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Overview of the LWCF State Assistance Program

NASORLO 2019 Annual Meeting

Reno, NV

October 8, 2019



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- Relevant 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



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



Signed into law on September 3, 1964

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- LWCF Act's Purpose

“to assist in preserving, developing, and assuring accessibility to all citizens ... of present and future generations and visitors ... such quality and quantity of outdoor recreation resources ... that 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...”



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- 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



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

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- LWCF Act and Program – Evolution
 - 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
 - Gulf of Mexico Energy Security Act (GOMESA) of 2006 creating a mandatory stream of funding for State Assistance



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- LWCF Permanent Reauthorization!
 - John D. Dingell Conservation & Recreation Act



Signed into law on March 12, 2019



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- LWCF Act – Proposed Amendments and Program Legislation: 116th Congress
 - H.R. 1395/S. 1081 – “LWCF Permanent Funding Act”
 - Provisions for alternative allocations
 - GOMESA is considered “in addition too...”
 - S. 1458/H.R. 4512 “Outdoors for All Act”
 - Codify the Outdoor Recreation Legacy Partnership Program
 - Funding derived from 20% of GOMESA annual revenues

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LWCF State Assistance Program Funding, Trends and Prospects



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- Sources of LWCF State Assistance Program Funding
 1. “Discretionary Appropriations” -- from LWCF through the Federal and Congressional Budget Processes
 2. “Mandatory Revenues” -- derived from the Gulf of Mexico Energy Security Act (GOMESA) of 2006

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- Federal Budget Process
 - Appropriation authority granted to Congress by US Constitution
 - President proposes a “budget” for Congressional consideration
 - Congressional wrangling creates challenges
 - Propagation of Continuing Resolution(s) (CR)
 - Passage of Appropriations Bill in last 5 years
 - Earliest FY15 signed 12/16/14 (1Q)
 - Latest FY17 signed 5/4/17 (3Q)



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- Grant Amount Requests & Appropriations

FY	President's Request	Congressional Appropriation	Difference
2011	\$47,200,000	\$37,126,000	-\$10,074,000
2012	\$78,000,000	\$42,138,000	-\$35,862,000
2013	\$36,500,000	\$39,943,000	+\$3,443,000
2014	\$36,410,000	\$42,000,000	+\$5,590,000
2015	\$42,000,000	\$42,000,000	\$0
2016	\$45,000,000	\$94,839,000	+\$49,839,000
2017	\$94,000,000	\$94,000,000	\$0
2018	\$0	\$100,000,000	+\$100,000,000
2019	\$0	\$100,000,000	+\$100,000,000
2020	\$0	\$110,000,000	TBD



