AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

S. HRG. 115–521

S. 3172, THE RESTORE OUR PARKS ACT

HEARING

BEFORE THE

SUBCOMMITTEE ON
NATIONAL PARKS

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

ONE HUNDRED FIFTEENTH CONGRESS

SECOND SESSION

ON

S. 3172

THE RESTORE OUR PARKS ACT

JULY 11, 2018

Printed for the use of the
Committee on Energy and Natural Resources

Available via the World Wide Web: http://www.govinfo.gov

U.S. GOVERNMENT PUBLISHING OFFICE
30–981 WASHINGTON : 2020

COMMITTEE ON ENERGY AND NATURAL RESOURCES

LISA MURKOWSKI, Alaska, *Chairman*

JOHN BARRASSO, Wyoming
JAMES E. RISCH, Idaho
MIKE LEE, Utah
JEFF FLAKE, Arizona
STEVE DAINES, Montana
CORY GARDNER, Colorado
LAMAR ALEXANDER, Tennessee
JOHN HOEVEN, North Dakota
BILL CASSIDY, Louisiana
ROB PORTMAN, Ohio
SHELLEY MOORE CAPITO, West Virginia

MARIA CANTWELL, Washington
RON WYDEN, Oregon
BERNARD SANDERS, Vermont
DEBBIE STABENOW, Michigan
JOE MANCHIN III, West Virginia
MARTIN HEINRICH, New Mexico
MAZIE K. HIRONO, Hawaii
ANGUS S. KING, JR., Maine
TAMMY DUCKWORTH, Illinois
CATHERINE CORTEZ MASTO, Nevada
TINA SMITH, Minnesota

SUBCOMMITTEE ON NATIONAL PARKS

STEVE DAINES, *Chairman*

JOHN BARRASSO
MIKE LEE
CORY GARDNER
LAMAR ALEXANDER
JOHN HOEVEN
ROB PORTMAN

ANGUS S. KING, JR.
BERNARD SANDERS
DEBBIE STABENOW
MARTIN HEINRICH
MAZIE K. HIRONO
TAMMY DUCKWORTH

BRIAN HUGHES, *Staff Director*
PATRICK J. MCCORMICK III, *Chief Counsel*
MICHELLE LANE, *Professional Staff Member*
MARY LOUISE WAGNER, *Democratic Staff Director*
SAM E. FOWLER, *Democratic Chief Counsel*
DAVID BROOKS, *Democratic General Counsel*

CONTENTS

OPENING STATEMENTS

	Page
Daines, Hon. Steve, Subcommittee Chairman and a U.S. Senator from Montana	1
King, Jr., Hon. Angus S., Subcommittee Ranking Member and a U.S. Senator from Maine	4
Portman, Hon. Rob, a U.S. Senator from Ohio	5
Gardner, Hon. Cory, a U.S. Senator from Colorado	7
Alexander, Hon. Lamar, a U.S. Senator from Tennessee	10
Hirono, Hon. Mazie K., a U.S. Senator from Hawaii	11

WITNESSES

Warner, Hon. Mark, a U.S. Senator from Virginia	12
McDowall, Lena, Deputy Director, Management and Administration, National Park Service, U.S. Department of the Interior	13
Argust, Marcia, Director, Restore America's Parks, The Pew Charitable Trusts	17
Brengel, Kristen, Vice-President for Government Affairs, National Parks Conservation Association	26
Fretwell, Holly, Outreach Director and Research Fellow, Property and Environment Research Center (PERC)	33

ALPHABETICAL LISTING AND APPENDIX MATERIAL SUBMITTED

Agenda and Witness List	3
Alexander, Hon. Lamar:	
Opening Statement	10
Argust, Marcia:	
Opening Statement	17
Written Testimony	19
Responses to Questions for the Record	62
Backcountry Hunters & Anglers:	
Letter for the Record	73
Brengel, Kristen:	
Opening Statement	26
Written Testimony	28
Responses to Questions for the Record	63
Daines, Hon. Steve:	
Opening Statement	1
Fretwell, Holly:	
Opening Statement	33
Written Testimony	35
Responses to Questions for the Record	64
Friends of Acadia:	
Letter for the Record	75
Gardner, Hon. Cory:	
Opening Statement	7
Written Statement	8
Hirono, Hon. Mazie K.:	
Opening Statement	11
King, Jr., Hon. Angus S.:	
Opening Statement	4
McDowall, Lena:	
Opening Statement	13

Page

McDowall, Lena—Continued
Written Testimony 15
Responses to Questions for the Record 58
National Association of Counties:
Letter for the Record 78
National Parks Second Century Action Coalition:
Letter for the Record 79
National Trust for Historic Preservation:
Letter for the Record 81
National Wildlife Federation:
Letter for the Record 84
Outdoor Recreation Roundtable:
Letter for the Record 86
Portman, Hon. Rob:
Opening Statement 5
S. 3172, the Restore Our Parks Act 66
Theodore Roosevelt Conservation Partnership:
Statement for the Record 88
Warner, Hon. Mark:
Opening Statement 12
(The) Wilderness Society:
Letter for the Record 91

S. 3172, THE RESTORE OUR PARKS ACT

WEDNESDAY, JULY 11, 2018

U.S. SENATE,
SUBCOMMITTEE ON NATIONAL PARKS,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The Subcommittee met, pursuant to notice, at 3:00 p.m. in Room SD–366, Dirksen Senate Office Building, Hon. Steve Daines, presiding.

OPENING STATEMENT OF HON. STEVE DAINES, U.S. SENATOR FROM MONTANA

Senator DAINES [presiding]. We will come to order.

Today we will discuss Senate bill 3172, the Restore Our Parks Act, which was introduced by Senators Portman, Warner, Alexander and King on June 28th. We have also had additional members join Senate bill 3172 as co-sponsors including myself, as well as Senators Collins, Manchin, Capito, Blunt, Heinrich, Tillis and Gardner. This truly is a great start, and I am hoping that Senate bill 3172 garners the support of many more of my colleagues in the coming weeks.

This legislation addresses a topic that is very near and dear to my heart, the topic of the deferred maintenance backlog in our national parks. Having literally grown up in the shadows of Yellowstone National Park, I see firsthand the economic benefits and the outdoor heritage that relays to our state. However, in order to continue growing those benefits, we must ensure the needs of our parks are adequately addressed.

As many of my colleagues have heard, time and time again, the National Park Service currently estimates the deferred maintenance backlog at approximately $11.6 billion. This amount is split roughly 50 percent between transportation and non-transportation related assets.

Outstanding critical deferred maintenance needs for our parks include everything from historic buildings, employee housing and visitor centers, as well as sewer systems, trails and paved roads. Only the Department of Defense, which I would note has a substantially larger budget and workforce, has more assets to maintain than the National Park Service.

In fact, in my home State of Montana, our current backlog is about $217.5 million with the largest portion, $153.8 million, at Glacier National Park. The projects are varied but they all, ultimately, impact the visitor experience.

Whether it is the $5.5 million needed to replace and upgrade electrical and wastewater utilities along Lake McDonald or the $92,000 to repair a water line that crosses Rose Creek in the Rising Sun concessions area, visitors to the national parks deserve a basic, functioning infrastructure that, remarkably, actually works.

Over the years the deferred maintenance backlog has grown, some would say, uncontrollably, into the large figure of $11.6 billion that we see today. This can be attributed to a variety of factors including the acquisition of additional park units, without funding, and challenges to prioritize funding for certain projects like wastewater and water systems.

Despite many efforts by Congress and federal and non-federal stakeholders, the deferred maintenance backlog continues to grow. It is growing every hour. I am pleased that both the current Administration and my colleagues, both on and off this Committee, on a bipartisan basis, have accepted this very daunting challenge of arresting the growing deferred maintenance backlog in our parks.

Now solving this problem is not going to be easy. But if we do work together to pull something together here, as the Ranking Member and I were just speaking about, we might actually get something done. I believe we are up to the task.

We face challenges ahead, including, at a minimum, finding the funding necessary for any solution that we all ultimately, can agree on. In addition, we will likely hear about the need to resolve deferred maintenance backlogs on other public lands which, of course, are worthy of discussion.

It is important to me that any legislation that moves forward regarding offshore and mineral revenue, protects existing programs, such as the Land and Water Conservation Fund (LWCF). In my opinion, LWCF still needs permanent reauthorization and full funding and the clock is ticking. Senate bill 3172 does have those protections and I believe we can keep our commitment to both, but we must not hold back one priority at the expense of another. Therefore, I believe that both these bipartisan priorities should move quickly to ensure the needs of public lands are taken care of.

I look forward to a robust discussion on this bill today.

Again, I would like to thank Senators Portman and Warner, Alexander and King, as well as their staffs, for truly all the hard work that has gone into this legislation thus far and to make this hearing possible today.

The purpose of this hearing is to consider the Administration's and stakeholders' views on Senate bill 3172 and allow Committee members an opportunity to ask questions.

We will also include written statements that have been sent to the Subcommittee in the official hearing record.

The complete agenda and witness list will also be included in the hearing record, without objection.

[Agenda and witness list follow:]

UNITED STATES SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON NATIONAL PARKS

Wednesday, July 11, 2018
National Parks Subcommittee Hearing

AGENDA

S. 3172, the Restore Our Parks Act

WITNESS LIST

The Honorable Mark R. Warner
United States Senator

Ms. Lena McDowall
Deputy Director, Management and Administration
National Park Service, U.S. Department of the Interior

Ms. Marcia Argust
Director, Restore America's Parks
Pew Charitable Trusts

Ms. Kristen Brengel
Vice President—Government Affairs
National Parks Conservation Association

Ms. Holly Fretwell
Outreach Director and Research Fellow
Property and Environment Research Center

Senator DAINES. We have five witnesses here today.

First, Senator Warner will be joining us to provide a brief statement about Senate bill 3172, following opening remarks.

Welcome, Senator Warner.

I will yield to my Ranking Member here.

Is your schedule okay? Okay.

We will yield to you, Angus, and then we will go to Senator Warner next.

STATEMENT OF HON. ANGUS S. KING, JR., U.S. SENATOR FROM MAINE

Senator KING. Mr. Chairman, I am absolutely delighted to be here today. I think this marks a milestone and an opportunity for us to accomplish something important for the people of this country. Also, it is an important opportunity to address a serious infrastructure failing.

When I was Governor of Maine, we used to go to New York to talk about bond ratings, and I used to talk about how little debt we had and how we did not borrow much money. One of the analysts stopped me and said, "Governor, if you're not fixing your infrastructure, that's debt. It's debt, exactly as if it's debt on your balance sheet, and it's got to be paid and it's going to have to be paid, usually with interest, in the sense of increased maintenance costs." So this is a debt that we are paying, that we owe to the people of this country.

When I left office as Governor in 2003, my wife and I and our two children, who were then 12 and 9, took off in a RV for five and a half months and we circumnavigated America. In the process, we went to 14 national parks and innumerable national monuments. So this issue is very dear to my heart. The national parks, as Franklin Roosevelt said, "This is America." They are a wonderful part of our country.

The parks are in trouble, however. The Chairman gave the stark numbers, almost $12 billion in deferred maintenance.

And in Maine, for example, in Acadia National Park, we have about $80 million of deferred maintenance. By the way, Acadia is not the most visited national park in the country. I think that honor goes to Yellowstone, but I would venture to say it is the most visited national park in the country per square foot.

[Laughter.]

It is one of the smallest national parks and yet we have three million visitors a year which, by the way, is twice the population of Maine. So on a sunny day in August, Acadia National Park is about our third largest city.

It is a hugely important part of the economy of the region, and to jeopardize what is essentially an economic magnet because of a failure to provide maintenance is just short-sighted in the extreme. We have an old maintenance building at Acadia which, if it fails, will probably result in the closure of the park for some time.

The other piece is, of course, while we have this infrastructure problem, we are seeing a significant increase in visitation. In Acadia, the visitation has gone up something like 50 percent in the last seven or eight years. So we have more people coming but parks are less capable of absorbing them.

That is why I am just delighted to be co-sponsoring this bill. I think this is an opportunity to really do something important.

I want to underline what the Chair said, we are also extremely committed to the Land and Water Conservation Fund. I do not see this bill as in any way competitive with that. We need to move forward with the permanent reauthorization. This does not take money out of the same pot. This is an opportunity to fix a specific problem. And I hope that we can work together, both on this in the immediate future and on the Land and Water Conservation Fund before the end of September.

