

## Background information on HR 2986

### “NATIONAL CAPITAL REGION LAND CONSERVATION ACT OF 2009” amendment to the Capper Cramton Act of 1930 (Chapter 354; 46 Stat.482)

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**HR 2986** (Sponsor - Moran with Norton, Wolf, Wittman, Connolly, Hoyer, Van Hollen, and Edwards as co-sponsors – introduced June 19, 2009 – referred to the House Committee on National Parks, Forests and Public Lands )

**S 1525** (Sponsor - Cardin with Mikulski, Webb and Warner as co-sponsors – introduced July 28, 2009 – referred to the Senate Committee on Energy and Natural Resources)

*“The increasing tempo of urbanization and growth is already depriving many Americans of the right to live in decent surroundings. More of our people are crowded into cities and cut off from nature. Cities themselves reach out into the countryside, destroying streams and meadows as they go...people move out from the city to get closer to nature only to find that nature has moved farther from them ....The Potomac River, rich in history and memory should serve as a model of scenic and recreational values for the entire nation”*  
President LB Johnson – Message to Congress – 2/8/1965

#### **Purpose:**

- Encourage multi-State and multi government long range cooperative regional planning identifying particular lands in the National Capital Region (“NCR” as defined by the US Census Bureau) to be conserved for a variety of enumerated environmental, cultural, historic and recreational purposes.
- Stimulate open space land conservation acquisition and leverage funding by State, regional, and local governments through a Federal cost share grant program designed for the unique requirements of the NCR. Encourage donations, bargain sales, etc. for land conservation purposes.
- Revive the partnership between Federal, State, regional and local park, land conservation, planning, environmental agencies and stakeholder groups to focus on land conservation and green open space needs in the DC region. This process, established under the Capper Cramton Act of 1930 and led by the National Capital Planning Commission (NCPC) for almost four decades, was disrupted in 1966 when the National Capital Planning Council was abolished by executive order. Under the proposed legislation, NCPC’s responsibilities to represent the Federal interests in the region’s planning and development and other existing elements of the Capper Cramton Act – last amended in 1958- would remain unaltered.

#### **Relationship to other national and regional priorities:**

- Executive Order 13508, Chesapeake Bay Protection and Restoration (6/12/09), part 7 expanding public access to the bay and conserve landscapes and ecosystems – and the 2011 land conservation goals agreed to by the Chesapeake Bay Agreement signatory states.
- Provide more natural area open space and interpretive facilities for public environmental education and outdoor recreation close to the nation’s capital. NCR is one of the most attractive areas in the US for outdoor recreation and eco- and historic tourism – a

function of preservation investments made over the last century in large part through use of the Capper-Cramton Act authorities and funding and the leadership of the US NPS. While the quantity of the conserved land has not kept pace with the regions explosive growth, the quality of that which has been preserved has contributed to a high quality of life in the NCR. Further investments in regional land conservation have stalled due to the high land cost, lack of cooperative planning. Inadequate funding from State and local governments, governmental parochialism and competing regional priorities (e.g. transportation). Conservation easements on private property tend to occur in the more rural areas and the opportunities for new ones close to the urban core are few.

- Smart growth objectives – balance concentrated development with offsetting public access parks and protected select natural areas in advance of probable development
- Avoid development of environmentally sensitive areas and particular parcels of lands under impending threat from development
- Source Water protection – acquire and maintain land adjacent to drinking water sources (well recharge areas, streams and reservoirs) in a natural condition which is recognized as the most cost effective pollution prevention practice
- Clean Water Act objectives - reduce flooding, minimize erosion and siltation, retard storm water runoff and improve recharge.
- Mitigate effects of climatic change (e.g. acquisition of flood plain, wetlands and other properties increasingly at risk to tidal surges and sea level rise) along the Potomac and stream valleys.
- Provide connection between public parkland and protected private property for wildlife movement and when appropriate and possible, with public access non-motorized trails.

#### **Scope:**

- The National Capital Region (NCR) includes the District of Columbia, Calvert, Montgomery, Prince Georges, St. Mary's, Charles, and Frederick Counties, MD, Jefferson County in WVA, Arlington, Fairfax, Prince William, Loudoun, Clarke, Warren, Stafford, Fauquier, and Spotsylvania Counties, VA and all the cities contained within those geographic areas. It also includes the City of Alexandria.
- The NCR will expand as the Bureau of the Census periodically redefines the Washington DC statistical metropolitan area.
- Virtually the entire NCR region is within the Potomac River watershed, an area of national concern given the national status of the river, one of the primary pollution sources flowing into the Chesapeake Bay.

#### **Need:**

- Increasing public demand for natural area land conservation, green infrastructure and outdoor recreation given the NCR population which is now about 5.3M and expected to grow an additional 3 M by 2030.
- The urban planners of the late 19<sup>th</sup> and early 20<sup>th</sup> century understood that protecting green open space is most efficiently accomplished by aggressive forward looking regional planning and setting aside by zoning, easement or acquisition environmentally important lands that should be conserved. Between 1990 and now, the regions population grew by 10% and the level of impervious surface grew by 40%.
- The outlying counties such as Stafford, Calvert or Jefferson, where much new growth is being experienced, are woefully underserved with publicly protected and accessible green space.

