



Land and Water Conservation Fund

Use of the Fund for
acquisition of
State trust lands

Creation of LWCF



- The LWCF was created by Congress in 1965.
- Provides a source of funding for acquisition of land and water, and related easements, with an emphasis on recreation and protection of natural areas.
- Funds are drawn primarily from offshore oil and gas revenues.
- LWCF funds have been used for projects in all 50 states, including for National Parks, National Wildlife Refuges, National Forests, State Parks, City parks, trail systems, and ball fields.



LWCF funds are utilized in three primary ways:

- Federal land acquisition and related expenditures (“Federal Side”).
 - \$35m over time for the Uinta-Wasatch-Cache National Forest.
 - \$2.5m for BLM land acquisition in Desolation Canyon.
- State and local government matching grant programs (“State Side”).
 - \$500k for land acquisition for the Park City golf course.
- Other federal programs including the Cooperative Endangered Species Conservation Fund (under Section 6 of the ESA).
 - \$1.2m for Utah DWR acquisition of June Sucker habitat, and over \$23m for Desert Tortoise habitat.



Full, permanent funding implemented in 2020

- Prior to 2020, LWCF funding relied upon annual Congressional appropriations.
- Congress passed the Great American Outdoors Act in 2020, providing for full and permanent funding of the LWCF.
- \$900 million per year is deposited into the Fund.
- With further funding under the Gulf of Mexico Energy Security Act, the amount available each year exceeds \$1 billion.
- At least 40% of the funding must be used by federal agencies, and at least 40% allocated to the states.
- The President's annual budget must include a proposed allocation of LWCF funding by account, program and project.



Opportunity for trust land managers

- Given the \$1 billion available each year, LWCF could become an important source of funding for federal acquisition of trust lands.
- LWCF funds are often used to purchase, or pay landowners not to develop, lands that hold interest to the federal government for recreation or conservation.
- State trust land parcels interspersed within areas of federal ownership are often prime candidates for such interest.
- As we wind up the first several years of the increased funding (and a backlog of priority projects), the use of LWCF funds presents an important and emerging opportunity to facilitate the purchase of State trust lands in appropriate cases.
- Enabling the federal government and state trust lands agencies to meet their respective mandates in such cases (recreation/conservation vs. revenue generation).





Benefits to local economies

- Use of LWCF funds often benefits the economies of localities in which the funds are spent.
- For example, an analysis of the 2010 expenditure of LWCF funds (\$214 million) estimated that it generated \$442 million in related economic activity.
- This may help state trust land managers to urge support (from local governments and others) for sales of trust lands to the federal government in appropriate circumstances.



The DOI's internal position regarding the use of LWCF funds for acquisition of state lands

- DOI has interpreted the text of the LWCF law to preclude the use of those funds to directly acquire state trust lands.
 - The BLM Acquisition Handbook states: “acquisition from a State, or political subdivision thereof, must generally be by donation or exchange.”
 - The LWCF law, however, does not contain language imposing such a restriction.
 - We believe this guidance is based largely on the frequent misconception that state trust lands are managed in the same way as other “public lands” (for the benefit of the public at large, and with generally open access) as opposed to for restricted beneficiaries.
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NASTL's efforts to reverse this policy



- Given the potential importance of LWCF funding, NASTL is petitioning the DOI to change its internal guidance and position.
 - A letter was sent by NASTL one year ago to Secretary Haaland regarding this issue. It notes:
 - The differences between state trust lands (held for public schools and other beneficiaries) and other state lands managed for general public benefit.
 - That over 500 million acres of trust land are scattered throughout the federal domain, often providing access to federal land supporting LWCF's mission.
 - The cumbersome “middleman” approach that must presently be used to acquire trust land with LWCF funds.
 - The missed opportunities DOI's restrictive interpretation of the LWCF law creates.
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Next steps

- NASTL will keep its members apprised of progress on this issue.
- Contact NASTL or Allen Freemyer with any questions or expressions of willingness to support this effort.
- Questions..