Land Rights Network

American Land Rights Association

PO Box 400, Battle Ground, WA 98604

(360) 687-3087 Fax: (360) 687-2973

ccushman@pacifier.com

Legislative Office: 507 Seward Square SE - Washington, DC 20003

Defund LWCF, Land & Water Conservation Fund, Threatens Rural America

Billions of dollars are being wasted by the National Park Service and other agencies buying land they don’t need and paying too much for it.

Any new Park Service area is a threat to local landowners and communities.

Like most Americans, I cherish our great national parks but today the National Park Service (NPS) is more interested in grabbing more land than in taking care of the parks they have.

My father was a Park Service ranger and I have been an inholder in Yosemite for 44 years. I served in the Student Conservation Corps in 1959 and was a volunteer in what are now three national parks. I was appointed by President Reagan to the National Park System Advisory Board in 1981.

**The Park Service we know today gets confused. They think they are a great agency because they manage great places.**

The park system has an 11 billion dollar operations and maintenance backlog and the number of Americans who visit their parks is declining. There is a reason for this.

The priority of present leadership of the National Park Service (NPS) is claiming control over more land rather than providing parks for the enjoyment and use of the American people.

They are reducing visitor facilities and campsites in popular parks such as Yosemite and jacking up entrance fees throughout the park system. Increasingly, they are forcing visitors onto tour busses rather than letting them enjoy the park as a family in the family car. These policies are a threat to the future of our existing great parks and it is the LWCF that provides the funds to continue this tragic course.

**Action Items:**

**-----1. Please forward this message to at least 10 other people. Your whole list if possible.**

**-----2.** It’s URGENT that you call both your Senators today to urge them to oppose any reauthorization of the Land and Water Conservation Fund (LWCF). This money is given to the Park Service and other agencies empowering them to use eminent domain (condemnation). Rural America has been savaged over the years by Park Service land acquisition and condemnation.

You can call any Senator at (202) 224-3121. First ask for your Senator by name, and then ask for the staff person who handles Federal Land Acquisition and the LWCF.

Tell him or her not to reauthorize the Land and Water Conservation Fund (LWCF). It certainly must not become a trust fund. Funding for any acquisition projects must go through Congressional Appropriations Committees each year with full Congressional oversight.

Do not allow the LWCF to become a trust fund. Right now it is authorized at $900 million a year. This amount was only funded by the Appropriations Committees one year, 1979. After that the Appropriations Committees funded it at a much lower amount and made the LWCF compete each year with other important national priorities. The LWCF must stay subject to competing each year with other priorities and not allowed to take a priority over the Military, education, Social Security and other important priorities.

**-----3.** Call your Congressman at (202) 225-3121 and follow the same instructions as for your Senators.

The Land and Water Conservation Fund (LWCF) has a really bad history of funding Federal Land Acquisition by the National Park Service and other agencies. Whole communities have been wiped out by condemnation. Whole cultures obliterated.

Condemnation (Eminent Domain like Kelo) has been abused so much by the Park Service that their authority to use Declarations of Takings had to be curtailed in the past by Congress. And this is all related to the Land and Water Conservation Fund. **As someone once said, “It’s the Money, Stupid.”**

Trying to put sideboards or limits on condemnation in the LWCF bill will not stop the Park Service from using the LWCF as a weapon against landowners. Giving them the money automatically gives them the ability to use Condemnation (Eminent Domain).

Further, the LWCF has become a slush fund for the land trusts and environmental groups. The Park Service rarely buys land directly anymore. They now purchase land already acquired by land trusts. **So who is setting the priorities? Who is planning the park like areas? It is the land trusts.** And on top of it all the **land trusts are skimming a profit** off their sales to the Park Service and other agencies. The land trusts actually make the acquisition process more expensive wasting scarce taxpayer dollars.

For more documentation go to [www.landrights.org](http://www.landrights.org) and **watch the PBS Frontline Show “For the Good Of All”** about Park Service land acquisition.

Look for “More Videos” on the Landrights.org website. You can also see a full length documentary “For All People, For All Time.” **Look for the CARA testimony toward the bottom of the Home Page.**

**Go to YouTube and watch the very short films “Big Park” and “In Condemnation, The Cuyahoga Valley”. You’ll really get a laugh out of “Big Park.”**

**Below is a list of GAO Reports (Government Accountability Office)** (Formerly known as the General Accounting Office) about land acquisition and the abuses by the Park Service and other agencies. Despite the fact that some of these reports are from the 80’s, nothing has happened in the law or by Congress to stop the Park Service from continuing the abuses. The only effective tool is to take away Park Service money. Or put strings on the money to take away their ability to use the LWCF as a slush fund.

