close to home -- *grants*
  - 2. Increase and maintain a permanent nationwide recreation estate -- *6(f) protection*
  - 3. Encourage sound planning recreational – *SCORP's*



# National Park Service



EXPERIENCE  
YOUR  
AMERICA

- The Program
  - State-Federal Partnership -- emphasis State role
  - 50/50 matching grants
    - To states and thru states to local units of government
    - Grants for acquisition, development, and planning



# National Park Service



EXPERIENCE  
YOUR  
AMERICA

- Three Key Legislative and Policy Provisions
  - 1. **SCORP - Statewide Plan**, 5 year cycle
  - 2. **Open Project Selection Process (OPSP)**
  - 3. Assisted **sites maintained and protected in perpetuity**—Section 6(f)(3)





# National Park Service



EXPERIENCE  
YOUR  
AMERICA

- 1. Statewide Plan – You Got to Have a Plan  
– SCORP elements ...
  - 1) evaluate the supply of and demand for public outdoor recreation resources (local, state, and federal) throughout the state;
  - 2) identifies and prioritizes needs and opportunities for recreation improvements including capital investments, and
  - 3) a program to implement the SCORP



# National Park Service



EXPERIENCE  
YOUR  
AMERICA

- 2. Open Project Selection Process
  - Administratively adopted in the 1980's to better align projects with SCORP recommendations
    - Outlines the state's criteria and standards for grant selection
    - Sets forth the process for equal participation in the state's LWCF program
    - NPS approved document



# National Park Service



EXPERIENCE  
YOUR  
AMERICA

- 3. Site Protection & Maintenance Requirements
  - 6(f)(3) Grant assisted sites must be maintained and accessible for public for outdoor recreation use in perpetuity
    - Sites, in whole or in part, may not be converted without approval of the Secretary
    - Law requires replacement property of at least equal value and equivalent recreational utility
  - State inspection every 5 years



# National Park Service



EXPERIENCE  
YOUR  
AMERICA

- **Session Objectives**

1. Comprehend the genesis of the LWCF Act of 1964 and the fundamental aspects of the State Assistance Program.
2. Gain familiarity with the organizational and operational structure of the program and be able to identify roles and responsibilities.



# National Park Service



EXPERIENCE  
YOUR  
AMERICA

- The Partnership
  - The program is administered centrally from Washington, DC, in conjunction with staff in four Regional Offices
  - NPS works in partnership with the States to ensure that LWCF funds are used consistent with the purposes of the Act and to safeguard the Act's legacy