More and more people are getting out to enjoy our parks. Some have even put down their phones when they do so. We are hoping to encourage more of that, but certainly, we want the parks to be safe, accessible and welcoming to the millions of visitors for whom they are such a valuable asset in our country.

So I thank our witnesses, I thank the sponsors of the bill and I suppose we will turn it over to Senator Warner.

Senator DAINES. Senator King, thank you.

I am just going to introduce the witnesses briefly, and then I know Senators have a few comments and then we are going to turn it to Senator Warner.

Next to Senator Warner, starting over on this side here, we are joined by Ms. Lena McDowall, Deputy Director, Management and Administration, National Park Service, U.S. Department of the Interior. Thank you for being here.

Ms. Marcia Argust, the Director of the Restore America's Park campaign from Pew Charitable Trust, has also joined the panel today. Thank you.

Then we have Ms. Kristen Brengel, Vice President of Government Affairs for the National Parks Conservation Association.

And last, but certainly not least, we have another Montanan here, Ms. Holly Fretwell, who hails from our great state and also serves as the Outreach Director and Research Fellow for the Property and Environment Research Center.

Welcome to the witness table here today. Thank you for making time to be here.

Before we turn to Senator Warner, I am going to ask if there are any Senators who would like to make a short statement before we proceed.

Senator Portman.

STATEMENT OF HON. ROB PORTMAN, U.S. SENATOR FROM OHIO

Senator PORTMAN. Mr. Chairman, thank you so much for having this hearing and for co-sponsoring the legislation and for your passion for the parks. As you have told me, you not only grew up in the shadow of Yellowstone, but you continue to frequent it.

And to Senator King, I know about your passion for Acadia. I am going to challenge you on whether Cuyahoga Valley National Park has more visitors per capita which is snuggled in between Akron and Cleveland, Ohio. It is the number 13th most visited park in the country. It is not big, but it is mighty.

Let me just say today we are here to talk about this legislation and to get your input, and we really appreciate it. I want to thank

all the organizations represented here and others who could not be here who have worked with us over the last couple years to get to this point.

More importantly, this is a bit of a Kumbaya moment in that we are coming together, and that does not happen easily around this place. And it does not mean that it is over, by the way. We have a lot of work to do to get this enacted into law as the Chairman and the Ranking Member were saying, but we would not be at this point but for some compromises and, frankly, sacrifices that some members have made to move this process forward. I just want to acknowledge two quickly.

One is Senator Alexander, who introduced legislation with Senator King that the Administration was supportive of and has been willing to work with us to come up with, again, this legislation that, I think, meets the needs that Senator Warner and I had laid out over the last couple years with those sewn away we believe the Administration will be able to support. Right, Ms. McDowall?

[Laughter.]

Then second, and I really want to be sure that you all understand, Mark Warner came to me a couple years ago to say, hey, I know you guys have been trying to work on this issue of deferred maintenance and you've done a little bit here and there, like with the Centennial match program, which was my legislation, which helps, but frankly, it is hundreds of millions, not billions, that is needed—and this was really Mark Warner's idea. So he is here to talk a little about it today, but I want to thank him for his willingness to take this idea and then mold it into something that can actually get passed into law. Not all Senators would be willing and able to do that. I want to thank him personally for his commitment to this and to all my colleagues for their support and long-standing interest in the parks. There is nothing more important to our natural legacy than keeping these parks in pristine, good condition.

And that is our problem. You know, we do like to expand the parks. We do like to add more responsibilities to the parks. We are not very good at dealing with the infrastructure needs of the parks.

In my own State of Ohio, we have about a $100 million backlog, although we are not as big as some of you in terms of our parks, that is a lot of money. We just simply can't find it, even with the Friends groups and all the other work that we have tried to do with our matching funds. We have to have this legislation.

I agree with what Chairman Daines and Ranking Member King said. This has nothing to do with taking money away from the Land and Water Conservation Fund or any other purpose. It has to do with funding that otherwise would go to the Treasury and redirecting it for an urgent need we have.

Frankly, if it is a $12 billion shortfall which, I believe, is roughly accurate, we are going to get about halfway there in five years. We have more work to do, but this is going to enable us to address the most urgent needs.

I really appreciate the fact that, again, everybody has come together to try to figure out how to get to yes.

Thank you, Mr. Chairman.

Senator DAINES. Thank you, Senator Portman.

It is nice to see Senators bragging about their national parks today, isn't it?

Senator Gardner.

STATEMENT OF HON. CORY GARDNER, U.S. SENATOR FROM COLORADO

Senator GARDNER. Thank you, Mr. Chairman, and thanks to Senators Portman, Warner, Alexander and King. I was a co-sponsor of this first bill and proud to co-sponsor this bill, excited to be a part of it.

I was in Rocky Mountain National Park this past weekend, met with our Superintendent there, Darla Sidles, talking about the needs of Rocky which is over $200 million in terms of deferred maintenance needs. That is $200 million alone for Rocky and then you look at the needs of Mesa Verde, you look at the needs of the Great Sands National Park. This is an incredible opportunity for us to do something bipartisan, do something good for a great generational change an idea.

So Rocky Mountain National Park is home to the highest paved road in America. Elevation goes from 7,600 feet to 14,259 feet, in case you are——

Senator DAINES. There are a lot of things high in Colorado——

Senator GARDNER. Be careful about that. Be careful about that.

[Laughter.]

Senator DAINES. That is right.

Senator GARDNER. I knew that was coming. You can't avoid it.

[Laughter.]

But when I was there last weekend, traveling through the park we saw a bear, we saw a bear cub. We had elk all over the place.

The national parks are a glorious idea, and I think this legacy legislation really proves that we can work together in a way that will benefit Americans for generations to come.

[The written statement of Senator Gardner follows:]

U.S. Senate Committee on Energy and Natural Resources
Subcommittee on National Parks
Legislative Hearing
S. 3172, the Restore our Parks Act
Wednesday, July 11, 2018 —3:00 p.m.
Room 366, Dirksen Senate Office Building, Washington D.C.

SENATOR GARDNER OPENING STATEMENT

Thank you, Mr. Chairman.

National Parks and Monuments are an important part of Colorado's history, its heritage, to our nation's shared love of our public lands system.

We know in 2016, the year the National Park Service was celebrating its Centennial, Colorado's 12 units managed by the National Park Service saw over 7.5 million visitors who spent around $485 million dollars.

However, after years of increasing popularity, national park units across the country are showing signs of stress and overuse for which programmatic funding has not kept up.

National park units in Colorado account for over $238 million of the 11.6 billion in maintenance needs.

Rocky Mountain National Park, one of the most visited parks in the country and boasting the highest altitude paved road in the Continental US, has $84 million dollars in deferred maintenance needs.

Mesa Verde, Colorado's oldest national park and the first established to protect the works of man, needs $70 million dollars to address its deferred maintenance backlog.

The list goes on for Dinosaur National Monument, the Great Sand Dunes, and even Bent's Old Fort to name a few others.

I've been happy to join with a bipartisan group of colleagues, Senators Alexander, Portman, King, and Warner among others – to craft and advance legislation that fulfills our promise to the public that the upkeep of our public lands is a priority.

I'm also pleased it is based off a funding model that has worked so successfully for the Land and Water Conservation Fund.

On that note, I'd like to point out the fact that we are three weeks to the day removed from another group of bipartisan senators holding a press conference highlighting the need to reauthorize LWCF in the next 100 days. That deadline is now 79 days away. I must also mention that we have yet to fulfill our promise on LWCF by fully funding the program, something I hope we can do in the near future. While I believe the structure of the Restore Our Parks is sufficient that the same will not happen here, we need to ensure our full commitment to this new effort so it doesn't suffer the same fate.

I urge my colleagues to find a bipartisan path forward to permanently authorize and fully fund LWCF, because access to the lands we are trying to maintain is as important as the parks themselves.

I again thank my colleagues for coming together on the Restore Our Parks Act in recognition of the necessary and overdue fix to address our park unit deferred maintenance backlog that has persisted over the years.

Thank you Mr. Chairman, I yield back.

Senator DAINES. Thank you, Senator Gardner.

Senator Alexander.

STATEMENT OF HON. LAMAR ALEXANDER, U.S. SENATOR FROM TENNESSEE

Senator ALEXANDER. Thanks, Mr. Chairman and Senator King.

Welcome to the witnesses, especially to Senator Warner, about whom I will have more to say in just a minute.

We greatly value diversity in our country, but what really is remarkable is when we bring all that diversity in to make this one country and an idea that unifies us, as much as any other idea, is our love for our national parks and they are not in good shape right now.

The Look Rock Campground on Chilhowee Mountain, Senator Portman knows where that is, has been closed since 2013. It is in the Great Smoky Mountains National Park. Five thousand families a year could use it, but now they can't because there is not enough money to make the repairs to the bathrooms and to the roofs and the other places it needs to be there.

Just as Senator Gardner said, in the Smokies, which is our most visited national park, there are about $220, $215 million of deferred maintenance needs and the annual appropriation for the Smokies every year is only $20 million—and we do not have an entrance fee because we gave the park to the Federal Government.

So the deferred maintenance is ten times the amount of the appropriation, the revenues we have every year. We will never get it done without some extraordinary effort, which this is.

I want to echo what Senator Portman said. There is an old bromide in the Senate which is so true—that you start getting things done when you don't mind who gets the credit—and it is absolutely true that Senator Warner working with a whole bunch of groups and others came to Senator Portman and they created an excellent piece of legislation.

I worked with Senator King. We created one. But our goal was to get a result and I think what we have done here, thanks to the leadership of Senator Warner and Senator Portman and every Senator here, is that we've got together just the right policy, thanks to support from Secretary Zinke and the President. Remember, we could not get this done if the Office of Management and Budget did not support it which is why it is so important to have Senator Portman who used to have that job on our side to explain to some Republicans why that is a good idea. So we have the right mix of policy, we have the right mix of bipartisan support and we have an excellent, excellent product.

Chairman Murkowski has been terrific in helping to arrange with Chairman Daines for this Subcommittee hearing. I hope we can get dozens of Senators on both sides to co-sponsor this bill. I hope the bill will pass the House.

And then one other thing, which I want to say gently, there are—any time in the United States Senate you see a train moving that you are sure will get to the station, you start throwing as much baggage on it as you can because you want to get to the station too.

[Laughter.]

And there are lots of very good ideas that all of us support. But if we try to put too much baggage or maybe even any more baggage on this train, we won't get to the station because this is a pretty big lift to start with. This would be the most significant piece of legislation in support of the national parks in more than half a century. I don't think there is any doubt about that. So I hope that we will keep our eye on the ball, both on the Democratic and Republican side, both with the President and with the various conservation and environmental groups, and that we can continue to work together to pass a range of programs that we are all for. But if we can actually get this done, we need to get it done this year.

We need to hit while the iron is hot, while we have the support of the conservation community, while we have the support of the President, while we have bipartisan support in the Senate and the House. We ought to grab it and go and get to work on the national parks.

I will end by saying thanks to Senator Warner, thanks to Senator Portman, thanks to every Senator here and thanks to all who have worked on this. I think we have a perfect product, but now let's see if we can get the train to the station without too much baggage on it.

Thank you.

Senator DAINES. Thank you, Senator Alexander.

It truly is good policy. It has been good people producing good policy here.

I want to thank all the Senators here who worked so well together. Truly, it has been great. And then we have Director Mulvaney, Secretary Zinke and the Administration working with us. This is a very good thing.

Thanks for your comments, Senator Alexander.

Senator Hirono.

STATEMENT OF HON. MAZIE K. HIRONO, U.S. SENATOR FROM HAWAII

Senator HIRONO. Thank you very much, Mr. Chairman.

Very briefly. This is one of the few issues—the fact that we need to provide support for our national park infrastructure needs—enjoying near universal support. Who would have thunk it?

I totally agree with you, Senator Alexander, that we have to strike while the iron is hot and, of course, in Hawaii we have something on the order of over $238 million worth of deferred maintenance needs.

Thank you very much for bringing us all together and let's move this legislation. We are one akin to it that we can all support.

Thank you.

Senator DAINES. Thank you, Senator Hirono.

It looks like we have all the senators on the record. All member statements will be added to the official hearing record.

Before moving to witness testimony, Senator Warner, there has been a lot said about you already. You will provide opening remarks. Welcome to the Committee today. Thank you for all your hard work on this legislation. I understand you have a few words to say, and we welcome your testimony.