Take one case for example. In 2000 the Park Service on the Appalachian Trail in Maine used its authority to threaten eminent domain of the Saddle Mountain Ski Area anytime the former owner wanted to upgrade his ski area or install safety equipment. This went on for 20 years until American Land Rights helped the landowner get the Congressional Committees to take away the Park Service authority to continue these threats.

The key to these abuses is money. If the Park Service has the money they will use it to threaten eminent domain in nearly every conversation with

private landowners about selling their property. “Sell or else” is their frame of reference.

Former Park Service Chief of Land Acquisition Will Kriz was quoted in a newspaper as saying **“There is no such thing as a willing seller.”** Now some people do want to sell. But if they don’t, the Park Service creates an environment where they are forced to change their minds.

Congress can only control this systematic abuse of power by limiting the funds that are available under the Land and Water Conservation Fund.

**Failure to Prioritize Land Acquisitions:**

Further, the Park Service and other agencies must be required to follow what has been Interior Department policy since the Reagan Administration and prioritize their acquisitions. Where can the government get the most bang for the buck? **Certainly not by allowing the land trusts to set priorities.**

The Park Service has the view that they are going to own it all eventually so why bother to prioritize. So early willing sellers actually lay the plans for

any new acquisition areas (parks, battlefields etc.) because the Park Service must then plan around those acquisitions. The same is true when the priorities are set by land trust purchases (with no priorities). The land trust buys a piece of property and suddenly through their lobbying that parcel becomes the most threatened parcel in the country. This makes no sense and wastes huge amounts of taxpayer money.

The Park Service is supposed to do Land Protection Plans for each land acquisition area (park like area) such as Wild and Scenic Rivers, National Monuments, National Battlefields, National Recreation Areas, National Parks, etc. where they issue a report for each park like area showing which lands are the most important to be Federally protected and which are the least.

They are supposed to hold periodic public hearings with local landowners to discuss these priorities. And they are supposed to acquire control over the land using the least expensive method possible. Easements, special agreements, and other alternatives are rarely used by the Park Service.

**They insist on buying in fee title.**

One former Interior Department official David Hales said, **“If Congress puts a circle around it, we’re going to own it all.”**

As a result, Land and Water Conservation Funding is wasted buying more land than is necessary and more of an interest in the land than is needed for protection. Any new act regarding the LWCF must have the requirement that each agency publicly prioritize its acquisitions on a regular basis. They must specify what interest in the property should be acquired: Examples: Fee Title, Easement, or a Cooperative Agreement. Congress must insist on these reports. No reauthorization of the LWCF should occur without this requirement in the law.

The recommendations in the following GAO Reports are as current today as when they were written. And Congress has implemented almost none of the recommendations of the GAO.

**What is the old quote: “Those that fail to remember history are bound to repeat it.”**

**General Accounting Office (GAO) Reports about Land Acquisition:**

Federal Lands: Land Acquisitions Involving Nonprofit Conservation Organizations <http://www.gao.gov/products/RCED-94-149>

RCED-94-149: Published: Jun 15, 1994. Publicly Released: Jul 15, 1994.

National Park Service: Land Acquisition at the Cumberland Island National Seashore, Georgia <http://www.gao.gov/products/RCED-97-251R> RCED-97-251R : Published: Sep 29, 1997. Publicly Released: Oct 1, 1997.

National Park Service: Efforts Underway to Address Its Maintenance Backlog <http://www.gao.gov/products/GAO-03-1177T>

GAO-03-1177T: Published: Sep 27, 2003. Publicly Released: Sep 27, 2003.

“The Federal Drive To Acquire Private Lands Should Be Reassessed” (CED-80-14) (December 14, 1979).

“Federal Land Acquisition and Management Practice” (CED-81-135) (Sep. 11, 1981).

“Lands In The Lake Chelan National Recreation Area Should Be Returned To Private Ownership” (CED-81-10) (Jan. 22, 1981).

“The National Park Service Should Improve Its Land Acquisition and Management At Fire Island” (CED-81-78) (May 8, 1981).

“Federal Protection of Wild and Scenic Rivers Has Been Slow and Costly” (CED-78-96) (May 22, 1978).

“Federal Land Acquisitions By Condemnation – Opportunities To Reduce Delays and Costs” (CED-80-54) (May 14-, 1980).

“Limited Progress Made In Documenting and Mitigating Threats To Parks” (RCED-87-36) (February 1987).

“New Rules for Protecting Land In The National Park System – Consistent Compliance Needed” (RCED-86-16) (October 16, 1985).

The recent article below shows how the groups supporting massive land acquisition try to do it under the radar by talking about the state portion of the Land and Water Conservation Fund as if massive land acquisition and eminent domain are no problem at all even though most of the LWCF money goes for Federal land acquisition. Stateside spending is less of a priority.