# National Park Service



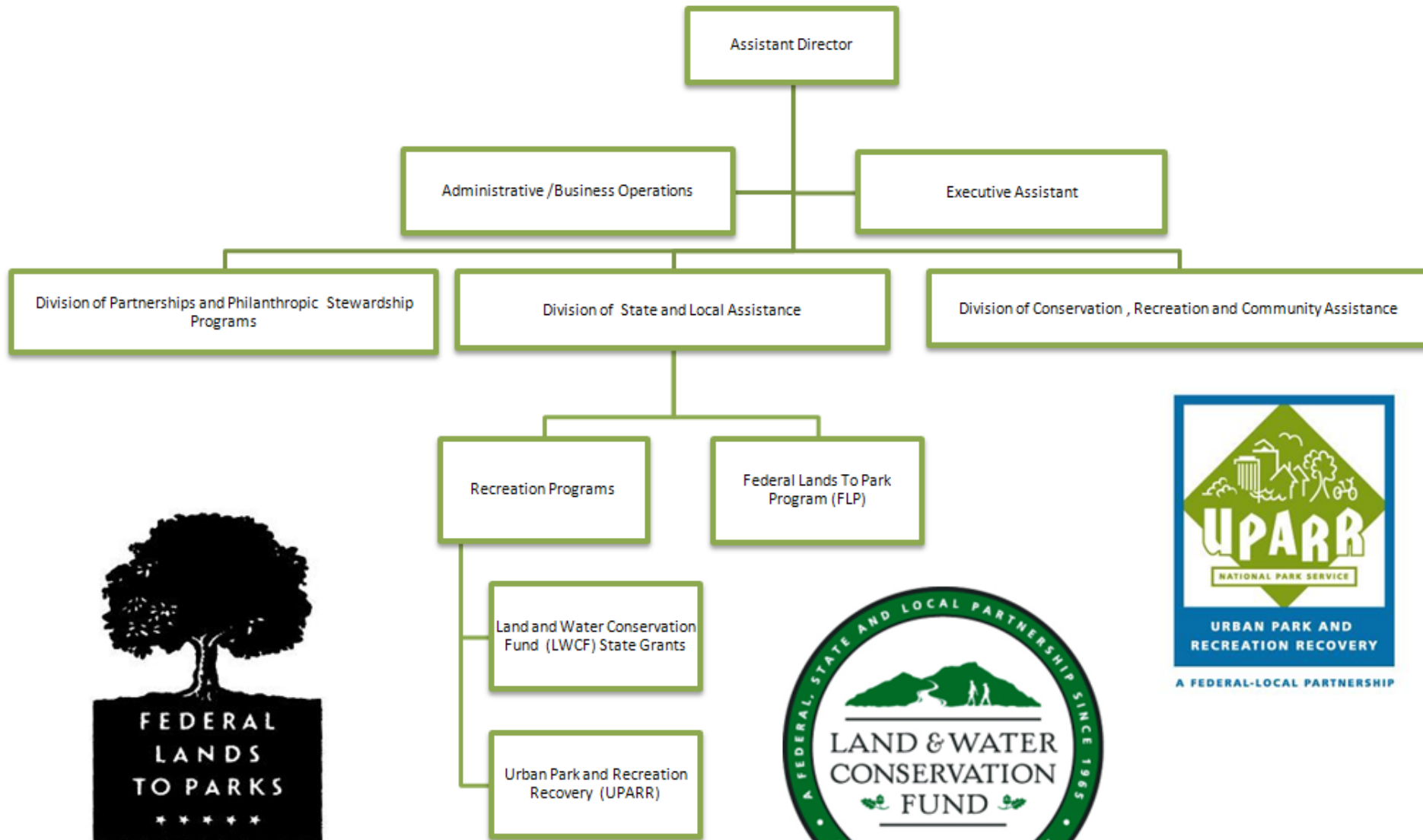
EXPERIENCE  
YOUR  
AMERICA

- NPS Organization – the Ever Evolving Maze
  - LWCF Program is 3 levels from the
    - Director, **Jonathan Jarvis**
    - Deputy Director of Operation, **Peggy O’Dell**
    - Assistant Director Partnership and Civic Engagement, **Rich Weideman**
      - Elevating “recreation” within NPS
      - Recognition of “external programs”
      - Looking to better serve our communities



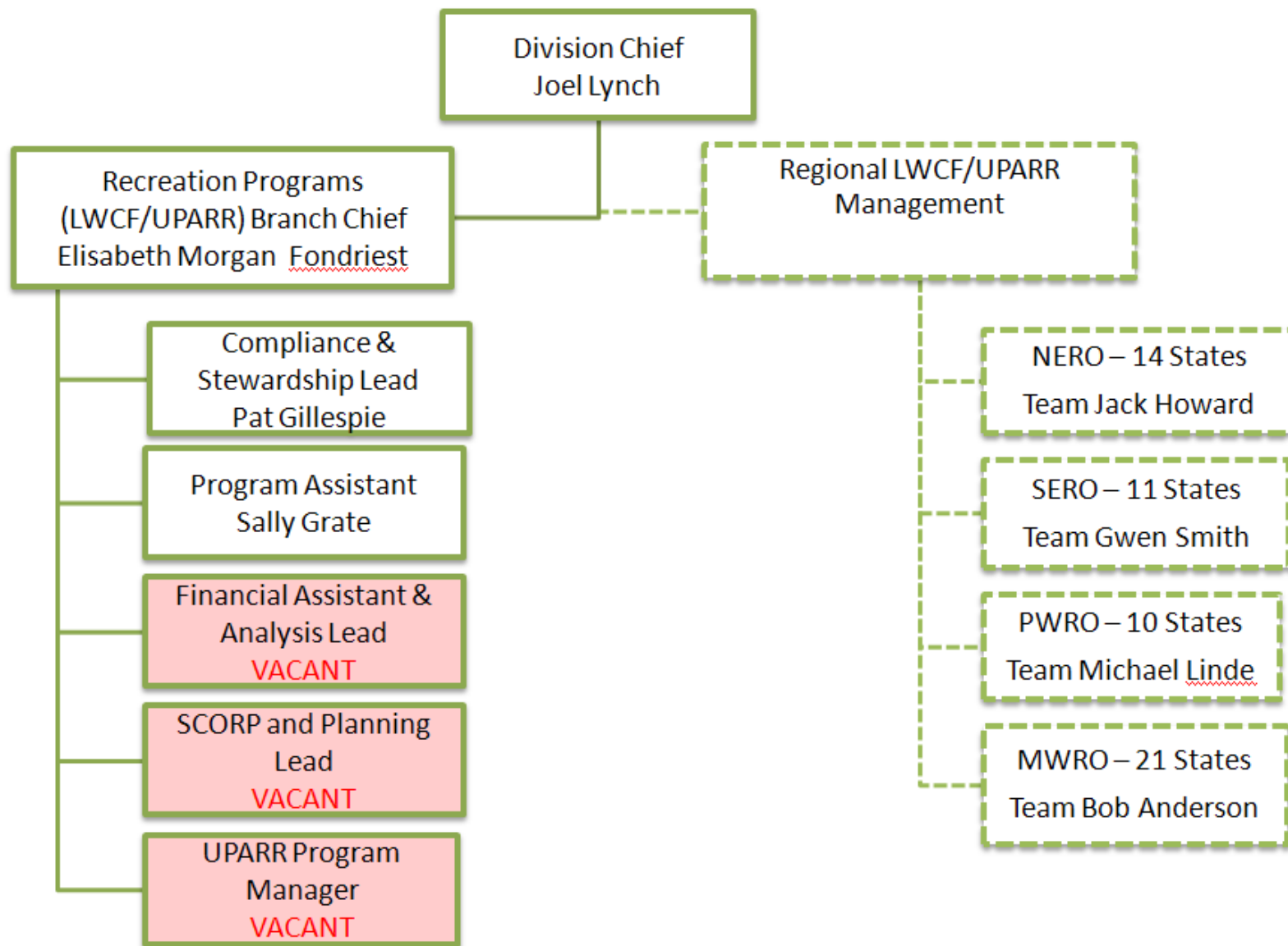
# Assistant Directorate, Partnerships and Civic Engagement (7000) State and Local Assistance Programs Division (2225)

