CHAPTER 7

Land and Water Conservation Fund Program

MAP ICON KEY

- VOP Mapper

- Data explorer

PDF
The Land and Water Conservation Fund Act of 1965, as amended, Public Law 88-578; 16 U.S.C. 4601-4 et seq., was created by Congress with the intent of creating a national legacy of public outdoor recreation areas. The LWCF has two sides, a federal side and a state side. The federal side enables land acquisition and development by the federal land-managing agencies (Bureau of Land Management, U.S. Fish and Wildlife Service, U.S. Forest Service and the National Park Service). The state and local assistance program is a 50-50 matching reimbursement program that provides funding to the states and territories to assist with outdoor recreation. This chapter will focus on the state and local assistance program in Virginia, which is administered by the Virginia Department of Conservation and Recreation in partnership with, and on behalf of, the National Park Service. In Virginia, the LWCF state and local assistance program is the major source of grant funding available for the acquisition and development of public outdoor recreation areas.

**SCORP components**

In order to be eligible for funding assistance from the program, the LWCF Act requires each state to develop a Statewide Comprehensive Outdoor Recreation Plan. The SCORP is required to identify: the outdoor recreation issues of importance to the state, the outdoor recreation supply and demand, an implementation plan and the role LWCF funding will play in helping to meet recreational needs. Other required SCORP components include evidence of public participation in the development of the plan and a wetlands priority component. The wetlands priority component must be consistent with Section 303 of the Emergency Wetlands Resources Act of 1986 and the National Wetlands Priority Conservation Plan created by the Fish and Wildlife Service. The wetland component must identify which wetland types should be targeted for acquisition and consider how recreation activities that are compatible within wetlands can help meet the state's outdoor recreation needs. States are encouraged to go beyond these basics and include planning for recreational trails, wild and scenic rivers and other resources identified as important. States are expected to update and or develop their SCORPs every five years. The plan must be approved by the governor and contain a certification by the governor that ample opportunity for public participation has taken place in its development.

**Open project selection process**

Land and Water Conservation funding will be used to help implement development of the highest ranked outdoor recreation needs for each planning region. These outdoor recreation needs are identified in each regional section of this document in charts titled “Most-Needed Outdoor Recreation.” Selection of LWCF-assisted projects is through a competitive, open project selection process, or OPSP. In addition to considering the highest ranked outdoor recreation needs by region, the OPSP criteria includes, but is not limited to, an evaluation of: project readiness, existing recreational resources, project completion timelines, project budget, match composition, ability to maintain and operate the recreation area, ability to adhere to LWCF long-term compliance requirements and previous recreational grant performance. One competitive OPSP for all eligible entities is announced but available LWCF funding is divided between eligible state entities and local entities. When insufficient funding requests are received from eligible state entities, the remaining LWCF funding is used to assist local projects. The OPSP is typically announced annually but is contingent upon an appropriation being made for the program by Congress.
Background

Revenue for the LWCF program (both the federal side and state and local assistance program) is made possible from offshore oil and gas receipts and supplemented by revenue from the Gulf of Mexico Energy Security Act, Public Law 109-432, which was signed into law in 2006. At the beginning of the LWCF program, the law set aside $100 million annually for the first four years for both sides of the program. Increases were made in 1968 to $300 million and again in 1971 to $400 million. In 1977, Public Law 95-42 increased the annual funding to $900 million. While this amount has been authorized since 1978, appropriations and apportionments have been inconsistent. Figure 7.1 shows the dollar amount in LWCF appropriations made for the federal side, the state and local assistance program and “other” programs. Examples of these “other” programs include but are not limited to the Forest Legacy Program, the Historic Preservation Fund and the Cooperative Endangered Species grant program. Figure 7.2 shows the annual apportionments made to the Commonwealth of Virginia since 1965. In reviewing the two figures, it should be noted that, according to the Virginia LWCF apportionment records, no LWCF assistance was received between 1996 and 1999 but that Figure 7.1 shows appropriations for the federal side and “other” programs during this time period. Of significance is that the total appropriation in 1998 for the federal agencies and “other” programs exceeded $900 million dollars. Virginia’s highest LWCF apportionment amount of $7.5 million was received in 1979. As Figure 7.2 shows, Virginia’s apportionments have hovered around $1 million but have not exceeded $1 million since 2005.