Background:

**Big Push On By Obama Administration To Buy Land**

Greenwire

12. PUBLIC LANDS:

Obama admin officials, mayors call for renewing conservation fund

Corbin Hiar, E&E reporter

**Published: Wednesday, January 21, 2015**

With the Land and Water Conservation Fund set to expire in September, the Obama administration and a bipartisan coalition of mayors from across the country began a push today to reauthorize and fully fund the program in the face of congressional Republican opposition.

"Over its 50 years of existence, the Land and Water Conservation Fund has unmistakably contributed to the vibrancy of American cities," City Parks Alliance Executive Director Catherine Nagel said at a news conference near the White House. Her urban parks advocacy organization released a report today touting recent projects funded by the program in cities nationwide.

The LWCF was established in 1964 to allow the federal government to use up to $900 million per year of federal oil and gas royalties to support collaborative conservation efforts. The fund requires at least a 1-to-1 match of state and local dollars for initiatives it supports.

But the report argued there are many instances when a relatively small amount of federal assistance has spurred massive investments from other sources. For example, Republican Mayor Betsy Price of Fort Worth, Texas, told the audience about how LWCF's initial $725,000 grant enabled her city to create the 325-acre Gateway Park, which then secured an additional $4.8 million from state and local sources. Those funds allowed Price to double the acreage of the park.

"This report highlights the extraordinary success of the Land and Water Conservation Fund for the past half-century, investing revenue generated from offshore energy development into our communities and public lands for the benefit of all Americans," Interior Secretary Sally Jewell said at the news conference. "It underscores the need for Congress not only to reauthorize the fund, but also to permanently provide full funding at $900 million annually that was intended when the law was passed."

Jewell also noted that the annual appropriation limit -- which Congress has not come close to meeting in recent years -- has not been adjusted for inflation and was set decades ago, when the conservation dollars could secure a lot more land and waters.

"This truly is a bipartisan effort," said Price, one of the co-chairs of the alliance's Mayors for Parks Coalition and the only Republican at the event.

Other speakers at the press conference included Mike Boots, the acting chairman of the White House's Council on Environmental Quality, and Democratic Mayors Michael Hancock of Denver; Ralph Becker of Salt Lake City; and Pedro Segarra of Hartford, Conn.

"Mayor Hancock and I work together on many things, and in other things we're polar opposites," Price said of the coalition's other co-chair. "But we understand that this is a critical part for our cities and for what we can do. The Land and Water Conservation Fund is effective, efficient and necessary."

She added, "It's a great opportunity for mayors to come together and use their bully pulpits to make their citizens' lives better, to help get this organized, to get it going and to get it reauthorized so that our children and our grandchildren will have the same access" to public lands and waters.

Congress has different conservation priorities

But not all Republicans -- particularly those in Congress -- are strong supporters of spending oil and gas royalties on purchasing new conservation properties.

Sen. Lisa Murkowski (R-Alaska) "has serious issues with the current maintenance backlog on the federal land agencies, and further acquisition is not a priority for her at this moment," the Energy and Natural Resources Committee chairwoman's spokesman, Robert Dillon, said in a phone interview. "It's not doing an adequate job -- or even a decent job -- of taking care of the property it does have. It ought to be prioritizing the upkeep of the land it does have before it looks to expand."

Dillon added that Murkowski -- who is also chairwoman of the powerful Interior, Environment and Related Agencies Appropriations Subcommittee -- is more supportive of state-led conservation efforts and land swaps like the ones included in the National Defense Authorization Act passed at the end of the 113th Congress (Greenwire, Dec. 12, 2014).

"Nine hundred million is still a shitload of money," he said.

Jewell (Interior Secretary), however, was quick to dismiss such GOP concerns during the news conference. "I don't buy that argument," she said. "I think it oversimplifies."

She acknowledged the maintenance backlog -- which is "something like $11 billion in the National Park Service alone, more than half of that tied into roads" -- but said that "we have a crumbling infrastructure in this country overall because we have been disinvesting in the kind of investments that our parents made in infrastructure that enabled us to prosper in the way we are."

Jewell added: "Rather than using that as an excuse to not support the Land and Water Conservation Fund, what we need to do -- and what I would love to see Congress lead in -- is, let's invest in our infrastructure. Let's put people to work. Let's fix up the crumbling facilities we have in city parks and state parks and national parks and other public lands."

<http://www.eenews.net/greenwire/2015/01/21/stories/1060012028>

Thank you,

Chuck Cushman

American Land Rights Association

(360) 687-3087

ccushman@pacifier.com

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