STATEMENT OF HON. MARK R. WARNER, U.S. SENATOR FROM VIRGINIA

Senator WARNER. Well, Chairman Daines and Ranking Member King, members of the Subcommittee, thank you for the opportunity to appear before you today.

Apologies, it is only in the U.S. Senate that you arrive here last and then jump line in front of all the other witnesses, but thank you to all the great groups who I know are going to add their voice to support this very important legislation.

Let me acknowledge, and we don't get to do this nearly enough in the Senate these days, but let me make a couple of personal thanks. First, personal thanks to Rob Portman. It was a couple years back I came to him with this idea. He had been working, as he had mentioned, on this subject. We had a slightly different angle on how we might approach it. He has hung in through thick and thin as we put forward legislation that was slightly more ambitious. It would have bitten off the whole $11.6 billion backfall or backlog. But he and I stuck together through this and that kind of stick-to-itiveness is something that I am grateful for and will remember for a long time.

I also want to thank Senator Alexander and Senator King who had competing legislation. I want to echo what Lamar has already said—if we can actually get something done here, whose name appears on the bill will be long forgotten compared to the incredible value that will be added to our national parks which are part of our most important historic assets and historic content. So I think we are at a point in time that doesn't come near enough.

I want to make a couple of quick comments about this legislation, then I will let this much more informed panel make their presentations.

We are at $11.6 billion in maintenance backlog and, as a fellow Governor, I completely agree with Senator King. Deferred maintenance is part of a debt, part of a deficit, and each year that we allow this deficit to increase, the challenge gets greater. As a matter of fact, over half of our park assets are in some level of need of deferred maintenance. Every member has mentioned a park in their respective state.

Let me just cite two examples in Virginia. In Virginia, the Colonial National Historical Park, which is the home of historic Jamestown and the Yorktown Battlefield, which I hope you saw, Senator King, when you went on your tour.

Senator KING. One of my first stops.

Senator WARNER. One of your first stops.

We now have, on that one park alone, deferred maintenance over $420 million.

Last year alone, Virginia's deferred maintenance in terms of national parks added $250 million to the total. We're now at over $1 billion. We are third behind only California and the District—and this is not a place where I'd like Virginia to be in the top—but we are third in terms of total deferred maintenance.

If we do not take this action and the legislation that Senators Portman, Alexander, King and I now know the Chairman and others will join, where we can strike while the iron is hot, take advantage of funds that are already being collected by the Federal Gov-

ernment and echoing what all the other sponsors have said, that in no way would interfere with funding or support for the Land and Water Conservation Fund and other valuable, valuable entities. But we put this legislation through over the five years that would have had the Administration support for. We are going to get over $6 billion in revenues. We will be able to take down at least about 50 percent of that deferred maintenance and all of the items that are in the most critical need.

I know the witnesses will testify that with more detail, but let me echo what all my colleagues have said. This is the time. The time is right. The bipartisan nature is right. The support of the Administration is critical. Let's get this done.

And echoing Senator Alexander, let's make sure that it doesn't get loaded up with too many other items. This would be a signing ceremony I would even show up at the White House for.

[Laughter.]

Thank you, Mr. Chairman.

Senator DAINES. Alright, thank you Senator Warner.

It is now time to hear from our——

Senator WARNER. Presuming that I would be invited, let me presume.

[Laughter.]

Senator DAINES. It is time to hear from our witnesses. We will start with Ms. McDowall.

STATEMENT OF LENA MCDOWALL, DEPUTY DIRECTOR, MANAGEMENT AND ADMINISTRATION, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Ms. MCDOWALL. Thank you.

Chairman Daines, Ranking Member King and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on Senate bill 3172, the Restore Our Parks Act.

I would like to summarize my testimony and submit my full statement for the record.

The Department supports Senate bill 3172, the Restore Our Parks Act. This legislation closely aligns with the Administration's FY'19 proposal to establish a fund dedicated to our public lands infrastructure needs.

We appreciate that this bill combines the elements of both S. 751, the National Park Service Legacy Act, and Senate bill 2509, the National Park Restoration Act, to accomplish the goal of providing consistent and reliable funding to address the National Park Service's deferred maintenance backlog.

S. 3172 would establish a separate account within the United States Treasury called the National Park Service Legacy Restoration Fund with potential deposits to the fund of up to $1.3 billion per year and up to $6.5 billion for the five-year deposit period, this measure will help to substantially reduce the National Park Service $11.6 billion deferred maintenance backlog.

The bill requires 65 percent of funds to be used for buildings, utilities and visitor facilities and 35 percent to be used for transportation projects.

Along with the annual funding the National Park Service receives from the Department of Transportation, this brings the transportation and non-transportation split to roughly 50/50.

The Fund also allows for public donations in the form of cash or in-kind donations. This allows the National Park Service to expand and encourage relevant public-private partnerships that work toward the reduction of the deferred maintenance backlog.

Deposits to the National Park Service Legacy Restoration Fund would come from all sources of federal energy development revenues, including both renewable and conventional sources such as oil, gas and coal and not from taxpayer dollars. This aligns with the Administration's all-of-the-above energy development strategy.

It is important to note that the fund would not change or modify established revenue sharing payments to the states under the Mineral Leasing Act, the Gulf of Mexico Energy Security Act or other statutes, nor would it affect deposits to other established funds such as the Reclamation Fund, the Land and Water Conservation Fund or other dedicated uses of onshore and offshore revenues.

These existing uses would receive all of their dedicated funding before the fund receives anything. After all existing obligations are met, 50 percent of the revenue that would otherwise be deposited as miscellaneous receipts will be deposited into the fund to address the National Park Service maintenance backlog.

Appropriated funds are currently the primary source of funding for deferred maintenance, but as the Secretary indicated earlier this year before this Committee, we cannot rely solely on appropriated dollars to address this problem. Without a dedicated funding source, the deferred maintenance backlog will only continue to grow.

The backlog of projects at our national parks impacts park visitors' access, recreational opportunities and experiences. The network of roads, trails, restrooms, water treatment systems, drinking water and visitor centers are aging and are exceeding a capacity they were often never designed to hold and support.

We greatly appreciate the effort of this Committee, Chairman Daines, Ranking Member King, Senators Portman, Alexander, Warner, Capito, Gardner, Manchin, Blunt, Tillis and Heinrich, who have sought to craft real solutions to our maintenance backlog.

As the Secretary has mentioned multiple times, our public lands are not a Republican or a Democrat issue. They are an American issue. The bipartisan proposal before us today reflects his sentiments providing real solutions for each and every person who visits our national treasures.

Mr. Chairman, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.

[The prepared statement of Ms. McDowall follows:]

STATEMENT OF LENA MCDOWALL, DEPUTY DIRECTOR, MANAGEMENT AND ADMINISTRATION, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENERGY AND NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, CONCERNING S. 3172, THE RESTORE OUR PARKS ACT.

JULY 11, 2018

Chairman Daines, Ranking Member King, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on S. 3172, the Restore Our Parks Act.

The Department supports S. 3172, which builds upon the collective efforts of Senators Portman, Warner, Alexander, and King. We appreciate that this bill combines the elements of both S. 751, the National Park Service Legacy Act, and S. 2509, the National Park Restoration Act, to accomplish the goal of providing mandatory funding to address the National Park Service's (NPS) deferred maintenance backlog and closely aligns with the Administration's Fiscal Year 2019 budget proposal to establish a dedicated fund.

S. 3172 would establish a separate account within the United States Treasury called the National Park Service Legacy Restoration Fund. This funding will help substantially reduce the NPS $11.6 billion deferred maintenance backlog. Deposits to the Fund are authorized up to $1.3 billion per year for five years through Fiscal Year 2023, and could total $6.5 billion if full funding is achieved each year. The bill requires 65% of funds to be used for buildings, utilities, and visitor facilities and 35% to be used for transportation projects. Along with the annual funding NPS receives from the Federal Highway Administration, this would provide greater transportation/non-transportation parity in funding, to approximately 50-50. Funds would come from all sources of federal energy development revenues, including both renewable and conventional sources (oil, gas, and coal), and not from taxpayer dollars. This aligns with the Administration's "all-of-the-above" energy strategy.

The National Park Service Legacy Restoration Fund would not change or modify established revenue sharing payments to the States under the Mineral Leasing Act (MLA), the Gulf of Mexico Energy Security Act (GOMESA), or other statutes, nor would it affect deposits to other established funds, such as the Reclamation Fund, the Land and Water Conservation Fund (LWCF), or other dedicated uses of onshore and offshore revenues. These existing uses would receive all of their dedicated funding before the Fund receives anything. After all existing obligations are met, fifty percent of the revenue that would otherwise be deposited as miscellaneous receipts will be deposited into the Fund to address the NPS maintenance backlog.

The Fund also allows for public donations in the form of cash or in-kind donations. This allows the NPS to expand and encourage relevant public-private partnerships that work towards the reduction of the deferred maintenance backlog.

The Fund would be available for use, without further appropriation or fiscal year limitations, for the high-priority deferred maintenance needs that support critical infrastructure and visitor services, as determined by the Secretary of the Interior and the Director of the NPS. Funding could not be used for the acquisition of land. The bill also requires annual updates and reporting to Congress on the projects funded each year.

Currently, appropriated funds are the primary source of funding for deferred maintenance. However, as Secretary Zinke indicated earlier this year before the Senate Energy and Natural Resources Committee, we cannot rely solely on appropriated dollars to address this problem. Without a dedicated funding source, the deferred maintenance backlog will continue to grow. The backlog of projects at our national parks impacts park visitors' access, recreational opportunities, and experiences. The network of roads, trails, restrooms, water treatment systems, drinking water, and visitor centers are aging and are exceeding a capacity they were often never designed to hold and support.

We greatly appreciate the effort of this Committee, Chairman Daines, Ranking Member King, Senators Alexander, Warner, and Portman and all your colleagues in Congress who have sought to craft real solutions to our maintenance backlog and we look forward to working together with you as the bill is refined through the legislative process. The legislation we are discussing today reflects a bipartisan approach that the Administration believes is necessary to achieve our goals.

Mr. Chairman, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.

Senator DAINES. Thank you, Ms. McDowall.

Ms. Argust.

STATEMENT OF MARCIA ARGUST, DIRECTOR, RESTORE AMERICA'S PARKS, THE PEW CHARITABLE TRUSTS

Ms. ARGUST. Chairman Daines, Ranking Member King and members of the Subcommittee, thank you for holding this hearing today on the bipartisan Restore Our Parks Act, S. 3172, legislation to help address the $11+ billion backlog of repairs plaguing our National Park System.

I request that my full written statement be submitted for the record.

I'm Marcia Argust and I direct The Pew Charitable Trusts Restore America's Parks campaign which seeks to protect our national parks by pursuing long-term solutions to the deferred maintenance backlog.

Resources impacted by the backlog include trails, visitor centers, campgrounds, battlefields, iconic memorials, roads that provide access for visitors, historic buildings and cultural structures.

Pew strongly endorses S. 3172. If enacted, this commonsense legislation presents a real path forward in restoring the integrity of park resources and facilities.

Pew has been working with sponsors of previously introduced deferred maintenance bills, specifically the National Park Service Legacy Act and the National Park Restoration Act, to develop a measure that incorporates the best components of each of these bills and that draws support from across political lines and the Administration.

The Restore Our Parks Act has accomplished these goals and Pew applauds Senators Portman, Warner, Alexander, King for their collaborative work in crafting this new consensus initiative. Senator Portman used the word sacrifice. Members truly put aside their need for personal accolades to put this bill forward. We recognize that and greatly appreciate it.

I'd like to highlight several provisions of this bill.

It would provide reliable annual funding for priority national park repair needs.

While a range of solutions should be pursued to address maintenance needs within the Park System, the key to success and to enabling the Park Service to get a handle on the compounding challenge of the backlog is funding certainty.

The legislation would facilitate a potential $6.5 billion drawdown in the repair backlog by establishing a fund in the U.S. Treasury that would direct monies to priority park maintenance. The fund would have an annual revenue cap of $1.3 billion each year.

Past mineral revenue data from the Department of Interior indicates that even during low energy production years, the $1.3 billion cap is likely to be reached each year. This would provide the consistent annual funding that the Park Service needs to help stem the escalation of its backlog.

Another aspect of the legislation worth noting is its revenue source. The fund would be financed with unobligated annual federal mineral revenues such as royalties from onshore and offshore oil and gas operations, as well as renewables.