Figure 7.1 Land and Water Conservation Fund Appropriations – 1965-2010

Figure 7.2 Virginia Land and Water Conservation Fund Apportionment – 1965-2012
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The need for LWCF

Consistent, dedicated and sufficient funding for the LWCF state and local assistance program is needed across the nation and most particularly in Virginia. Each year, the National Park Service prepares an annual report on the Land and Water Conservation Fund State and Local Assistance Program. Contained within the document is a section showing the estimated dollar value of each state’s unmet recreation needs. Virginia’s 2012 unmet needs totaled more than $870 million. Since the LWCF is the only source of funding committed solely to public outdoor recreation acquisition and/or development available in Virginia, the funding is critical to helping the Commonwealth meet its outdoor recreation needs.

Even with varied and limited funding over its history, the OPSP grant cycles in Virginia receive funding requests that are three to four times the available dollar amount. Applicants seek LWCF funding not only to implement projects and stretch local recreation funds, but also to ensure and secure the local investment for future generations. A key requirement is that areas assisted with funding from the program must be open, operated and maintained, in perpetuity, for public outdoor recreation. Section 6(f) of the Land and Water Conservation Act states:

“No property acquired or developed with [LWCF] assistance … shall, without the approval of the Secretary [of the Interior or his designee], be converted to other than public outdoor recreation uses. The Secretary [of the Interior or his designee], shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.”

This provision is enforced through compliance inspections. DCR is required to inspect all LWCF-assisted areas for compliance with the program and report back to the National Park Service on these inspections. Inspections are usually conducted every three to five years. When areas are found to be in noncompliance, DCR notifies the locality and works with it to rectify the noncompliance issues or initiate a conversion of use process. LWCF compliance requirements are available at the DCR website.

Section 6(f) of the LWCF Act makes the Land and Water Conservation Fund Program one of the strongest and most reasonable forms of land conservation legislation ever passed. Under the conversion-of-use process, replacement land becomes protected in perpetuity, thereby assuring the intent of the act to create a national legacy of public outdoor recreation opportunities for current and future generations.

From 1965 to 2012, Virginia received more than $80 million in assistance from the program. More than $34 million has contributed to the recreational land acquisition and/or recreational development needs of eligible state entities. More than $46 million has contributed to the recreational land acquisition and/or recreational development needs of Virginia’s localities. Funding assistance has been provided to every Congressional district in the Commonwealth and almost every county. Map 7.1 shows the distribution of LWCF projects across Virginia by project type: acquisition, development and combination. Combination projects are those that involve both an acquisition and development component. The Virginia Outdoors Plan Interactive Mapper enables users to identify LWCF state and local assistance projects by grant number and name. This information will help planners avoid actions that would trigger a conversion of use under the LWCF program, as well as facilitate communication with DCR when a conversion-of-use process must be initiated. Additionally, the identification of these protected lands will aid in planning greenways and conservation and habitat corridors and assessing existing recreation and conservation lands within a given area.

LWCF on the local level

In 2015, the Land and Water Conservation Fund celebrates its 50th anniversary. Map 7.1 shows the program’s accomplishments in Virginia since its inception. Additionally, the following accounts by Katherine Rudacille, deputy director of planning and grants with the Northern Virginia Regional Park Authority; Karen Cross, director of the Outdoor Recreation Division in the city of Danville and Carla Tyler Brittle, management and resource administrator with James City County, express what the program means closer to home at the local level in a way quantitative measures cannot begin to express.