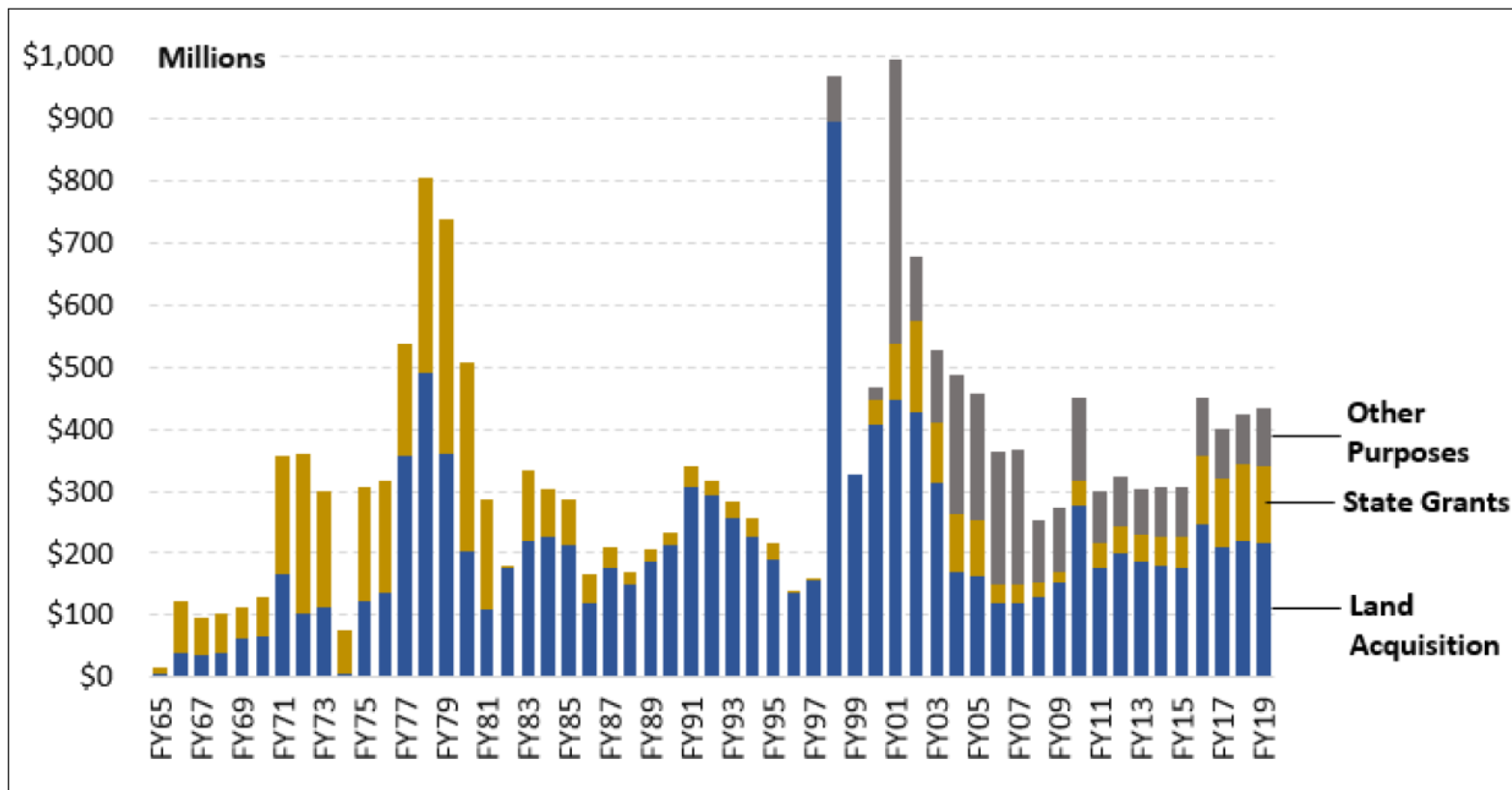
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Figure 4. LWCF Annual Discretionary Appropriations, FY1965-FY2019

(in millions of dollars, not adjusted for inflation)



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- Gulf of Mexico Energy Security Act of 2006
 - Revenues shared by 4 Gulf states & LWCF
 - First 10 years (Phase I) Included “caps” on available funding
 - Phase II Began in 2017 with restrictive “caps” removed
 - GOMESA is extend through 2055
 - Max. \$125M annual revenue for LWCF
 - Still subjected to sequestration
 - GOMESA is mandatory funding and not subject to Congressional appropriations



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- GOMESA: Projected and Received

Phases	Projections (Million)	Revenues Received (Million)	Difference (Million)
Phase I 2008-2017	\$21.2	\$12.5	-\$8.7 (40%)
Phase II 2018-2019	\$179.1	\$134.2	-\$45.1 (25.2%)
FY	Latest	The amount of revenues provided to LWCF is directly influenced by the prices of oil and gas	
2020	\$113		
2021	\$118		
2022	\$117		
2023	\$114		
2024	\$121		
2025	\$125		



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- John D. Dingell Conservation & Recreation Act
 - ALLOCATION OF FUNDS.—Section 200304
 - *“Of the total amount made available to the Fund through appropriations or deposited in the Fund under section 105(a)(2)(B) of GOMESA —”*
 - “(1) not less than 40% shall be used for Federal purposes”
 - “(2) not less than 40 % shall be used to provide financial assistance to States”



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- FY20 Discretionary Appropriations and the Dingell Act Allocation Split (40/40/20)