S. 3172 recognizes the importance of these and other programs and like LWCF and the historic preservation fund, and it includes provisions to ensure that efforts to fund deferred maintenance do not happen at their expense. Language in the bill stipulates that the park deferred maintenance fund would receive 50 percent of revenues that are not otherwise credited, covered or deposited under federal law.

The language goes further and states that the fund shall not affect revenues that are due to special funds, trust funds or states, nor shall it affect revenues appropriated under federal law for programs like GOMESA, the Mineral Leasing Act and LWCF.

I'd like to spotlight, as well, language in the bill that directs use of the funds to restore priority park assets. This provision is in line with the Park Service's current asset management system that focuses limited funds on maintenance projects that are deemed mission critical, and it will ensure that funds would be used wisely.

Ignoring deferred maintenance needs in our national parks or addressing them in a piecemeal fashion is not sound policy. Our National Park System generates hundreds of thousands of jobs and billions of dollars for local economies each year. Our parks provide access to world class recreation and park units document our nation's history.

Support and enactment of the bipartisan Restore Our Parks Act is a wise investment in a system that has overwhelming support from the American public, including almost 3,000 local, state and national organizations that support directing more resources to restoring our park treasures.

Thank you for your serious consideration of S. 3172, and I'm happy to address any questions you may have.

[The prepared statement of Ms. Argust follows:]

2005 Market Street, Suite 2800 215.575.9050 Phone
Philadelphia, PA 19103-7077

901 E Street NW 202.552.2000 Phone
Washington, DC 20004
www.pewtrusts.org

Testimony of Marcia Argust
The Pew Charitable Trusts

Before the Senate Energy and Natural Resources Subcommittee on National Parks
July 11, 2018

Legislative Hearing on S. 3172

Chairman Daines, Ranking Member King, and Members of the Subcommittee, thank you for holding this hearing today on the bipartisan Restore Our Parks Act (S. 3172), legislation to help address the multi-billion-dollar backlog of repairs plaguing our National Park System. The Pew Charitable Trusts strongly endorses S. 3172.

The Restore America's Parks campaign at The Pew Charitable Trusts seeks to conserve the natural and cultural assets within our national parks by pursuing common sense, long-term solutions to this deferred maintenance challenge.

Deferred Maintenance Challenge within the National Park System
The National Park Service (NPS) estimates that repairs at its more than 400 sites across the nation total $11.6 billion, based on FY2017 data [see Figure 1]. At these diverse sites—national parks, historic sites, national monuments, battlefields, seashores and lakeshores, national recreation areas—the agency is responsible for the care and operation of over 75,000 assets.

These assets include over 18,000 miles of trails, campgrounds, waterfronts, more than 28,000 buildings and historic structures 5,000 miles of paved roads, approximately 1,800 waste water systems, former military installations and battlefields, electrical and water systems, interpretive facilities, and iconic monuments and memorials.

Aside from the Department of Defense, the NPS maintains more assets than any other federal agency. Over half of its 75,000 assets have deferred maintenance, or repairs that have been postponed for more than a year.

Pew has completed a number of case studies that document the breadth of maintenance challenges plaguing our parks, along with a compilation of testimonials from local officials, community leaders, and businesses that depend on well-maintained, safe, and accessible parks to help sustain healthy local economies. The case studies and testimonials can be viewed on our webpage: http://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2017/05/national-park-case-studies.

The Causes of Deferred Maintenance
Due to aging facilities, strain on resources caused by increased visitation in certain park sites, and decades of inconsistent funding, NPS has been unable to keep pace with necessary maintenance and repairs.

Our National Park System is over 100 years old and many park units are showing their age. Based on FY 2017 NPS data, 64.9% of the $11.6 billion backlog, or $7.54 billion, is attributed to assets that are 81 years or older. Over 23.5% of the backlog, or $2.73 billion, is associated with assets that are 41-60 years

old [see Figure 2]. Infrastructures have a finite lifespan, due to factors such as material longevity, weather, use, and design. In addition to aging infrastructure, the high level of visitation that many park sites have been experiencing in recent years is placing increasing pressures on resources that are often already showing signs of deterioration.

Years of inconsistent, inadequate funding for park facility and operations maintenance needs have compounded the challenges of preserving the integrity of NPS physical and historic assets. From FY2006-FY2015, federal funding for the repair and rehabilitation, cyclic maintenance, and line-item construction portions of the NPS budget declined by 33 percent. We commend Congress for the increased allocations it has provided for NPS' maintenance accounts over the past several years, but consistent funding is still needed to close the recurring maintenance gap and start reducing the large cumulative deficit.

Why We Must Address Deferred Maintenance and Restore Our Parks
Ignoring the national park maintenance backlog, or addressing it piecemeal, is not an option.

- *Preservation.* Our national park units document America's history. If our historic and cultural resources are not maintained and allowed to fall into disrepair, pieces of our nation's history will be lost to future generations.
- *Access.* Without safe and reliable roads and facilities, visitors cannot access and enjoy park resources.
- *Economics.* Parks are proven economic engines and must be maintained to ensure positive visitor experience and thriving local communities. Based on FY2017 records, over 330 million park visits translated to $18.2 billion in direct spending in gateway communities, generating approximately $35.8 billion in national economic output and 306,000 jobs.
- *Recreation.* World class recreation opportunities in parks are supported by trails, campgrounds, and water facilities. These amenities need to be safe and updated to ensure a continued high-quality, safe recreation experience.
- *Infrastructure-related jobs.* Fully investing in the park maintenance backlog has the potential to generate over 110,000 additional infrastructure-related jobs, based on a Pew-commissioned analysis: http://www.pewtrusts.org/en/research-and-analysis/blogs/compass-points/2017/12/01/job-creation-potential-if-we-restore-our-parks.
- *Cost-savings.* Proactively addressing park maintenance provide a cost-savings to taxpayers, as postponement of projects can lead to increased deterioration, and more costly and extensive repairs.

Almost 3,000 organizations across the nation recognize these benefits and support directing more resources to restoring our parks. These groups— counties and cities, local officials, businesses, veterans, the hotel and restaurant industry, conservation groups, unions, the recreation industry, infrastructure groups, state tourism societies—can be viewed here: http://www.pewtrusts.org/en/research-and-analysis/articles/2018/04/18/calls-mount-for-congress-to-fix-our-parks.

The Restore Our Parks Act
Drawing down the NPS maintenance backlog that has accrued over decades requires multiple approaches. Pew supports a range of solutions including dedicated annual federal funding, continued robust annual appropriations funding, legislative and administrative policy reforms, increased opportunities for public-private partnerships, and leveraging technology to achieve efficiencies and generate revenue. Of all these avenues, dedicated annual funding is core to helping NPS tackle priority repairs and preventing deferred maintenance from escalating.

Pew has been working with sponsors of bills that have been previously introduced to address the national parks maintenance backlog—specifically the National Park Service Legacy Act (H.R. 2584/S.751) and

the National Park Restoration Act (H.R. 5210/S.2509)—to develop one measure that would incorporate the best components of each bill and would draw support from across political lines and the Administration. The Restore Our Parks Act (S. 3172) has accomplished these goals. We applaud Sens. Portman (R-OH), Warner (D-VA), Alexander (R-TN), and King (I-ME) for their collaborative work to craft S. 3172. If enacted, this common-sense legislation presents a feasible path forward in reducing the NPS maintenance backlog by providing a number of benefits, the most significant of which is consistent annual funding for park repairs. The Restore Our Parks legislation would:

- **Provide Reliable Funding for Priority Park Maintenance Needs.** The legislation would facilitate a potential $6.5 billion drawdown in the NPS maintenance backlog by establishment of *National Park Service Legacy Restoration Fund* in the U.S. Treasury that would direct monies to priority national park deferred maintenance needs. The Fund would be in effect for five years, with an annual revenue cap of $1.3 billion. Past mineral revenue data from the Department of the Interior indicates that, even during low energy production years, a $1.3 billion cap is likely to be reached, which would provide the consistent, reliable annual funding NPS needs to tackle its priority maintenance needs.

  Under the annual appropriations process, NPS isn't always able to take on planning, design, scope of work, and project implementation costs for more complicated, multi-year maintenance projects. As a result, work is deferred or done incrementally, which can be inefficient and more costly. The Restore Our Parks Act would provide a dependable source of annual funding to help remedy this problem.

  For example, Alcatraz Island, part of Golden Gate National Recreation Area in California, is a top tourist draw and boasts one of the most iconic, recognizable landscapes in the nation. The Island has deferred maintenance needs estimated at $76.9 million, almost $40 million of which is associated with the Alcatraz prison. Work on the infamous cell house typically starts and stops when NPS receives money from federal appropriations or partners. Sustainable funding would allow the agency to complete planning and design work and execute the project on a comprehensive scale, which would ultimately save money.

  Another example of a deferred maintenance project that needs dependable annual funding to get off the ground is right here in Washington, DC. The Tidal Basin seawall that circles the Thomas Jefferson and FDR Memorials, and Washington's famous cherry trees, has $64 million worth of deferred maintenance. The wall is over 100 years old and is sinking due to settling and erosion. Sections of the historic cherry blossom walkway and the seawall flood twice a day when the tide comes in, causing accessibility issues for visitors and damage to some of the trees and memorials. NPS lacks the funding to initiate a comprehensive process—public scoping, engineering surveys, redesign recommendations—on how to repair this area.

- **Protect Existing Programs Financed by Mineral Revenues.** The Fund would be financed with unobligated annual federal mineral revenues—such as royalties from on-shore and off-shore oil, gas, coal, and other mineral operations, as well as renewables. This concept of using revenues generated from the development of a federal energy resource for the conservation of another resource is not new, as it is the basic idea behind important programs such as the Land and Water Conservation Fund (LWCF) and the Historic Preservation Fund.

  The legislation recognizes the importance of these and other programs and includes provisions to ensure they are not adversely impacted. Language specifically stipulates that the N*ational Park Service Legacy Restoration Fund* would receive 50% of revenues "that are not otherwise credited, covered, or deposited under Federal law." Further, language states that the Fund shall not affect revenues that "are due to the United States, special, funds, trust funds, or States from mineral and energy development on Federal land and water; or have been otherwise appropriated under Federal

law, including the Gulf of Mexico Energy Security Act of 2006, the Mineral Leasing Act, and chapter 13 2003 of title 54, United States ."

- **Ensure that monies from the *National Park Service Legacy Restoration Fund* flow to priority maintenance projects, in line with NPS' asset prioritization system.** We support NPS' current approach to prioritizing assets, which enables the agency to focus limited funds on maintenance projects that are deemed mission critical. Under its current asset management system, NPS generates facility management scores based on four mission criteria—resource preservation, visitor experience, health and safety issues, and financial sustainability—to help prioritize repairs.

  Provisions in the Restore Our Parks Act would help ensure that funds are used to address priority projects. NPS assets are placed into categories deemed "highest", "high", "medium", "low", "lowest". Highest priority assets account for $5.6 billion (or more than 48%) of the $11.6 billion backlog [see Figure 3], and are considered critical to the operations and mission of a park site. High priority assets are considered very important to operations and mission and account for $3.3 billion, or more than 27%, of the backlog.

- **Provide for the Restoration of Non-Transportation and Transportation Assets.** Sixty-five percent (65%) of Fund revenues would go toward the repair of non-transportation resources, such as historic structures, visitor facilities, trails, water utility systems, and assets that impact disability access, health and safety, access and recreation. Thirty-five percent (35%) of revenues would be used to restore transportation-related assets such as roads, bridges, and tunnels. When combined with funding NPS receives through the Highway Trust Fund, this ratio would provide approximate parity between resources directed toward transportation and non-transportation maintenance needs.

- Allow for revenue that is collected within the Fund to be expended indefinitely.

- Permit the Secretary of Treasury, at the request of the Secretary of the Interior, to invest revenue in the Fund into a public debt security; income from the investment would be returned to the Fund.

- Prohibit allocated funds from being used for land acquisition and prohibit funds from replacing discretionary funding for NPS facility operations and maintenance needs.

- Encourage public-private donations toward deferred maintenance projects.

Conclusion

Supporting the bipartisan Restore Our Parks Act is a wise investment for a National Park System that has overwhelming support from the American public, that generates hundreds of thousands of jobs and billions of dollars for the economy each year, that provides access to world class recreation opportunities, and that preserves our nation's history. We appreciate the leadership and vision of Sens. Portman, Warner, Alexander, and King in protecting our national parks and we appreciate the serious consideration this Subcommittee and Congress to giving to the issue of restoring our parks. Pew is committed to working with all Members of Congress and the Administration to move this legislation forward. Thank you.