National Park Service  
U.S. Department of the the Interior



# State and Local Assistance Programs Division (2225)

## Recreation Programs Branch





# National Park Service



EXPERIENCE  
YOUR  
AMERICA

- LWCF State Grant Program Pillars

NPS

Washington DC  
budget, program  
guidance, policy,  
manual, database

Regional Staff  
Grant approvals,  
compliance,

State/Territory's

SLO/ALSO  
State program

NASORLO



# National Park Service



EXPERIENCE  
YOUR  
AMERICA

- Programmatic Roles

## State

- SCORP and OPSP
- Evaluating and selecting projects
- Preparing and submitting applications to NPS
- Site inspection

## NPS

- Technical assistance and approval SCORP/OPSP
- Annual apportionment
- Reviewing applications and obligating funds
- Closing out completed projects
- Policy, manual, database

## NPS/State shared

- Managing funds and monitoring grants
- Assuring compliance of the grants and projects with the LWCF manual and regulations
- Overseeing post grant compliance



# National Park Service



EXPERIENCE  
YOUR  
AMERICA

- Accomplishments
  - \$4.1 billion appropriated, matched at least 50:50 for a total of \$8.2 billion
  - 42,000+ grants
    - 23% acquisition projects supporting purchase and protection of 3 million acres
    - 77% development/construction projects to develop basic outdoor recreation facilities
  - Grants benefited 10,800+ public agencies
    - 76% of grants awarded to local projects
  - LWCF park in more than 98% of counties



# National Park Service



## **Pulling Back the Curtains on LWCF Appropriations, Allocation and Fund Appropriation, Apportionment, Obligation, Expenditure, and SRA**

EXPERIENCE  
YOUR  
AMERICA

**National Land and Water Conservation Fund State Grant Training  
Denver, Colorado**

**April 7-11, 2013**



# National Park Service



EXPERIENCE  
YOUR  
AMERICA

- Session Objectives

1. Gain a basic understanding of the federal appropriation process as it relates to LWCF State Assistance Program.
2. Gain knowledge of the apportionment process, types of funds, and understand the fiscal requirements related to obligations and expenditures.



# National Park Service



EXPERIENCE  
YOUR  
AMERICA

- Session Objectives

1. Gain a basic understanding of the federal appropriation process as it relates to LWCF State Assistance Program.
2. Gain knowledge of the apportionment process, types of funds, and understand the fiscal requirements related to obligations and expenditures.