Programs	House millions (%)	Senate Millions (%)	Difference
State-side	\$140.0 (26.7%)	\$140.0 (30.1%)	0
Federal-side	\$244.0 (46.6%)	\$218.7 (47.0%)	+\$25.3 House
Other Programs	\$140.0 (26.7%)	\$106.3 (22.9%)	+\$33.7 House
Total	\$524.0	\$465.0	\$59.0

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- FY20 Discretionary Approps + GOMESA & the Dingell Act Allocation Split (40/40/20)

	House millions (%)	Senate Millions (%)
State-side w/ GOMESA*	\$218.6 (36.3%)	\$218.6 (40.2%)
Federal-side	\$244.0 (40.5%)	\$244.0 (40.2%)
Other programs	\$140.0 (23.2%)	\$140.0 (19.6%)
Total	\$602.6	\$543.60

*+\$78.6 million derived by \$113,122,000 less 25% to account for over estimate factor, and less \$1M for admin, and less 6.2% sequestration



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- LWCF Outlook Looks Very Promising
 - Whereas...
 - There is permanent program reauthorization
 - 5 year LWCF appropriations = \$490M
 - GOMESA phase II ramp-up of 2yrs = \$134M
 - 5 yr GOMESA projections above \$110M
 - My projection is between \$190M to \$200M annually over the next 5 years!
 - \$1 billion+ in federal investment in state and local parks



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LWCF State Assistance Program



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



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- LWCF State & Local Assistance “Grant” Programs
 1. State and Local Assistance Program – *“Traditional grant formula”*
 2. Outdoor Recreation Legacy Partnership (ORLP) Program – *“Nationally competitive”*
- *Created by Congress through the Consolidated Appropriations Act, 2014*



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Apportionment



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- Apportionment
 - Applies to both the Discretionary Appropriations and Mandatory Revenue
 - Fulfilled by the DOI Secretary per the LWCF Act
 - LWCF Grant Allocation Formula
 - 40% “Equal distribution”
 - 60% “Need” (total/urban population)



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- John D. Dingell Conservation & Recreation Act
 - “Parity” for Territories & the District of Columbia
 - Sec. 200305. Financial Assistance to States
 - (b) Apportionment Among States—
 - ~~—(5) For the purposes of paragraph (1), the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands shall be deemed to be one state, and shall receive shares of the apportionment in proportion to their populations.~~
 - In FY20 the 40% will be distributed among all 56 states/territories/DC



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- LWCF-ORLP National Competitive Program
 - Targeted at projects in cities/urbanized areas that create or reinvigorate parks connect/re-connect people with the outdoors
 - Priority given to projects located in areas that are economically disadvantaged and lacking recreation resources



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- LWCF-ORLP National Competitive Program
 - LWCF-State Lead Agency solicit, select, and submit to NPS proposals
 - NPS organizes the evaluation panel which score proposals for ranking, while the NPS Director select projects

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SCORPS



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- 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



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- 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



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Perpetuity Protection Provision



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- Site Protection & Maintenance Requirements
 - 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



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- The Partnership
 - The program is administered centrally from Washington, DC, in conjunction with staff in four Regional Support 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



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- NPS Organization – Program Levels
 - Headquarters, DC
 - Director, **David Vela (A)** assigned “exercising the authority of the director of the NPS”
 - Deputy Director of Operations, **David Vela**
 - Assistant Director Partnership and Civic Engagement, **Reggie Chapple (A)**
 - Regional Support Offices
 - Regional Directors



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- LWCF Organization –
- Headquarters, DC
 - Division Chief – Joel Lynch
 - Budget Manager + **Data Manager + Policy Specialist**
 - Branch Chief – Elisabeth Fondriest

Grants Team

Team Lead - Alison

Program Assistant

**Grant Manager
(Territories)**

Compliance Team

Team Lead

Compliance Officer

Planning

SCORP Coord.



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- LWCF Organization –
- Support Offices
 - Philadelphia – Jack Howard
 - Atlanta – Gwen Smith
 - Omaha – Roger Knowlton
 - San Francisco – Ray Murray

Philadelphia	Atlanta	Omaha	S.F / Seattle
Compliance x1	Compliance x1	Program x3	Program x2
	Compliance x2	Compliance x2	
	Grants x6	Grants x5	
	Agreement x1	Grants x1	
		Agreement x1	



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

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