Contact:
Marcia Argust, Director, Restore America's Parks campaign
The Pew Charitable Trusts
margust@pewtrusts.org

Figure 1.

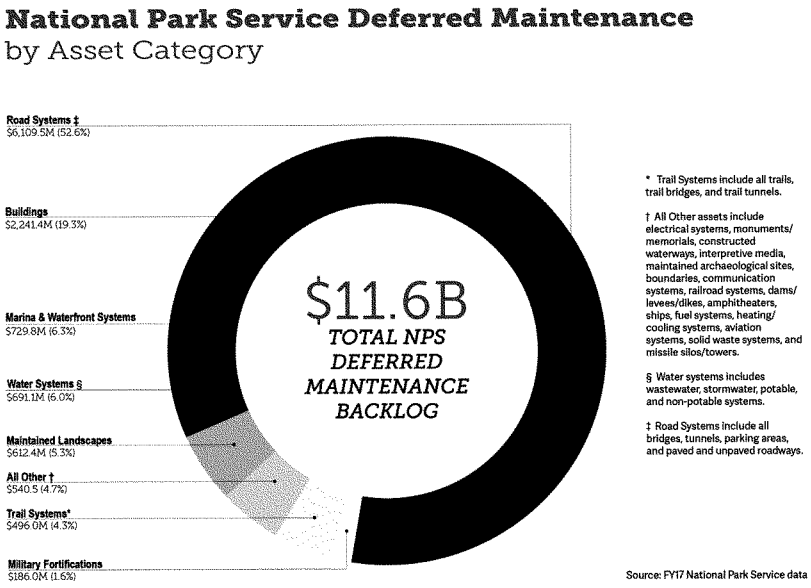

National Park Service Deferred Maintenance
by Asset Category
Road Systems ‡
$6,109.5M (52.6%)
Buildings
$2,241.4M (19.3%)
Marina & Waterfront Systems
$729.8M (6.3%)
Water Systems §
$691.1M (6.0%)
Maintained Landscapes
$612.4M (5.3%)
All Other †
$540.5 (4.7%)
Trail Systems*
$496.0M (4.3%)
Military Fortifications
$186.0M (1.6%)
$11.6B
TOTAL NPS DEFERRED MAINTENANCE BACKLOG
* Trail Systems include all trails, trail bridges, and trail tunnels.
† All Other assets include electrical systems, monuments/memorials, constructed waterways, interpretive media, maintained archaeological sites, boundaries, communication systems, railroad systems, dams/levees/dikes, amphitheaters, ships, fuel systems, heating/cooling systems, aviation systems, solid waste systems, and missile silos/towers.
§ Water systems includes wastewater, stormwater, potable, and non-potable systems.
‡ Road Systems include all bridges, tunnels, parking areas, and paved and unpaved roadways.
Source: FY17 National Park Service data

Figure 2.

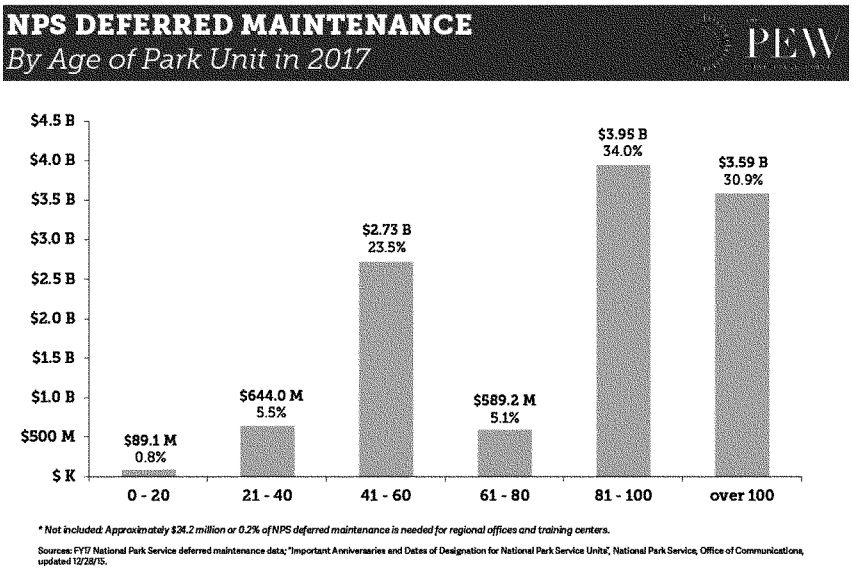
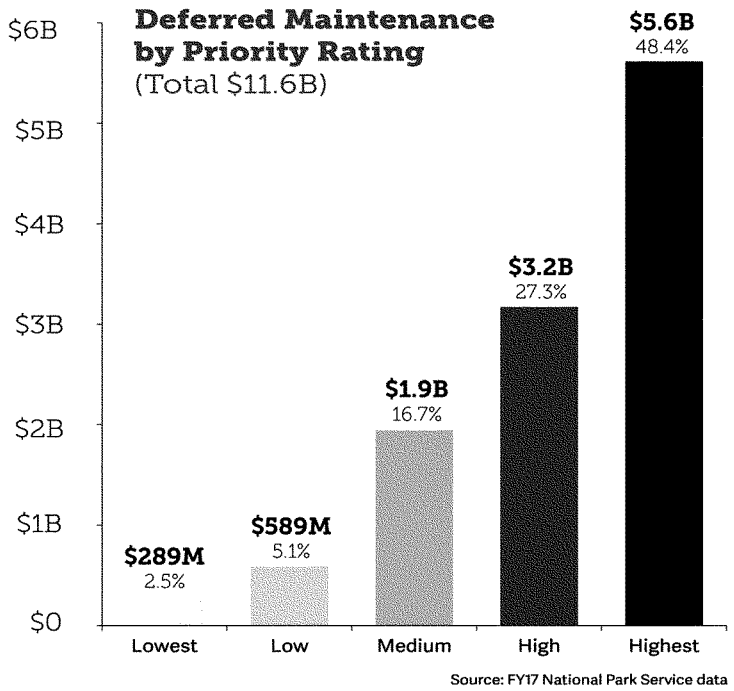

NPS DEFERRED MAINTENANCE
By Age of Park Unit in 2017
PEW
$4.5 B
$4.0 B
$3.5 B
$3.0 B
$2.5 B
$2.0 B
$1.5 B
$1.0 B
$500 M
$ K
$89.1 M
0.8%
$644.0 M
5.5%
$2.73 B
23.5%
$589.2 M
5.1%
$3.95 B
34.0%
$3.59 B
30.9%
0 - 20
21 - 40
41 - 60
61 - 80
81 - 100
over 100
* Not included: Approximately $24.2 million or 0.2% of NPS deferred maintenance is needed for regional offices and training centers.
Sources: FY17 National Park Service deferred maintenance data; "Important Anniversaries and Dates of Designation for National Park Service Units", National Park Service, Office of Communications, updated 12/28/15.

Figure 3.


Deferred Maintenance
by Priority Rating
(Total $11.6B)
$6B
$5B
$4B
$3B
$2B
$1B
$0
$289M
2.5%
$589M
5.1%
$1.9B
16.7%
$3.2B
27.3%
$5.6B
48.4%
Lowest
Low
Medium
High
Highest
Source: FY17 National Park Service data

Senator DAINES. Thank you, Ms. Argust.

Ms. Brengel.

STATEMENT OF KRISTEN BRENGEL, VICE-PRESIDENT FOR GOVERNMENT AFFAIRS, NATIONAL PARKS CONSERVATION ASSOCIATION

Ms. BRENGEL. Good afternoon, Chairman Daines, Ranking Member King and the members of the Subcommittee. Thank you for inviting me to testify today.

I'm Kristen Brengel, Vice-President of Government Affairs for the National Parks Conservation Association, the leading national independent voice for America's National Park System.

We appreciate the opportunity to provide our views regarding the Restore Our Parks Act. We are extremely grateful to Senator Portman, Senator Warner, Senator Alexander and Senator King for your leadership on this issue, and we appreciate that of the Administration as well.

National parks are among few places families can see star-filled night skies, hear the sounds of wolves and waterfalls and experience places where American heroes fought for our democracy and our right to vote. Funding to operate and repair our 417 national park units has broad public support because we value these incredible places.

The national parks repair backlog is one of the most critical funding issues facing the Park System, but it is not the only issue. Parks are suffering from severe understaffing, outdated interpretation and threaten natural and cultural resources. We are confident that significantly reducing the repair backlog will bring more attention to the other critical needs.

There has been a long history of insufficient investments in park infrastructure. We commend Congress for increasing funding for park transportation infrastructure and for increasing appropriations for non-transportation deferred maintenance over the last five years. These sources continue to be increased, but ultimately dedicated funding is needed, given the large scope of the problem which many of you have already mentioned. So we're pleased to testify in full support of the bill.

Some national parks are over 100 years old, and it's showing. Park infrastructure hasn't received the requisite capital investment for cyclical maintenance or construction projects. Marinas, trails, roads, bridges and visitor centers are in disrepair.

Historic assets represent 45 percent of the maintenance backlog. This includes historic homes, forts, battlefields and other assets preserving our unique American history, and they are threatened with the possibility of irreparable harm if we don't address this problem. Historic properties at Cuyahoga, roads at Shenandoah, Acadia's park headquarters and the Grand Loop Road at Yellowstone are just a few examples of important repair needs.

Parks have been in triage mode, making repairs when funding is available and, sadly, shifting resources from other areas to try to address maintenance needs. The National Park Service has not been in a position to complete important repair projects as a consequence and this is no way to take care of our parks.

We appreciate the Restore Our Parks Act includes several helpful components. Chiefly, the bill provides certainty of funding which ensures the Park Service can finally address these overdue projects. Also very helpful is no limit for using the funds and this is an important one which will allow the Park Service to carefully plan and implement large multiyear projects. This will ensure these overdue projects will finally get done and that is a prospect we should all be pulling for.

The reality is the backlog challenge will be reduced substantially but won't be entirely solved with this bill. We ask that you consider evaluating the fund's progress in five years and then consider extending it to keep the problem from growing again.

Parks also badly need sustainable operational funds. Staffing losses over the last five years are becoming more noticeable in many national parks, and we've experienced backcountry rangers becoming almost parking managers in many parking lots. Popular national parks have had a surge in visitation in the last few years and there simply aren't enough staff to handle the influx of visitors. This lack of staff also affects park staff ability to address wildlife habitat restoration, the spread of invasive species, overcrowding of popular sites, watershed restoration and maintenance and repairs.

Another critical issue facing our parks is acquiring the many inholdings inside park boundaries. The Land and Water Conservation Fund is the successful conservation program that addresses this issue. It should receive increased appropriations and reauthorization as well as dedicated funding which many of you have mentioned.

In conclusion, we urge quick action to advance the Restore Our Parks bill, to address high priority, desperately needed repair and restoration projects for the benefit of park resources and for the enjoyment of millions of American families who visit them every year.

Glacier, Cuyahoga, Gettysburg, the Great Smokies, Mesa Verde are iconic American places. They're incredibly popular with the American public who enjoy them and learn about their stories. They are as profound as they are invaluable.

By moving this bill forward, your commitment to them will be deeply appreciated by all Americans.

Thank you again for the opportunity to testify and I'd be happy to answer your questions.

[The prepared statement of Ms. Brengel follows:]

Statement of Kristen Brengel
Vice-President for Government Affairs, National Parks Conservation Association
Before the Senate Subcommittee on National Parks
On S. 3172, Restore Our Parks Act
July 11, 2018

Chairman Daines, Ranking Member King and members of the subcommittee, thank you for inviting me to testify on the Restore Our Parks Act. I am Kristen Brengel, Vice-President for Government Affairs for the National Parks Conservation Association (NPCA). Founded in 1919, NPCA is the leading national, independent voice for protecting and enhancing America's National Park System for present and future generations. We appreciate the opportunity to provide our views regarding legislation to address the serious deferred maintenance backlog that threatens the wellbeing of our parks and the experiences of their visitors.

Through my testimony I will describe the scope of the national park deferred maintenance needs and the urgency of addressing the need through a robust, consistent and dependable funding source; I also outline that this need is not without context, and that there are other significant funding and conservation needs facing our parks, including but by no means limited to the Land and Water Conservation Fund.

