

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.nwf.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.