Northern Virginia Regional Park Authority

The Land and Water Conservation Fund is largely responsible for making Northern Virginia regional parks what they are today. More than half of the Northern Virginia Regional Park Authority’s 25 parks, located within three counties and three cities in the Washington suburbs, have been the beneficiary of Land and Water Conservation funding. In the 1960s and 70s, NVRPA’s earliest land acquisitions were made possible by LWCF grants, including more than 2,300 acres along shorelines of the Potomac, Bull Run and Occoquan rivers. As a result, public parks were established at Algonkian, Red Rock, Fountainhead, Upper Potomac and Potomac Shoreline (now Mason Neck National Wildlife Refuge), that both protect our water quality and provide a wide range of recreational facilities. LWCF also made possible the acquisition of 30 miles of the 45-mile Washington and Old Dominion Trail, which became a model for rail-trails.
across the country. This linear park now hosts 2 million annual visits and provides a valuable greenway running through the heart of urban Northern Virginia. Land and Water Conservation monies also assisted with facility development ranging such as the Bull Run Regional Park campground and soccer field complex, Meadowlark Botanical Gardens landscaping, trails, bridges and lakes, Pohick Bay Regional Park campground, swimming pool, and marina, the W&OD Trail in Arlington, Fairfax and Loudoun Counties and the Sandy Run Regional Park rowing facility docks and boathouses.

Over the last 40 years, NVRPA has been awarded $5.8 million in LWCF funding, leveraging local dollars to accomplish projects that otherwise would have been impossible. These funds allowed regional parkland purchases and outdoor recreation development of more than $10.7 million in total project costs. Land and Water Conservation funds have protected large expanses of the region’s natural areas and conserved parkland along the waterways that supplies our drinking water. These open-space and outdoor recreation areas have become critical to serving the growing population and offset the impacts of development in the congested D.C. metro area.

In recent years, LWCF monies have enabled renovation of aging facilities, including, the redevelopment of the Upton Hill Regional Park pool complex from a 1970s-era swimming pool complex into a modern and very popular spray ground water park. In the first season after redevelopment, pool admissions increased 164 percent, youth group participants increased 113 percent and the number of season passes was up nearly 140 percent. Visitation continued to rise with general admissions increasing another 150 percent in the second year. In just the first two years since the new features were built, the park provided more than 30,000 additional outdoor recreation visits in one of the most densely populated areas in the country, and in an area that lacks other public outdoor pools. In 2013, LWCF development grant funds also are enabling public access improvements at a newly acquired property, Gilbert’s Corner Regional Park, that include an entrance drive, parking area, interpretive signs and trails.

LWCF has not only made initial projects possible, but the park authority also has benefitted greatly from the requirement that grant properties cannot be converted from public outdoor recreation use without replacement land. This powerful protection tool has kept our park system whole by preventing nonpark takings and encroachments of...
Danville

Land and Water Conservation Fund jump-starts and protects Danville outdoor opportunities.

The Land and Water Conservation Fund has been a catalyst for bringing outdoor recreation opportunities to a vast number of Danville area citizens. The Virginia Department of Conservation and Recreation partnered with the city of Danville to award three LWCF grants in the last 30 years for development of an array of city park amenities.

Ballou Park, one of the oldest municipal parks in Virginia, was the beneficiary of LWCF monies in the 1980s. Additional picnic shelters, Danville’s first nature trail and expanded parking were welcomed with enthusiasm by residents. At the time, 107-acre Ballou Park was the largest and most popular city park in the region. Thanks to the addition of these amenities, the park continues to host more than 200 picnic shelter reservations annually, houses two disc golf courses and one of the most popular playgrounds in town and has recently seen the addition of the newest link of Danville’s Riverwalk greenway.

In the 1990s, a group of community leaders took the initiative to begin fundraising for a large park on the north side of town. Enthusiasm was boosted by the receipt of a $200,000 LWCF matching grant, and Dan Daniel Memorial Park became the new “place to be seen” in Danville. Ultimately growing to more than 180 acres, the park hosts hundreds of ballgames on numerous little league, soccer and softball fields. The playground vies with Ballou Park’s as a favorite with the 5- to 12-year-old crowd, and the park is home to the Veterans Memorial and the Danville Braves baseball team. Low-impact growth continues with a woodland low ropes course, zip-line and mountain bike trails. LWCF jump-started a mass of contributions that resulted in parks packed with Little Leaguers, picnickers, hikers and bikers.