To address the backlog, increasing appropriations is critical, as are supplemental funding sources including philanthropic giving and appropriate fee revenue. However, ultimately what is needed to address the full scope of the maintenance backlog facing our parks is dedicated funding, which is why we are pleased to testify in full support of this bill today. We were grateful to Sen. Warner for his leadership, as well as Sen. Portman and House champions in introducing the National Park Service Legacy Act, and while we had concerns with the funding source for the National Park Restoration Act, we were also very pleased to see Sen. Alexander's efforts to find a workable solution to parks' repair needs. We now commend members from both parties and the administration for developing consensus legislation, Restore Our Parks Act, that will make the needed dedicated funding possible. We urge Congress to move this bill towards passage in the remainder of this session.

WORTHY OF INVESTMENT

Our national parks are perhaps the one federal institution for which there is universal pride in this country. Polling conducted by NPCA and others indicates the vast popularity of national parks and strong bipartisan support for adequately funding them because they protect our cultural and natural heritage.

Our national parks are not only a source of pride; they are economic engines that return $10 in economic benefits nationally for every dollar that is invested in them. The economic value of parks has grown along with visitation so that last year, national parks supported nearly $36 billion in economic activity and 306,000 jobs.

Caring for an inventory of assets second only to that of the Department of Defense requires consistent and sufficient funding. Unfortunately, the National Park Service has been chronically underfunded when it comes to not only keeping up with cyclical repairs but replacing infrastructure that has reached the end of its life cycle, such as is the case with many park roads and water systems, buildings and other infrastructure that has been deteriorating over time without the requisite capital investment.

The most recent estimate of the deferred maintenance repair backlog facing the parks is $11.6 billion. That is nearly four times the total annual appropriated budget of the National Park Service. Maintenance projects are considered deferred if the National Park Service (NPS) is unable to make the repair within a year.

Park facilities throughout the system face a diversity of maintenance needs, from roads and buildings to trails, water systems, docks, parking lots and more. The National Park Service estimates that 40% of its nearly 10,000 miles of roads are in poor to fair condition and that it has more than $270 million in deferred maintenance for the 1,887 wastewater systems it manages across the park system. A few examples of some of the facility repairs needed include:

- **Roads:** Kolob Canyon Road, a popular five-mile scenic drive at **Zion National Park**, needs $15 million in repairs—an amount that is nearly equal to the entire value of the road itself.
- **Trails:** Also at **Zion**, among millions of dollars in trail needs are the Overlook Point Trail, the famed Angel's Landing Trail and the West Rim Trail. Walking, hiking, and biking trails at **Yosemite** National Park are in disrepair or closed. More than $17 million in deferred maintenance affects these systems, including the Yosemite Bike Path, the Stubblefield Canyon Trail, and the Clark Point Spur Trail.
- **Campsites:** At **Voyageurs National Park**, campsites have more than $1 million worth of deferred maintenance. This includes restoring and improving tent sites, maintaining fire rings, and repairing and installing new bear-proof food storage lockers.
- **Water Systems:** At **Rocky Mountain National Park**, the primary water system at the park's headquarters, where the Beaver Meadows Visitor Center is located, has 50- to 70-year-old pipes that need to be replaced. The cost estimate for this work is nearly $5 million.

Repairs are not only needed for facilities that promote and enhance the visiting experience, but also for infrastructure that helps protect natural resources, such as channel markers in the Everglades National Park that prevent boaters from harming sensitive seagrasses.

The repair backlog also includes many historic structures and features of national significance. From the inspiring civil rights movement history shared at Martin Luther King, Jr. National Historical Park's historic buildings to the several hundred Native American cultural sites and cliff dwellings at Mesa Verde National Park, these world-renowned places tell the diverse stories of our nation. Unfortunately, according to Fiscal Year 2016 data, historic assets represent 45% of the maintenance backlog and without dedicated funding to address these needs, conditions will continue to deteriorate and risk permanent loss of these resources. Examples of historic resources deferred maintenance include:

- **Historic buildings:** At **San Antonio Missions National Historical Park,** nearly $400,000 is needed to repair the office and sacristy of the Franciscan father-president, who oversaw development of these historically important missions. A compound where Native Americans lived, and the walls that encircle it, also requires restoration at a cost of $600,000.
- **Historic landscapes** at **Gettysburg National Military Park** comprise by far the largest investment need to restore the park to its original appearance, including addressing invasive plants.

INADEQUATE INVESTMENTS IN OUR NATIONAL TREASURES

We commend Congress for increasing investments in park transportation infrastructure in the last transportation bill, the FAST Act, and for increasing appropriations for non-transportation deferred maintenance the last five fiscal years. However, as we have noted to this committee, these investments remain insufficient, which points to the importance of the bill before us today.

Further exacerbating the lack of funding for park repairs are recent staffing losses compounded by significant visitation increases. Across NPS, staffing has fallen 11% since 2011, while during the same period visitation has increased 19%. When there aren't enough employees, workers must triage to ensure the best experience for park visitors and take care of visitor safety. Employees get pulled away from the jobs they were hired for, like trail maintenance, to do more pressing tasks like crowd control on busy days. With employees juggling tasks to keep visitors safe and improve their experience, it only further challenges the deferred maintenance problem.

To make up for the shortfall in appropriated dollars, the National Park Service relies upon supplemental sources of funding. For example, the successful **Centennial Challenge** program leverages two federal dollars for every private dollar invested in signature projects across the parks. **Fees** also play an important role, particularly in high visitation parks such as Yellowstone, but are not a realistic or appropriate source to provide the level of funding needed to address the bulk of park maintenance needs. The NPS has had some success in it application for **grants** from several transportation programs, such as CMAQ, TIGER and FASTLANE, but these programs are only available to a narrow set of transportation projects and come with local match requirements. In recent years, NPS has explored avenues for greater cost savings such as improvements in **energy efficiency**. Overall, however, these and other supplemental funding sources cannot cover the scope of the backlog problem; a serious federal investment is needed. There are many large-scale water, wastewater and other projects that lack philanthropic appeal and simply cannot be realistically funded through these and other current funding sources.

WHY THE RESTORE OUR PARKS ACT IS A GOOD SOLUTION

Clearly, a dedicated, robust funding source to address the large scope of the backlog is needed. We commend Senators Warner, Portman, Alexander and King for introducing the Restore Our Parks Act (S. 3172). We also commend the Administration for expressing its support for the legislation. The bill would dedicate up to $6.5 billion to the parks to address the deferred maintenance backlog over five years through receipts from onshore and offshore energy development not otherwise dedicated to other purposes. It is only through such broad collaboration that can make significant and needed progress on addressing the national park deferred maintenance backlog. However, robust annual appropriations and transportation bill funding remain necessary to ensure additional resources don't fall into disrepair and to continue to address the highest priority repair projects.

NPCA is pleased that the Restore Our Parks Act includes:

- Certainty of Funding: Construction projects rely on multi-year funding that is known and dependable at the outset, which in part helps NPS to stage projects and work with contractors

who need funding certainty. Without the certainty of funding the NPS would be challenged in its contracting and procurement efforts. The backlog includes many projects such as replacement of water systems and reconstruction of lengthy stretches of roadways that are multi-year and require a steady stream of funding. Based upon recent revenue reports, the National Park Service Legacy Restoration Fund is expected to achieve the $1.3 billion allocation authorized annually by the Act.

- Funding Parity Between Transportation and Non-transportation Deferred Maintenance Needs: The Restore Our Parks Act splits 35/65 the funding between transportation and non-transportation projects. Although transportation deferred maintenance comprises more than half of the backlog, transportation projects have other sources of funding, such as the Federal Lands Transportation Program annual allocation, to draw upon. The formula in the Act allows for a balanced approach to addressing the broad range of deferred maintenance needs.
- Private donation acceptance: The NPS will not only be allowed to accept private donations toward the retirement of the backlog but is *encouraged* to secure relevant partnerships.
- Prohibition of use of the fund to offset annual appropriations for cyclical maintenance and operations: This guarantees that the funds are used specifically to reduce the maintenance backlog and does not get diverted to make up for shortfalls in the appropriated maintenance accounts.
- No Time Limit on Use of Funds: As described above, there are many projects, especially large transportation projects, such as the reconstruction of the Grand Loop Road at Yellowstone, that may take longer than the five-year lifespan of the program to be completed. This provision ensures that once the money has been allocated to the Park Service it is available until it is needed and does not put lengthy projects at a disadvantage.

We do have one policy addition we urge the committee to consider making to S. 3172. There is no doubt that at the end of the five years there will be a substantial reduction in the deferred maintenance backlog. There is also very little doubt that there still will be a backlog, possibly at least half of the current balance. We urge that a provision be added that calls for an evaluation of the progress of the fund and leaves open the possibility of it being reauthorized.

ONGOING PARK NEEDS

As noted earlier, the deferred maintenance backlog is not the only funding issue facing our national parks. Dedicating funding to deferred maintenance will, we hope, allow Congress and park staff to dedicate resources towards other park needs and issues that have been lingering. These includes drastic increases in visitation and the management challenges associated with them, dwindling wildlife habitat, and updating interpretation by making it more modern and telling stories of all who played a part in our history. Superintendents widely report the challenges of insufficient base operational funds to address these and other issues, which affect the experience of visitors, influencing the health of park gateway economies, and impact the ability of park staff to protect park resources. We can make national park experiences even better, and better protect parks' natural and historic resources, if we have less deferred maintenance issues competing for funding.

Furthermore, we believe better funding in tandem with conservation and preservation will continue to allow our parks to thrive. There are nearly 40 bills before this committee, or ready for floor action from this committee, that are priorities for NPCA. In short, we maintain that the backlog challenge is one

among many facing our national parks and that in addition to better funding our parks, conservation and historic preservation must be a priority for this and any future Congress.

THE LAND AND WATER CONSERVATION FUND

A critical funding issue facing our parks is the Land and Water Conservation Fund (LWCF). NPCA has testified to this and other congressional committees about the importance of enhancing support for this invaluable conservation program. This program has successfully protected National Park Service sites from incompatible residential and commercial development for more than fifty years, with now more than four million park service-managed acres acquired and permanently protected through acquisition, donations and exchanges. According to NPS estimates, there remain at least 1.6 million non-federal acres in our national parks, which would cost more than an estimated $2 billion for purchase, pointing to the need for enhanced congressional support.

Appropriations should be increased for LWCF, and the program should be provided with needed reauthorization before the current authorization expires at the end of this fiscal year. The program should also receive dedicated funding given its more than 50-year track record of success and the many continuing acquisition needs. We commend Senators Cantwell, Burr and numerous other bipartisan members of the Senate and House for their work to champion LWCF's needed reauthorization and dedicated funding. NPCA and our members feel strongly that protecting and restoring our national parks must take place on numerous fronts, and that while addressing deferred maintenance is critical, it is of equal importance to protecting parks from incompatible development.

In conclusion, NPCA and our many partners concerned with the park funding crisis are grateful that members of Congress on both sides of the aisle are now prioritizing national park infrastructure. We also commend the administration for prioritizing the issue and supporting the Restore Our Parks Act.

We urge the subcommittee take quick action to advance the Restore Our Parks Act so that our national parks can begin to be repaired and restored for the benefit of their resources and for the enjoyment of the millions of American families who visit them each year.

Thank you for the opportunity to testify and for the committee's consideration of our views.

Senator DAINES. Thank you, Ms. Brengel.
Ms. Fretwell.

STATEMENT OF HOLLY FRETWELL, OUTREACH DIRECTOR AND RESEARCH FELLOW, PROPERTY AND ENVIRONMENT RESEARCH CENTER (PERC)

Ms. FRETWELL. Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide testimony on the future of our national parks and solutions to the National Park Service's deferred maintenance backlog.

My name is Holly Fretwell. I'm a Research Fellow and Director of Outreach at the Property and Environment Research Center (PERC) where I have studied public lands for more than two decades. PERC is the nation's leading institute dedicated to exploring market-based, entrepreneurial solutions to environmental problems.

Living in Bozeman, Montana, I am lucky to have Yellowstone, Grand Teton and Glacier National Parks in my backyard. I'm an avid skier and hiker as well as a frequent visitor to our parks and other public lands. I'm passionate about ensuring these treasured landscapes are around for my children and their children to enjoy.

In my testimony today, I will offer support for the Restore Our Parks Act. Addressing the deferred maintenance problem must be a priority to ensure our parks are preserved and available for enjoyment today and in the future. I will also provide a few ideas to help the agency better address its maintenance and operational shortfalls.