# National Park Service



EXPERIENCE  
YOUR  
AMERICA

- Basics of the Federal Budget Process
  - “Appropriation” authority is granted to Congress by US Constitution
  - President proposes a “budget” for Congressional consideration reflecting administration priorities
    - President’s Budget release February
    - A culmination of three separate budget proposals over 2 years
  - Congressional wrangling over the budget creates challenges



# National Park Service



EXPERIENCE  
YOUR  
AMERICA

- Differences in Requests and Appropriations

FY	President's Request	Congressional Appropriation	Difference
2003	\$194,600	\$94,383	-\$100,217
2004	\$156,000	\$91,360	-\$64,640
2005	\$91,360	\$89,736	-\$1,624
2006	\$0	\$27,995	+\$27,995
2007	\$0	\$27,995	+\$27,995
2008	\$0	\$23,133	+\$23,133
2009	\$0	\$19,000	+\$19,000
2010	\$27,200	\$37,200	+\$10,000
2011	\$47,200	\$37,126	-\$10,074
2012	\$195,000	\$42,138	-\$152,862





# National Park Service



EXPERIENCE  
YOUR  
AMERICA

- LWCF Act's – Evolution
  - Legislative amendments
    - 1968 -- OCS oil and gas royalties added
    - 1976 -- “not less than 40% available for federal purposes”
    - 1977 -- Funding level increased to \$900m
  - FY1998 expansion of funds for “related purposes” other than land acquisition



# National Park Service



EXPERIENCE  
YOUR  
AMERICA

- 1965 to 2012 LWCF Receipts and Outlays
  - \$34.4 billion total receipts received
  - \$16.3 billion appropriated
  - Outlay between Federal vs. State vs. Other

Federal	State	Other
\$10.2 billion (62%)	\$4.1 billion (25%)	\$2.2 billion (13%)