Another community-led movement was supplemented in 2001 when LWCF helped fund the construction of the Philip Wyatt Memorial Skate Park within Dan Daniel Park. An unfortunate accident spurred teenagers to appeal to city council for a skate park to memorialize their friend. Community contributions supplemented by LWCF and city monies made the skate park a reality.

The Land and Water Conservation Fund not only provides the impetus for community initiatives, but it also plays the vital role of protecting open space. The fund requires that replacement land be provided for each acre of LWCF-protected property converted for uses other than public recreation. This has saved both Ballou and Dan Daniel Memorial from encroachment by schools, chain pharmacies and private enterprises who wished to locate within the boundaries of our beautiful parks.

In these times of strained municipal budgets and limited corporate contributions, LWCF funding is essential.

— Katherine Rudacille
Deputy director of planning and grants
Northern Virginia Regional Park Authority

Sandy Run Regional Park Rowing Facility. Photo by the Northern Virginia Regional Park Authority.

Upton Hill Regional Park Sprayground. Photo by the Northern Virginia Regional Park Authority.
to providing outdoor recreation amenities for citizens. Federal, state and local monies invested in outdoor recreation opportunities reap big benefits with improved health, socialization and economic development for citizens and visitors to the Commonwealth.

— Karen Cross
Outdoor Recreation Division director
Danville Parks and Recreation Department

James City County

Starting with several neighborhood parks and a modest offering of programs, James City County formulated its first Recreation Plan in 1982. Since that time, the county has experienced a 160 percent population growth. To keep pace with growth, the county invested in its natural resources by purchasing key parcels to save for recreational enjoyment. Today, James City County boasts more than 1,500 acres of park land and shorelines along the James and Chickahominy Rivers. It was also named the 2012 Gold Medal Winner for its population category due in large part to the quality amenities it developed with grants from the Land and Water Conservation Fund.

Over the years, the county has developed ambitious parks and recreation master plans for the open spaces. The foundation of these plans rests on citizen feedback and the inventory guide of the VOP. However, in an environment of competing resources, many of the county’s park development projects would never had occurred without the LWCF incentivizing grant program. During my tenure with the county, the price tag for developing a playground or an athletic field was often out of reach; however, the addition of a partner with a matching grant created a fiscally sound reason to advance the projects. During the past 15 years the county has been the recipient of four LWCF grants that have been used to develop three parks.

The Warhill Sports Complex was developed using two grants that funded tee ballfields, baseball fields, basketball courts, a playground and parking lots. The funds enabled the county to create venues at the park that have attracted national attention such as the Cal Ripkin World Series. In 2011, the park boasted 940,000 visitors.

Two grants were also obtained to help improve water access for citizen at Little creek Reservoir Park and Jamestown Beach Park. Parking improvements, shoreline restoration, restrooms, sidewalks and a playground have been added to these sites. While the amenities themselves are wonderful, the real value of these projects rests in the salvage and restoration of the county’s waterways for future generations.

With a history that dates back to 1607 as the site of America’s first permanent English colony, James City County has a responsibility to preserve the past while creating a future for our diverse and dynamic population. We have not made such progress alone; partnerships with our citizens and grant programs like the LWCF have helped us to create a quality community.

— Carla Brittle
Management and resource administrator
James City County
Warhill Sports Complex in James City County hosts the Cal Ripkin World Series. Photo by James City County Parks and Recreation.

Jamestown Beach was restored with a Land and Water Conservation Fund grant. Photo by James City County Parks and Recreation.

Other funding sources:
Recreational grants administered by DCR:

Grant funding research portals:
www.grants.gov
http://virginia.grantwatch.com

Works cited
