



## A Brief Guide To: LWCF Program History

The LWCF was enacted in 1964 (Public Law 88-578) to create and maintain a nationwide legacy of high quality recreation areas and facilities. The purpose of the LWCF program is to assist in preserving and developing outdoor recreation resources for use by present and future generations of citizens and visitors. The LWCF Act established a funding source for grants to State and local governments to assist them in acquiring, developing, and improving outdoor recreation areas, and for Federal acquisition of authorized national park, conservation, and recreation areas.

Under the LWCF Act, the States, District of Columbia, and five territories are responsible for analyzing recreation needs, setting priorities for funding, supervising and coordinating selection of projects, supervising project work, and ensuring compliance with Federal regulations and guidelines that affect the LWCF grants program. States submit project proposals to National Park Service (NPS) Regional Offices, which give final approval to grants and oversee project implementation as well as being responsible for overseeing the integrity of the Federal investment and for compliance with all Government-wide legal and regulatory requirements. The overall administrative policies, procedures, and guidelines applicable to the LWCF program are set forth in *36 Code of Federal Regulations Part 59* and the *LWCF Federal Financial Assistance Manual* [<http://www.nps.gov/ncrc/programs/lwcf/manual/lwcf.pdf>].

### A QUICK HISTORY OF THE LWCF PROGRAM

In 1958, increasing consciousness of public health and environmental issues and an expanding need for recreational space combined into a bipartisan mandate creating the Outdoor Recreation Resources Review Commission (ORRRC). After three years of research, the Commission developed specific recommendations for a national recreation program. The ORRRC report of 1961 emphasized that State and local, as well as Federal, governments and the private sector were key elements in the total effort to make outdoor recreation opportunities available. The Commission's major recommendations were:

- The United States should establish a national recreation policy to preserve, develop and make accessible to all Americans the resources needed "for individual enjoyment and to assure the physical, cultural, and spiritual benefits of outdoor recreation."
- All agencies administering outdoor recreation resources (public and private) should adopt programs designed to make the best possible use of available resources in light of people's needs.
- Each State, through a central agency, should develop a long-range plan for outdoor recreation, to provide adequate opportunities for the public, to acquire additional areas where necessary, and to preserve outstanding natural sites.
- An independent Bureau of Outdoor Recreation should be established in the Interior Department to lead nationwide efforts by coordinating Federal programs, conducting nationwide planning and assisting other levels of government.
- A Federal funding program should be established to provide grants to States that would stimulate and assist them to meet new demands for outdoor recreation and to pay for additions to the Federal recreation estate.

## Congress Acts

Largely as a result of ORRRC's work, the Kennedy Administration introduced funding legislation in 1962, during the second session of the 87th Congress. No action was taken in that Congress, but on February 14, 1963, President Kennedy again proposed legislation that would establish a *Land and Water Conservation Fund* to assist States in planning, acquisition and development of recreation resources and to finance new Federal recreation lands. Following Commission recommendations, great emphasis was placed on planning for future recreation opportunities. In its hearings on the LWCF bill, Congress defined requirements for Statewide Comprehensive Outdoor Recreation Plans (SCORPs) that would be a condition of State grants.

Recognizing the rapid loss of the land and water recreation base to development, one of the proposed legislation's major purposes was to reduce the lag in recreation land acquisition. The House Interior Committee's report on the bill stated that "During the first years of the program, emphasis will necessarily be on planning and land acquisition activities. It is important that acquisition be undertaken before the land becomes unavailable either because of skyrocketing prices, or because it has been preempted for other uses."

The Senate Interior Committee's hearing report addressed the distribution of grant funds. It said "in providing outdoor recreation resources and facilities for the American people, the greatest emphasis should be given to those areas with large concentrations of people."

Congress clearly indicated that the new Federal program should have a lasting effect on the supply of recreation sites and facilities by requiring that sites assisted be added permanently to the national recreation estate. As a result, Section 6(f)(3) of the Act states unequivocally that grant-assisted areas are to remain forever available for "public outdoor recreation use," or be replaced by lands of equal market value and recreation usefulness.

With vigorous bipartisan support in both Houses of Congress, the bill was passed and signed into law on September 3, 1964, as Public Law 88- 578. The Act established a funding source for both Federal acquisition of park and recreation lands and matching grants to state and local governments for recreation planning, acquisition and development. It set requirements for state planning and provided a formula for allocating annual LWCF appropriations to the States and Territories.

Initially, three sources of revenue to the fund were designated: proceeds from sales of surplus Federal real property, motorboat fuel taxes and fees for recreation use of Federal lands. The level of funding from FY 1966 through FY 1968 reached about \$100 million per year, which was far short of Congress' expectations. To remedy this shortfall, it was proposed that Outer Continental Shelf (OCS) mineral leasing receipts be tapped. In 1968, P.L. 90-401 raised the Fund's level to \$200 million a year for five years, beginning in FY 1969, making OCS revenues available to cover the difference between this minimum level and receipts from other sources.

By 1970, growing demands on the Fund led to enactment of P.L. 91- 485, which increased the LWCF again to a \$300 million annual level from FY 1971 through FY 1989. This amendment reveals that Congress' perception of needs for the Fund program had expanded in three ways: the State grant program should give more emphasis to urban parks and recreation areas; the grant program should help acquire and

develop recreation facilities within urban areas, not just nearby; and the Federal side of the Fund program should also contribute to meeting close-to-home recreation needs.

The Fund's increase in authorized funding to its current level came with enactment of P.L. 95-42 in June 1977, which increased the LWCF to \$900 million for FY 1978 and subsequent years. Congress also enacted P.L. 95-625, which created, among other things, the Urban Park and Recreation Recovery Program (UPARR), as a complement to the LWCF program. This program encouraged local governments to rehabilitate existing recreation facilities, demonstrate innovative programs, and plan for overall revitalization of community recreation systems.

### Legacies of the Grant Program

From a historical perspective, LWCF grants have contributed greatly to the outdoor recreation estate. It is significant that a considerable amount of the income going to the Fund has come about through the leasing of offshore oil rights, thus recycling an important natural resource back to public use. While one resource is being used another is being protected. In addition to the large number of projects, LWCF grants have had substantial long-term effects on the country's overall attitudes and policies toward outdoor recreation. The first legacy of this kind is the notion, basic to the LWCF Act, that States must assume a leadership role as providers of recreation opportunities.

The greatest impact on long-term protection of recreation resources, is the provision of Section 6(f)(3) of the Act that requires all property acquired or developed with LWCF assistance be maintained perpetually in public outdoor recreation use. Consistent enforcement over the years has ensured permanency of LWCF's contributions to the national recreation estate. The most tangible evidence of the program in future years will be the tens of thousands of recreation sites across the country that remain available for our children and our grandchildren.

In conclusion, the LWCF program is building a permanent legacy for future generations. The source of this legacy will not always be obvious to the millions of Americans, old and young, who want places to hike in the woods, swim, play ball, watch wildlife, picnic, sit under a tree, chase a pigeon or walk the dog. But the thousands of recreation lands and opportunities created and protected by the LWCF Act will remain as perpetual monuments to the foresight of its authors and the American people.