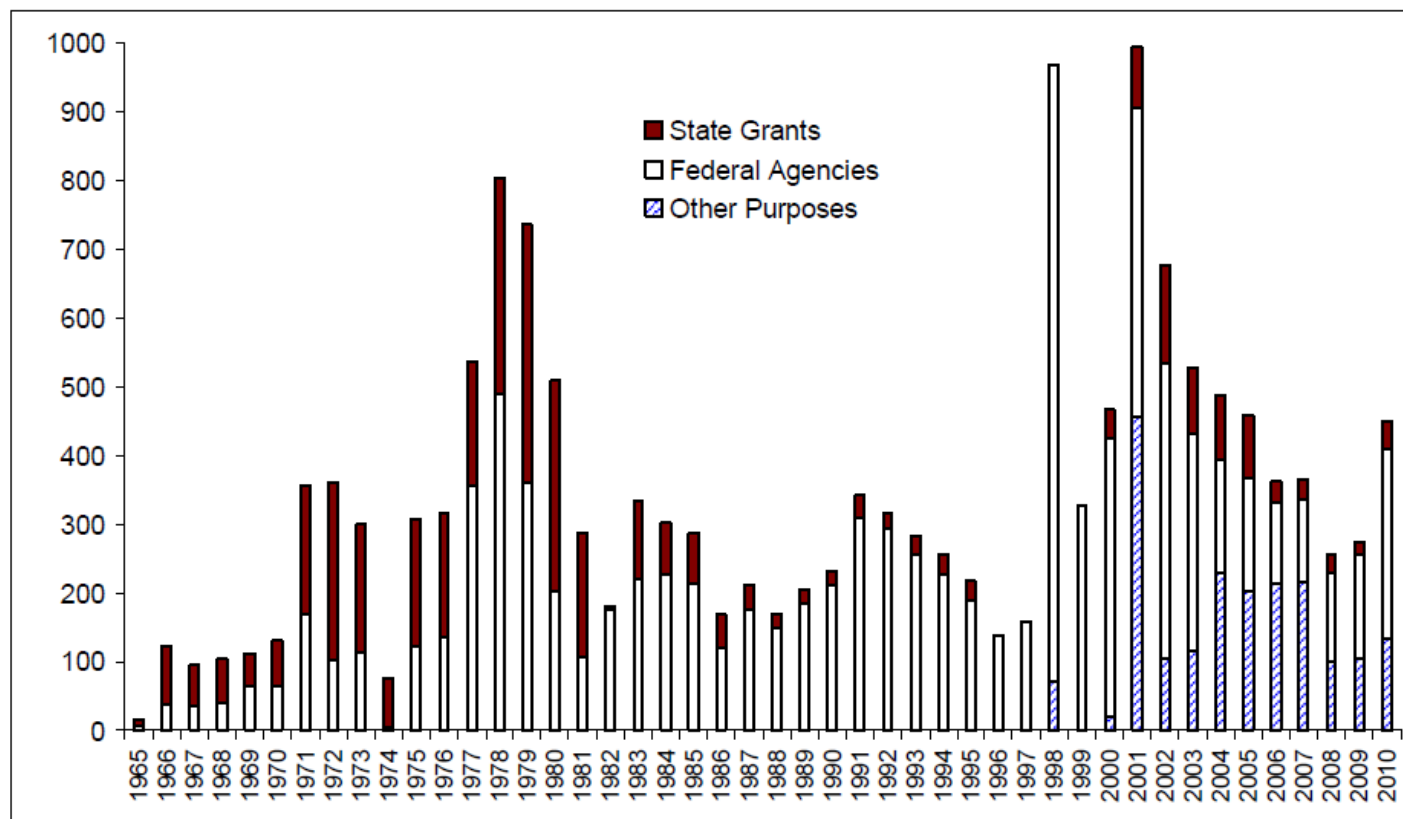


# National Park Service



**Figure 1. LWCF Appropriations, FY1965-FY2010**

(in millions of dollars)



**Source:** The primary source for these data is the DOI Budget Office; data updated May 29, 2009. See the Land and Water Conservation Fund, MSEXcel spreadsheet, on the Budget Office's website at [http://www.doi.gov/budget/budget\\_general/bgindex.html](http://www.doi.gov/budget/budget_general/bgindex.html) (visited on July 30, 2010).

**Notes:** The graph does not reflect \$76 million provided for the transition quarter from July 1, 1976, to September 30, 1976.

EXPERIENCE  
YOUR  
AMERICA

# National Park Service



EXPERIENCE  
YOUR  
AMERICA

- Trends with LWCF Appropriations
  - Prior to 1976 amendment vs. post amendment changes in total appropriated dollars

	Federal	State
1965-1976	\$0.9 billion (39%)	\$1.4 billion (61%)
1977-2012	\$93.3 billion (66%)	\$2.7 billion (19%)



# National Park Service



EXPERIENCE  
YOUR  
AMERICA

- Trends with LWCF Appropriations
  - Prior to 1997 vs. post 1998 differences in total appropriations for “other purposes”

	Federal	State	Other
1965-1997	\$5.6 billion (63%)	\$3.3 billion (37%)	\$0 (0%)
1997-2012	\$4.5 billion (61%)	\$0.8 billion (11%)	\$2.2 billion (29%)



# National Park Service



EXPERIENCE  
YOUR  
AMERICA

- **Session Objectives**

1. Gain a basic understanding of the federal appropriation process as it relates to LWCF State Assistance Program.
2. Gain knowledge of the apportionment process, types of funds, and understand the fiscal requirements related to obligations and expenditures.



# National Park Service



EXPERIENCE  
YOUR  
AMERICA

- Apportionment
  - Congress appropriates, NPS allocates
  - Overview of Formula (LWCF)
    - 40% Equal distribution
    - 60% “Need” (total/urban population)
  - Rules of use of funds
    - Apportioned reserve (faces being rescinded)
    - Upon NPS approval of projects, NPS obligates the funds



# National Park Service



EXPERIENCE  
YOUR  
AMERICA

- Gulf of Mexico Energy Security Act of 2006
  - Designed to expand oil and gas leasing
  - Revenues shared by Gulf states and the LWCF
    - State Assistance program designated to benefit from certain lease areas
    - First year allocation of \$8M seemed promising but balances very small since
  - GoMESA funds apportioned similar to LWCF
    - Not subject to 3 year obligation rule
    - Not subject to SRA





# National Park Service



EXPERIENCE  
YOUR  
AMERICA

- Special Reapportionment Account
  - In the event projects are...
    - Cancelled
    - Finished under budget
  - ...Funds revert to a separate account. Reapportionment to the State is contingent on
    - Efficient management of apportioned funds
    - Demonstrated need for additional funding
    - Programmatic compliance



# National Park Service



EXPERIENCE  
YOUR  
AMERICA

- Obligations are a concern
  - Program policies tweaked early in FY09 to encourage obligation and expenditure.
  - We ended Fiscal 2012 with
    - \$49.5M in unobligated LW (FY11 and 12)
    - \$5.8M in unobligated GM (FY09-12)
    - \$6.3M in SRA
    - \$890k “lost” to the contingency fund
- New transparency resulting from FBMS make this vulnerable





EXPERIENCE  
YOUR  
AMERICA

Questions?  
Comments?  
Break?



# National Park Service



- Title / point
  - Sub point
    - Sub, sub point

EXPERIENCE  
YOUR  
AMERICA

