

## A coalition letter to the Senate opposing the LWCF title in S. 3422

Washington, DC  
8<sup>th</sup> June 2020

Dear Senators:

The undersigned organizations and individuals write to express and explain our opposition to legislation that would mandate massive increases in funding for federal and state land acquisition. We recognize that because the Great American Outdoors Act, S. 3422, enjoys overwhelming support from Democrats in the House and Senate, significant support from Republicans, and has been endorsed by President Trump, enactment may therefore be inevitable. However, we urge Senators to vote for amendments that will improve some of the bill's more objectionable provisions.

The bill includes two titles. The first title, which this letter takes no position on, would address the multi-billion dollar maintenance backlog in National Parks and other federal lands by spending \$9.5 billion of federal offshore energy revenues over five years on deferred maintenance projects.

The second title would turn the Land and Water Conservation Fund (LWCF) into a true trust fund not subject to congressional appropriation and mandate that \$900 million from offshore oil and gas revenues be spent annually in perpetuity on land acquisition by the federal land agencies and on land acquisition and development of recreational facilities by state and local government.

Since enactment of the LWCF in 1965, Congress has appropriated \$19 billion (unadjusted for inflation). The four federal land agencies have spent \$11.4 billion to acquire over 5 million acres of private land, and state and local governments have acquired over 2.6 million acres. S. 3422 would roughly triple spending on land acquisition over average historic appropriation levels.

The fact is that the federal government already owns far too much land--approximately 640 million acres or 28% of total U. S. acreage. The federal government owns more than half the land in the eleven western states and Alaska. More than 90% of the land in a number of counties is federally owned and more than 75% in many more counties.

The vast extent of the federal estate has severe negative environmental and economic consequences. As evidenced by the support for a \$9.5 billion program to begin catching up with deferred maintenance, the federal government owns much more land than it can adequately manage and protect.

The economic impacts of federal land ownership across rural America are increasingly negative. Over the past six decades, more and more federal lands have been taken out of multiple use management, where natural resource production is allowed, and put into various preservation designations, where natural resource production is banned and recreational access is often restricted.

Federal lands also create huge economic burdens on local governments because they are exempt from property taxes. The Payment in Lieu of Taxes (PILT) program provides local governments with only a tiny fraction of lost property taxes. For example, a recent study shows that Utah's 32 million acres of federal land would be subject to property taxes at lowest-use appraisal of more than \$1 billion. PILT payments to Utah were \$40 million in 2019.

S. 3422 would fund increasing the size of the federal estate annually in perpetuity, which can only exacerbate the negative stewardship and economic impacts. It will take private land out of productive use and off the property tax rolls in rural areas that can least afford it. And taxpayers will be forced to pay for maintaining these lands in perpetuity.

Moving annual appropriations at whatever level for land acquisition into a permanent trust fund is a bad idea. It is an abdication of Congress's constitutional responsibility to make appropriations; it creates an entitlement for special interests that will be difficult to end; and it weakens Congress's ability to reduce federal spending in the future when conditions may warrant lower spending.

If the Senate insists on passing S. 3422 despite these serious objections, then we urge Senators to approve several improving amendments. First, we suggest that the LWCF title should sunset in five years. This would make it consistent with the maintenance backlog title and makes sense because it would give Congress a chance to review the results of increased federal land acquisition before re-authorizing it.

Second, we suggest that all future land acquisition by the federal government should be contingent upon approval by the relevant state and local governments. More federal lands should not be foisted on unwilling local citizens who must live with the consequences. Instead, acquisitions should be confined to places where there is public support for more federal land.

Third and finally, we suggest that the use of eminent domain to acquire land should be prohibited. Federal land agencies have often used the threat of condemnation to turn unwilling sellers into willing sellers.

We urge you to support these and other amendments that would soften some of the worst impacts of this unfortunate legislation. Thank you for your attention to our concerns.

Sincerely,

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