- Opportunities for land conservation acquisition in the NCR region remain including property along the Potomac River and its tributaries, mountain ridgelines, farmlands on which conservation easements agreements are near to expiration, brownfields and old industrial properties.

### **Funding:**

- Authorization of appropriations of up to \$50M/year for 5 years from date of enactment for up to 50-50 cost share with State, regional and local land conservation agencies for purposes enumerated in the act.
- Funding request would be desired via a line item request in the President's annual budget for USDI.
- In 1930, the Capper Cramton Act authorized \$9 M for land acquisition in MD and VA and \$16M in DC. The 1958 amendment increased the authorization primarily for the George Washington Parkway extension and expanded the scope of the Act to include Loudoun and Prince William Counties in Virginia.
- NCRLCA funding is not anticipated to be offset from Land and Water Conservation Act appropriations given those funds are allocated to the States under a defined formula, awarded to eligible applicants by the States to localities based on the State's Outdoor Plan priorities and oftentimes used for park facilities and not land acquisition. NCRLCA would be only for land acquisition and under criteria specified in the Act. .
- A portion of appropriated funds would be used to cover States, local governments and nonprofit organizations costs for planning and evaluating acquisition proposals

### **US interest in funding NCRPA:**

- In 1924, Congress determined the US government bore a significant responsibility for "...the comprehensive development of the park and playground system of the National Capital and its Virginia and Maryland environs"... to "...preserve the flow of water in Rock Creek... prevent pollution of Rock Creek...the Potomac and Anacostia Rivers...preserve forests and natural scenery in and about Washington ...". The National Capital Parks and Planning Commission (now National Capital Planning Commission or NCPC) was created to develop a master plan and further refine and execute the vision for the nations capital and its environs as contained in the 1902 McMillan report. This was further extended in 1930 with enactment of the Capper Cramton Act which provided for the funding and clear authority for NCPC to make grants for the acquisition of public access land in DC, VA, and MD primarily for water pollution control, environmental protection, greenways and parkways and public outdoor recreation. Most of these funds were allocated to federal agencies but some was cost shared with State and local government.
- Capper Cramton funding and authority was extensively used in the ensuing four decades for acquisition of Federal parkland in MD and VA and for MD-NPPC and MD state lands. Use by VA regional and local government was constrained because of political, institutional and cultural reasons until the early 1960's.
- Loss of access to Capper Cramton funding in the 1970's and 1980's was offset by funds that had then become available in the late 1960's under the Land and Water Conservation

Fund (LWCF) Act and HUD Open Space grants under the Housing Act. The HUD program no longer exists and LWCF state assistance appropriations over the last two decades have been meager relative to need.

**Administration:**

- NCRLCA would be assigned to the US National Park Service given their conservation mission, planning expertise, history of involvement with the Capper Cramton Act and proven ability to administer an effective partnership program.
- Responsibility by another USDI agency is possible (BLM or new agency)
- Involvement of other US agencies in the design of the selection guidelines and in evaluating (or scoring) applications is envisioned (e.g. US ACOE, USFWS, US EPA, HUD, NCPC, and ICPR). Regional environmental and conservation NGO's, State, regional and local agencies as well as the regions business, real estate and development stakeholders should be involved in this process.
- Application and evaluation guidelines or regulations would be developed involving Federal, State, regional and local planning and land conservation agencies (e.g. NCPC, NVPC, MD-NPPC, NVRPA).

**Organizations supporting the legislation as of February 19, 2010:**

**National**

The Civil War Preservation Trust  
 The Conservation Fund  
 The National Parks Conservation Association  
 The Nature Conservancy  
 The Trust for Public Land

**Regional**

Anacostia Watershed Society  
 Audubon Naturalist  
 Biophilia Foundation  
 Chesapeake Bay Foundation  
 Friends of the John Smith Chesapeake Trail  
 Washington Board of Trade

**Virginia:**

Alexandria City Council  
 Alexandria Historical Society  
 Arlingtonians for a Clean Environment  
 Arlington County Board of Supervisors  
 Arlington Outdoor Education Association, Inc  
 Commonwealth of Virginia (Governor Tim Kaine)  
 Falls Church City Council  
 Fauquier County Board of Supervisors  
 Friends of Dyke Marsh  
 Northern Virginia Conservation Council  
 Northern Virginia Conservation Trust  
 Northern Virginia Regional Commission  
 Northern Virginia Regional Park Authority  
 Northern Virginia Urban League

Piedmont Environmental Council  
Potomac Conservancy  
Prince William County Conservation Alliance  
Society for the Preservation of Black History  
The Mount Vernon Ladies Association  
Virginia Association for Parks

**D.C.**

Sierra Club (DC Chapter)  
Washington Parks & People

**Maryland**

The State of Maryland (Governor Martin O'Malley)  
Accokeek Foundation  
Chapman Forest Foundation  
Conservancy for Charles County  
Friends of Chapman State Park, Inc  
Mattawoman Watershed Society  
Maryland Bass Federation Nation  
Maryland Environmental Trust  
Maryland Ornithological Foundation  
Port Tobacco River Conservancy  
Preservation Maryland  
Southern Maryland Audubon Society  
Sierra Club (MD Chapter)