Conservation is ultimately about caring for and maintaining our lands and resources. Yet, Congressional annual appropriations for the National Park Service do not cover the cost to preserve the parks for present and future generations. Currently, as estimated at $11.6 billion, the agency's deferred maintenance backlog impairs the public enjoyment of America's parks. If conservation truly is about caring for what you own, the maintenance backlog is a reminder that we are not being good stewards of our public lands. At its core, addressing the maintenance issue is about ensuring families and visitors enjoy their experiences in our national parks. That is a fundamental principle of the Organic Act.

In 1997 my colleague, Don Leal, and I researched the state of our national parks. We wrote, "Our national parks are in trouble. Their roads, historic buildings, visitor facilities and water and sewer systems are falling apart." We estimated the maintenance backlog then to be about $5.3 billion.

The problem persists. Now, more than 20 years later, the backlog has more than doubled. This is, in part, because the agency's infrastructure is aging, but also because for decades park managers have not had adequate, reliable funding to maintain park resources and assets. Congress is right to look for something more secure and reliable to ensure the future of our parks.

The Restore Our Parks Act sets out to do this and can help address the growing deferred maintenance problem better than existing tools for a number of reasons.

First, the Act provides a consistent and reliable dedicated fund that is available for Park Service use, importantly, without further

appropriation or fiscal year limitation. Historical reliance on annual appropriations to tackle deferred maintenance issues is less reliable because appropriated budgets vary annually according to political interest and typically have a time spending limit.

Second, the National Park Service has prioritized deferred maintenance projects system wide and can allocate from this fund accordingly without further political input.

Third, the Act creates a quasi-endowment fund by allowing the Interior Secretary to invest a portion of the energy development revenues and depositing income earned back into the fund. This can enhance both the longevity of the fund and the resources available for future deferred maintenance projects.

Fourth, because the fund has no fiscal year limitation and deposits can be invested, an endowment fund could be created where the principle remains invested and the income on investment provides a continuous source of reliable funding for maintenance needs.

Fifth, the fund is dedicated to deferred maintenance and cannot be used for land acquisition. Additional assets can add to the maintenance problem.

And finally, the fund will not replace discretionary funding. Historically, it has often been the case that new agency funding sources are matched by a reduction in appropriations. This fund is designed to provide additional total revenues for the National Park Service.

The Restore Our Parks Act would help address the existing backlog, but it does not address the underlying challenge of inadequate funding for routine maintenance projects. Deferred maintenance is the result of not performing routine maintenance. As I explain in my written testimony, the Restore Our Parks Act could address the routine maintenance issue by creating an endowment for cyclic maintenance. My written testimony also considers the use of recreation fees to better address the routine maintenance funding shortfalls.

It is important to have more decision-making authority in the hands of local officials who better understand the needs on the ground.

It will take multiple creative approaches to adequately conserve and maintain our national parks for future generations, but the Restore Our Parks Act is a step in the right direction to enhance park stewardship.

I thank you for the opportunity to testify today. My interest in seeing long-term conservation of our public lands is unwavering. I'm happy to answer any questions.

[The prepared statement of Ms. Fretwell follows:]

TESTIMONY OF HOLLY FRETWELL
OUTREACH DIRECTOR AND RESEARCH FELLOW
PROPERTY AND ENVIRONMENT RESEARCH CENTER (PERC)[1]

BEFORE THE

SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
SUBCOMMITTEE ON NATIONAL PARKS

Hearing on S. 3172, the Restore Our Parks Act
July 11, 2018

Main Points

- Conservation is about preserving and maintaining what you already own. Yet today our national parks face an $11.6 billion backlog in deferred maintenance, an amount that is four times larger than the National Park Service's latest budget.

- The deferred maintenance backlog is a big problem in need of creative solutions. Previous efforts to reduce the backlog have been inconsistent and have made only modest progress.

- The Restore Our Parks Act would make meaningful progress toward addressing deferred maintenance needs in national parks. The act would create the National Park Service Legacy Restoration Fund, a dedicated, reliable fund for deferred maintenance not dependent on annual appropriations from Congress.

- The creation of the Legacy Restoration Fund is a positive step toward addressing critical deferred maintenance needs. To comprehensively address the deferred maintenance problem, Congress and the National Park Service must also address the underlying problem of adequately funding the cyclic, ongoing maintenance that is necessary to prevent projects from becoming deferred in the first place.

[1] PERC is a nonprofit research institute dedicated to improving environmental quality through markets and property rights. PERC pioneered the approach known as free market environmentalism. PERC's staff and associated scholars conduct original research that applies market principles to resolving environmental problems. Learn more at perc.org.

Introduction

Mr. Chairman and members of the subcommittee, thank you for the opportunity to provide testimony on the future of our national parks and solutions to the National Park Service's deferred maintenance backlog. My name is Holly Fretwell, and I am a research fellow and the director of outreach at the Property and Environment Research Center (PERC) in Bozeman, Montana, where I have studied public lands for more than two decades. PERC is the nation's leading institute dedicated to exploring market-based, entrepreneurial solutions to environmental challenges.

Living in Bozeman, Montana, I am lucky to have Yellowstone, Grand Teton, and Glacier National Parks in my backyard. I am an avid skier and hiker as well as a frequent visitor to our parks and other public lands. I am passionate about ensuring these treasured landscapes are around for my children and their children to enjoy.

My testimony today will explain why creating a dedicated fund to help reduce the National Park Service's deferred maintenance backlog is a necessary step toward meeting the agency's mission, set out in the 1916 Organic Act, to "conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."[2]

Conservation is ultimately about caring for and maintaining our lands and resources. Yet congressional annual appropriations for the National Park Service do not cover the costs to preserve the parks for present and future generations. Currently estimated at $11.6 billion, the agency's deferred maintenance backlog impairs the public's enjoyment of America's park units.[3] In some cases, buildings, trails, and roads within the park system are closed due to safety concerns. Leaking wastewater systems have polluted streams in Yellowstone and Yosemite. Band-aid repairs on Grand Canyon National Park's water distribution system have caused water shortages and facility closures. From historic buildings that need rehabilitation to failing bridges and deteriorating trails, we are losing access in the parks we love. They are in need of repair.

In my testimony today I will offer support for the Restore Our Parks Act. Addressing the deferred maintenance problem must be a priority to ensure our parks are preserved and available for enjoyment today and in the future. I will also provide a few ideas to help the agency better address its maintenance and operational shortfalls.

---

[2] 16 U.S.C. I.

[3] National Park Service, "Planning, Design, and Construction Management," NPS Deferred Maintenance Report for FY2017. Available at https://www.nps.gov/subjects/plandesignconstruct/defermain.htm.

Background on Deferred Maintenance

In 1997, my colleague Don Leal and I researched the state of our national parks. In the resulting PERC publication, we wrote: "Our national parks are in trouble. Their roads, historic buildings, visitor facilities, and water and sewer systems are falling apart."[4] We estimated the maintenance backlog then to be about $5.3 billion.

Now, more than 20 years later, the backlog has more than doubled. This is in part because the agency's infrastructure is aging but also because for several decades Congress has not provided park managers with adequate, reliable funding to maintain park resources and assets. Our 1997 report explained that the operating budget of the National Park Service increased an average of 3.1 percent per year between 1980 and 1995, after adjusting for inflation. Over the same time, capital spending on major park repairs and renovations fell at an inflation-adjusted average annual rate of 1.5 percent.

The story is no better today. According to a 2017 Congressional Research Service report, the operating budget of the National Park Service increased at an average annual rate of 1.15 percent between 2007 and 2016, while the park construction budget fell at an average annual inflation-adjusted rate of 4.3 percent.[5] Over that same period, national park acreage increased by 432,000 acres as 23 new park units were added. James Ridenour, NPS director from 1989 to 1993, called this the "thinning of the blood" of the park system.[6] By stretching limited park resources across more units, the quality of the system and the ability of the agency to run it is diminished.[7] The growth and maintenance needs of our parks have outpaced available funding.

The National Park Service is struggling to keep up with its aging facilities and new acquisitions given the current resources that are available for repair and maintenance. At the end of fiscal year 2017, the deferred maintenance backlog across national parks was $11.6 billion.[8] That is an increase of $275 million from the previous year and more than four times the total annual NPS budget.

---

[4] Donald Leal and Holly Fretwell, "Back to the Future to Save Our Parks," *PERC Policy Series*, (1997). Available at https://www.perc.org/1997/06/01/back-to-the-future-to-save-our-parks/.

[5] Laura B. Comay, "National Park Service: FY2017 Appropriations and Ten-Year Trends," Congressional Research Service Report R42757, (March 14, 2017). Available at https://fas.org/sgp/crs/misc/R42757.pdf; Property and Environment Research Center, "A New Landscape: 8 Ideas for the Interior Department," *PERC Public Lands Report*, (March 9, 2017). Available at https://www.perc.org/articles/new-landscape.

[6] James Ridenour, "The National Parks Compromised: Pork Barrel Politics and America's Treasures," Ics Books, Merrillville, Indiana, (1994).

[7] Kurt Repanshek, "Decommissioning National Parks: Some History and Some Ominous Clouds," National Parks Traveler, (March 27, 2008). Available at https://www.nationalparkstraveler.org/2008/03/decommissioning-national-parks-another-look.

[8] National Park Service, "Planning, Design, and Construction Management," NPS Deferred Maintenance Report for FY2017. Available at https://www.nps.gov/subjects/plandesignconstruct/defermain.htm.

The deferred maintenance backlog refers to the total cost of all maintenance projects that were not completed on schedule and therefore have been put off or delayed. The effects of the backlog show up throughout the National Park System in the form of dilapidated visitor centers, deteriorating wastewater systems, and crumbling roads, bridges, and trails. Two-fifths of all paved roads in national parks are rated in "fair" or "poor condition." Dozens of bridges are considered "structurally deficient" and in need of rehabilitation or reconstruction.[9] And thousands of miles of trails are in "poor" or "seriously deficient" condition.[10] More than half of the backlog is transportation-related assets.

Although congressional appropriations make up the vast majority of deferred maintenance funding, Congress is unlikely to solve the problem through annual budgetary appropriations alone. Something more secure and reliable is needed. Only a fraction of NPS annual appropriations are spent on deferred maintenance. A recent report by PERC found that from 2004 to 2014, Congress appropriated an average of $521 million each year to projects related to deferred maintenance, or approximately 4 percent of the agency's total backlog (see Figure 1).[11] The agency has estimated that it would have to spend $700 million per year on deferred maintenance just to keep the backlog from growing.[12]

---

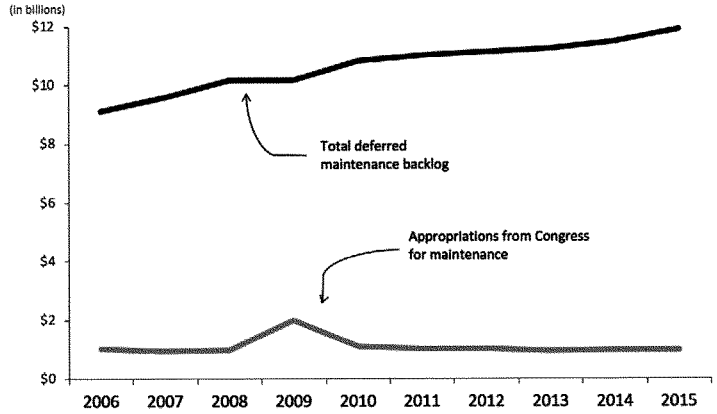
[9] Federal Highway Administration, "2015 Status of the Nation's Highways, Bridges, and Transit: Conditions & Performance," Transportation Serving Federal and Tribal Lands. Available at https://www.fhwa.dot.gov/policy/2015cpr/es.cfm#12.

[10] National Park Service, "Restoring National Park Trails," Trail Conditions. Available at https://www.nps.gov/transportation/activities_trails.html.

[11] See Property and Environment Research Center, "Breaking the Backlog: 7 Ideas to Address the National Park Deferred Maintenance Problem," *PERC Public Lands Report*, (February 2016). Determining the exact amount of funding allocated to deferred maintenance each year is difficult because funding comes from a variety of budget sources, each of which are also used to fund other activities as well. Moreover, the NPS does not report the total funding allocated to deferred maintenance each year. Figure 1 reports GAO data on the annual amounts allocated for all NPS maintenance, including deferred, cyclic, and other day-to-day maintenance, which averaged $1.2 billion per year between 2006 and 2015. See GAO, "National Park Service: Process Exists for Prioritizing Asset Maintenance Decisions, but Evaluation Could Improve Efforts," GAO-17-136, (December 13, 2016). Available at http://www.gao.gov/products/GAO-17-136.

