



Opening Statement
Oversight Hearing on Reauthorization and Reform of the
Land and Water Conservation Fund Act
Senator Lisa Murkowski
April 22, 2015

Thank you all for being here, as we meet to consider the reauthorization and reform of the Land and Water Conservation Fund Act.

It's fitting that we are examining this Act today, on Earth Day. Over the past 50 years, it has played a key role in creating our nation's world-class State and federal outdoor recreation system.

I fully support reauthorizing this Act, this year, in a way that reflects changing needs and evolving viewpoints about conservation in the 21st century.

We have a lot to cover today, so let's start with land acquisition. In its first 50 years, this Act was largely focused on building a recreation system. To do that, Congress agreed that it was necessary to acquire lands at both the federal and State levels.

Back then, LWCF land acquisition was largely expected to occur in the Eastern States. Even 50 years ago, there was a strong recognition that we should focus on areas with a lack of public lands and, therefore, fewer opportunities to recreate.

The Senate and House Committee reports made that point, and the Act itself includes an express spending limitation for the Forest Service: the agency cannot spend more than 15 percent of its LWCF funds to acquire lands west of the 100th Meridian.

But over the years, we have seen both Congressional intent and limitations ignored. The Forest Service, for example, has spent almost 37 percent of its LWCF funds on land acquisition in the West.

Now, I'm not opposed to reasonable and justified acquisitions. But coming from a State like Alaska where close to 63 percent of our lands are already held by the federal government, I do approach the need for additional federal purchases with skepticism – particularly when we're dealing with tough budgetary times.

It seems counterintuitive, particularly in Western states with high percentages of public lands, to add more to what we already have – and already struggle to properly care for – except perhaps when there is a case to be made that the acquisition would reduce long-term administrative costs. I think we recognize that this makes sense.

As we meet today, the federal land management agencies face a growing maintenance backlog – about \$22 billion in total. More than \$11 billion is just at the National Park Service.

As we look to reauthorize LWCF, I believe that it makes sense to shift the federal focus away from land acquisition, particularly in Western states, toward maintaining and enhancing the accessibility and quality of the resources that we have. This is the best way to put our nation's recreation system on the path of long-term viability.

Now, some have said that using LWCF dollars for maintenance is inappropriate. I would direct you back to the act itself. The Act states that it is not just about the *quantity* of recreation resources; it is also about the *quality* of those resources.

Using LWCF monies for maintenance activities is not new. From FY1998 through FY2001, LWCF was used to address the maintenance backlog at all four land management agencies.

I strongly believe that conservation in the 21st century must include taking care of what we already have – what we chose to conserve first – instead of simply pretending that “more is always better.”

We also talk a lot about access to our public lands, and have been looking at ways to use LWCF funding to increase it.

This is another area of particular interest to me. Many of Alaska's really prime recreation resources are accessible only by plane or boat – so access is not just about land acquisition. It's also about development of recreation facilities like boat launches, trails, and roads. These kinds of facilities are the critical link between users and otherwise inaccessible lands.

We also need to recognize that bringing land into federal ownership does not always equate with making it accessible to the public. You have heard me talk here in this committee about the situation with a day care provider with little charges, four and five and six year olds who went out on a picnic in the Tongass and the day care provider was fined for not having a permit to utilize the picnic table. She was fined by the forest service. A federal lands access provision is also one of the primary – and most popular – provisions in the Bipartisan Sportsmen’s Act that I have been working on with Senator Heinrich.

There are many access-related issues that we can focus on this year. I have again brought up before the committee efforts to prevent small-scale filming our public lands – making sure that they access to filming rather than be denied access. And for LWCF, I would like to see greater emphasis on conservation easements, rather than fee acquisitions, so that we can continue acquired lands as “working lands” and ensure public access.

When we talk about the Land and Water Conservation Fund Act these days, it is almost exclusively about *federal* land acquisition. And that’s a little disappointing here and I am going to be honest with you. Many seem to have forgotten the pivotal role that States have in conservation and outdoor recreation under the Act. From the start, the Act recognized that States were the linchpin, and provided federal funding for State grants for recreation planning, land acquisition, and development.

The State grant programs require a 50/50 match. In some cases, the State exceeds this requirement, so every federal dollar is highly leveraged. On the State side, these dollars go to outdoor recreation facilities near where people actually live – from local city playgrounds and baseball fields to local fishing holes and State parks that clearly rival some of our national parks.

From the start, LWCF monies were to be allocated each year so that federal agencies would receive no less than 40 percent and the States the remainder. But once again, with over 85 percent of LWCF funds going to federal land acquisition, it’s clear to me we’re not meeting that Congressional intent.

And this has happened even though States have been strong advocates of public access, and have worked with our sportsmen and women to provide hunting and fishing and recreational shooting opportunities on federal and state lands.

The current approach also ignores an area where States can – and are – doing a good job. Alaska State Parks is the largest State Parks system in the country. It is

our State's largest provider of recreation facilities, such as public campgrounds, and it boosts twice the visitation of Alaska's national parks.

So, instead of leaving them on the sidelines, I believe States need to be given the opportunity to lead here. States are in the best position to understand and accommodate the needs of our citizens. And not every State has access to federal recreation resources.

Now, there are some who attempt to minimize the role of the states in land management and drive a wedge between those who work and recreate on public lands. In fact, some have tried to politicize an amendment that I offered on the budget that would provide a budget reserve fund for federal land transfers and exchanges with the States.

Now, those who are not from the west may not realize that this Committee serves as the real estate exchange for the west. Buying and selling land often takes – literally – an act of Congress. These types of transfers and exchanges, both with the states and private parties, are the means of maximizing the value of public lands for hunting and recreation, while allowing western communities continued access to those lands best suited for multiple use.

But, ironically, these same entities that have criticized the budget amendment have praised the public lands package that I negotiated and fought to include on the NDAA bill last year. That package struck a balance – it designated new parks and conservation units and transferred and exchanged land for development, it designated new wilderness as well as releasing wilderness study areas. Advocates of conservation and development both recognized that this type of balance was necessary to move significant legislation. That package almost fell apart over budget issues, and facilitating that type of package was exactly what I had in mind with the budget amendment.

So I do look forward to the discussion about how we deal with the Land and Water Conservation Fund and it's reauthorization but I think that there clearly and fairly are good issues to be discussing here and as we begin those conversations, I do hope we will be productive and constructive as we work to address areas of significant interest and concern. I have taken longer in my opening statement than I usually do but I felt it was important to lay out some of the history of this very significant act – its purposes, its design and where in my view we have failed in adhering to some of the contours of that.

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