

**Statement by LuAnne Kozma
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Before the U.S. House of Representatives Committee on Appropriations,
Subcommittee on Interior, Environment, and Related Agencies
At a Hearing conducted March 13, 2008.**

Good morning Mr. Chairman, Members of the Subcommittee,

My name is LuAnne Kozma. I am the Michigan Director of an organization called Defense of Place, which works to assure that parks remain protected in perpetuity. I've been advocating for the protection of Michigan's public parks for nearly a decade and have been working with grassroots community groups and individuals.

I appreciate the opportunity to testify today about the Land and Water Conservation Fund administered by the National Park Service. I am here to urge you to expand funding for this program, and in particular that you absolutely require the administrative oversight of the "Stateside" part of the program. We must vigorously enforce the protection this Act provides for the approximately 40,000 local and state parks around the nation, of which about 2,000 are in Michigan.

A funding level of \$125 million is recommended by several park organizations, and I believe this is a modest amount for what is really needed, and is only a fraction of what is authorized. I am greatly troubled by the request in the President's budget that calls for stripping away the oversight function of this program.

What the oversight function provides is the main purpose, the accountability, and the legacy of the Act—to ensure that these parks, in their entirety, are still here for our future generations.

The reason the oversight function is more critical than ever before, is that our parks have become the targets of increasing attacks by private interests, and governmental attempts, to take public parkland out of public use and essentially rob the Fund. The funding is needed for the department to ascertain if a proposed conversion is a legitimate one and fend off those that are not.

This is a very disturbing trend. I have two Michigan examples to share with you.

Jean Klock Park, in Benton Harbor, Michigan.

Jean Klock Park in Benton Harbor, Michigan, was purposefully purchased and gifted as a public park over 90 years ago and was given to the community and the children of Benton Harbor "forever." Later, the Land and Water Conservation Fund contributed to the park's amenities, the State spent about \$1.7 million, and there were 90 years of local support. The park is priceless—it has a half-mile of Lake Michigan lakefront and dunes that provide a beautiful view of the lake. A few years ago residents sued to save part of the dunes from a luxury home development, and in exchange for allowing the homes to

go in, settled on a consent agreement, thinking they once again had permanent protection for the rest of the park. Little did residents and city leaders know, that this was the beginning of a longtime plan to take the park almost entirely from public use. It's the target of a private development plan to take over most of the park for three holes of a high-end, privately-owned golf course, 700 homes, a hotel and water park. This plan is being driven by private entities created by Whirlpool Corporation and its chief executives. Jean Klock Park belongs to the people of Benton Harbor.

NPS has already rejected this profoundly flawed proposal. But when it does deny a conversion such as this, it is up against powerful developers with millions of dollars to spend. In fact, the developers are continuing the attack, putting this park once again in grave danger of forever being stolen from the community, and the children for whom it was dedicated. We have found that the staff of the Park Service is professional and committed to protecting public parks. But they have few resources with which to double check and verify the claims made in these elaborate plans which are assembled by those with an interest in the theft of public assets at bargain-basement prices.

We think there is a pattern to these conversions. Local and state governments, desperate to improve the economy and tax base, see a short-term gain from selling off legacy assets. The so-called "lease" arrangement for Jean Klock Park is slated to last 105 years. In human terms, 105 years of removing most of the park from public use is forever. Along with that, these beautiful sand dunes, Michigan's priceless natural assets, will be destroyed, converted to golf course bunkers, and seeded with turfgrass. A major change would befall a natural, lakefront legacy.

While no one can predict what the property use patterns around that park will be in 2113, it is certain that a century's worth of children and adults, running and walking and picnicking and marrying among those precious natural dunes will have been sacrificed for a dubiously financed retirement community.

A total of \$126 million has been spent on about 2,000 Michigan parks over the past 40 years with the Land and Water Conservation Fund. If one private entity is allowed to liquidate a park like Jean Klock, even at conservative estimates valued at \$15 million—and that is probably off by an order of magnitude—then it essentially is robbing the federal government of a huge portion of the investment in Michigan's parks.

Proud Lake State Recreation Area

For the past four years, a citizens group in Michigan has waged a grassroots campaign against the State of Michigan's decision to sell about 560 acres of Proud Lake State Recreation Area. By the time the State made an offer in 2006 to sell this parkland to the local township for \$13 million plus a \$1.4 million "transaction fee," the DNR had already, behind the public's back, gone to the National Park Service in 2005 to administratively change the 6(f)(3) boundary map to exclude the 560 acres so that it could be sold. It was purchased over 60 years ago, had at least six grants over the years, and each time the State pledged to encumber the entire park for all time for the people of

Michigan. The State has now violated that agreement by claiming this acreage was never inside the boundaries and it was mistakenly included with each grant request. Here again, a lack of oversight and protection of the Fund's investment.

Summary

To fund the LWCF program at meager amounts, \$30 million, is a disservice to the mission of this program and to the nation. What's most at stake is not the few dollars being put into developing and acquiring new parks.

What's really at stake is that it fails to protect the entire 40 years' of federal investment, endangering the vast system of parks we've already set aside. It's like putting water into a bucket with a hole in the bottom, and the hole is getting bigger.

The legacy of the LWCF Act will be what we do to vigorously protect all those places that were created and developed with the funds. The program needs adequate staffing levels, funds for Environmental Impact Statements to follow the National Environmental Policy Act, and funds to conduct independent appraisals and site visits, so the agency can properly conduct its own independent assessments.

Our parks should be inviolate. Yet they are increasingly at risk from bolder and better-funded developer-driven proposals that seek our protected parkland—prime parkland set aside many years ago—for their privatization schemes. These schemes are getting tiresomely familiar—water parks, elite golf courses, hotels, ski lifts, there's no end to these. They are for profiteering by the private sector, at the expense of parks we hold in the public trust.

Our public parks were not set aside, and invested in by LWCF federal funds—only to succumb years later to these private schemes. They're there for future generations in the same way that they have been there for us.

I will be happy to answer any questions and would appreciate the chance to talk with staff.