[12] "Statement of Jonathan B. Jarvis, Director, National Park Service, Before the Senate Committee on Energy and Natural Resources, for an Oversight Hearing to Consider Supplemental Funding Options to Support the National Park Service's Efforts to Address Deferred Maintenance and Operational Needs," (Testimony of Jonathan B. Jarvis). (July 25, 2013). Available at https://www.energy.senate.gov/public/index.cfm/files/serve?File_id=6D4ED073-B1F5-42CF-A61A-122BE71E67B9.

Figure 1: Congressional Appropriations to Maintenance in National Parks



Source: Government Accountability Office. Congressional Research Service.

If conservation is about taking care of what you own, the maintenance backlog is a reminder that we are not being good stewards of our public lands. At its core, addressing the maintenance issue is about ensuring families and visitors enjoy their experiences in the national parks, a fundamental principle of the Organic Act. To ensure our national parks are preserved and accessible in the future we must take care of what we have in a timely fashion by prioritizing the care and maintenance of existing parks.

Restore Our Parks Act

The Restore Our Parks Act would establish the National Park Service Legacy Restoration Fund, which would serve as a mandatory fund dedicated to addressing the NPS deferred maintenance backlog. The fund would be comprised of a portion of revenues from energy development, including oil, gas, coal, alternatives, and renewables from federal land or water that would otherwise go into the U.S. Treasury. Half of these energy development revenues that are not already obligated for other purposes would be deposited into the fund each year for five years, from 2019 to 2023, with an annual cap of $1.3 billion. Unspent monies can be retained in the fund into perpetuity. Private donors could also donate additional amounts to enhance the fund.

Under the proposed legislation, the NPS director would allocate money from the National Park Service Legacy Restoration Fund for high-priority deferred maintenance needs to repair and rehabilitate park assets and transportation-related projects. Any portion of the fund determined by the secretary of the interior to be in excess of current deferred maintenance needs could be

invested. The secretary of the Treasury would invest the funds in a public debt security with maturity suitable to the agency's needs. Interest earned would be a part of the Legacy Restoration Fund and available for spending on deferred maintenance projects. Monies in the fund would be available for NPS expenditure without further appropriation or time limitation.

The National Park Service Legacy Restoration Fund would provide both short- and long-term benefits. High-priority deferred maintenance projects ready to be immediately addressed could be funded using the Legacy Restoration Fund. Longer-term needs could also be addressed using interest earned from investing a portion of the energy development revenues that would otherwise be deposited into the fund. Similar to an endowment, interest earned from the invested funds could be used for deferred maintenance projects, and the principal would remain invested.

The NPS Legacy Restoration Fund is important because, unlike other funds such as the Land and Water Conservation Fund, it is a dedicated fund that does not require annual congressional appropriations or approvals. Furthermore, the Restore Our Parks Act gives the NPS director the authority and flexibility to allocate the revenues to high-priority deferred maintenance needs. By allowing a portion of the fund to be invested, the act can balance present deferred maintenance needs with expected future needs.

The Restore Our Parks Act can help address the growing deferred maintenance problem better than existing tools for a number of reasons:

- The act provides a consistent and reliable dedicated fund that is available for park service use "without further appropriation or fiscal year limitation." Historical reliance on annual appropriations to tackle deferred maintenance issues is less reliable because appropriated budgets vary annually according to political interests and typically have a time spending limit.
- The National Park Service has prioritized deferred maintenance projects system wide and can allocate from this fund accordingly without political input. By granting the agency flexibility to determine how the Legacy Restoration Fund is allocated toward deferred maintenance needs, the act would help accomplish Interior Secretary Zinke's priority to place more decision-making authority in the hands of local officials who better understand the needs on the ground, rather than Congress.
- The act creates a quasi-endowment fund by allowing the interior secretary to invest a portion of the energy development revenues and depositing income earned back into the fund. This can enhance both the longevity of the fund and the resources available for future deferred maintenance projects.
- Because the fund has no fiscal year limitation and deposits can be invested, an endowment fund could be created where the principal remains invested and the income on investment provides a continuous source of reliable funding for maintenance needs.

- The fund is dedicated to deferred maintenance and cannot be used for land acquisition, which can add to the maintenance problem.
- The fund will not replace discretionary funding. Historically, it has often been the case that new NPS funding sources are matched by a reduction in appropriations. This fund is designed to provide additional total revenues for the National Park Service.

The Importance of Routine Maintenance

Deferred maintenance is simply the result of not performing routine maintenance. When routine maintenance is not completed, facilities can deteriorate three to five times faster than if they were properly maintained.[13] Replacing or repairing a roof in a timely fashion, for example, can prevent more costly repairs that result from a leak. Yet, too often, routine maintenance is not a funding priority in the parks.

To park visitors, the benefits of routine maintenance are largely unseen as such work slows deterioration but does not add new facilities or services. Hence, routine maintenance is less politically appealing than creating new parks and facilities, or even than funding the more high-profile deferred maintenance problems that have captured headlines in recent years.

Although the Restore Our Parks Act would help address the existing backlog and provide an endowment-like funding source for future deferred maintenance projects, the act does not address the underlying challenge, which is inadequate funding for routine (or cyclic) maintenance projects. The majority of routine maintenance is now funded through base appropriations. Yet, as discussed above, appropriations are not sufficient to cover routine maintenance needs, as demonstrated by the growing deferred maintenance backlog. Furthermore, if deferred maintenance funding is the only way to address critical needs, park managers may be left with no other choice but to forgo routine upkeep, which contributes to more deferred maintenance in the future and comes at a higher total cost to taxpayers than investing it ongoing, cyclic maintenance.

Addressing the Routine Maintenance Problem

The Restore Our Parks Act could address the routine maintenance issue by creating an endowment for cyclic maintenance. As it is designed, the secretary of interior can request that a portion of energy development revenues are invested. Rather than treat these like a savings account, where securities have a maturity at which time all invested funds are returned to the Legacy Restoration Fund, the invested funds could be treated as an endowment. An endowment

[13] National Park Service, "Deferred Maintenance Backlog," Park Facility Management Division, (September 24, 2014). Available at http://www.nps.gov/transportation/pdfs/DeferredMaintenancePaper.pdf.

would keep principal invested, allowing the income earned to be returned for park use. This could provide a reliable funding source for both routine and deferred maintenance needs.

The Federal Lands Recreation and Enhancement Act (FLREA) allows 80 percent of a given park's user-fee revenues to be retained and spent within that park without further appropriation. In 2016, national parks generated approximately $199 million in fee revenues collected under FLREA. That total is expected to rise by $60 million annually after the modest fee increases that took place in June 2018.[14] According to internal NPS policy, about 55 percent of FLREA revenues must be spent on deferred maintenance. The use of fee revenues may nominally reduce the deferred maintenance backlog, but by disallowing spending on routine maintenance, it likely worsens the future backlog. Park policy should be more flexible to allow managers to use the fees as they see best fit for each park. In particular, managers should be allowed to balance cyclic and deferred maintenance needs.

Nevertheless, FLREA is an important part of park budgets. Though there are some restrictions on use, these park revenues do not need to be appropriated by Congress. Retaining fees onsite encourages managers to collect fees and to invest in areas that, within the NPS policy limitations, will best protect park resources and enhance visitor quality. FLREA is set to expire September 30, 2019. It should be made permanent with fewer spending restrictions.

The Legacy Restoration Fund is a great start to help alleviate the deferred maintenance problem by providing resources to tackle existing deferred maintenance issues. Next steps need to include addressing the core problem of inadequate routine maintenance in the parks. Considering a balance of deferred and cyclic maintenance in the Restore Our Parks Act is one method to get there. Giving park managers greater autonomy and extending FLREA to provide a reliable future revenue source would also help reduce the burden.

Conclusion

The deferred maintenance backlog in our national parks is a major problem that is crippling the ability of the National Park Service to achieve its mission. Congressional appropriations have proven inadequate and too unreliable to resolve the problem. The Restore Our Parks Act can help reduce the current backlog. By establishing a dedicated fund, the act would provide a relatively secure and dependable source of revenues for park maintenance that is separate from the annual congressional appropriations process. But in order to fully solve the backlog we need to not only tackle deferred maintenance but also ensure that today's routine maintenance needs do not become tomorrow's deferred maintenance backlog.

---

[14] National Park Service, "National Park Service Announces Plan to Address Infrastructure Needs & Improve Visitor Experience," (April 12, 2018). Available at https://www.nps.gov/orgs/1207/04-12-2018-entrance-fees.htm.

It will take multiple creative approaches to adequately conserve and maintain our national parks for future generations, but the Restore Our Parks Act is a step in the right direction to enhance park stewardship.

Senator DAINES. Thank you, Ms. Fretwell.

I am going to start by yielding to Senator Portman. I know he has another meeting coming up.

Senator Portman.

Senator PORTMAN. Thank you, Mr. Chairman. I have the nominee for the Supreme Court waiting in my office. I have to go see him. And I apologize to my colleagues. I will be very brief.

First of all, the testimony was superb and I think you have raised all the good points except the one thing, I think, that was very interesting is you all seem to be focused on this issue of certainty.

We had a hearing here in April some of you attended where we asked all the witnesses to talk about what the most important, single aspect was to getting at the deferred maintenance and you talked about certainty so that you can plan.

You talked about large complex projects, Ms. Argust, and you also talked about the need for dealing with this because it is a compounding problem, in other words, we don't deal with it.

Talk about that just for a second, if you would. What do you mean by a compounding problem?

Ms. ARGUST. Yes, it's the longer that deferred maintenance continues without addressing it, the more costs are going to continue to increase.

One example is Ebenezer Church, for example, in the Martin Luther King Historic Site. That roof has not been addressed. There are leaks in those roofs, in that roof. Water gets into the roof. It gets into the walls, then you have issues with the plaster and then you have issues with the paint. So if you don't address that roof right away, you're going to have costs with other repairs that are happening.

Senator PORTMAN. I think that is a really important point to make, particularly to our fiscally conservative colleagues. We all consider ourselves fiscal conservatives, I assume, but this is the right thing to do.

You mentioned it, a conservation ethic, Ms. Fretwell. This is part of the being conservative about it.

With regard to certainty, I will put you on the spot here, Ms. McDowall, but you remember there is a cap in here of $1.3 billion. It is also the 50 percent. Some might argue, well, how much certainty is there in that?

If you look historically, the $1.3 billion will be hit based on the last ten years, but you could also look prospectively and say, what is likely to be the royalties? Isn't it true that there are plans to continue to use our natural resources in this country? This Administration, in fact, seems to want to expand that, if anything. So there seems to be a high certainty there would at least be the funding available that has been there over the last several years.

Ms. MCDOWALL. Yes, not, of course, knowing the details on projections going forward, but yes.

Senator PORTMAN. You said it right.

[Laughter.]

No, but I think that is a point to be made. So I think there is certainty here of the kind we are looking for.

You also talked about, Ms. Fretwell, the need for us to have some sort of a fund, almost an endowment, and I really look forward to seeing your testimony where you talk in more detail about that, that you submitted for the record.

But you are right, one thing people have not noticed in this bill is that we actually do provide for some rate of return which is very unusual in government. I think this is a positive aspect of it so that we will be able to allow the Park Service Director to be able to set some funds aside and get more funds to be able to address some of these really difficult, long-term problems. So, it may not be the full endowment you are looking for, but it is a step in that right direction.

Thank you, Mr. Chairman. I really appreciate your giving me indulgence, and I appreciate my colleagues.

Senator DAINES. Thank you, Senator Portman.

Ms. Fretwell, I am going to start with you.

Thank you for taking the time to fly all the way here from Bozeman. I can tell you, I know it is a true sacrifice to leave Bozeman and come to Washington, DC, in July.

Your testimony mentions, as a potential solution, the creation of an endowment that could address both cyclic as well as deferred maintenance needs. Would the creation of an endowment, you think, better address the overall budgetary needs of the National Park System than this current proposal?

Ms. FRETWELL. I am interested in the endowment because, again, it provides that certainty as a dedicated fund that's available for the Park Service and for park managers to use rather than waiting upon appropriations.

I think this bill is very specific toward the deferred maintenance, but I also think it's extremely important for us to pay attention to what the cyclic maintenance is and to ensure that we have a consistent funding source for cyclic maintenance for our park managers.

I do suggest that a part of that could come from the fee revenues as well. We have FLREA that exists out there that's set to expire next year. I think permanence of that fund would help us in the long run for those routine and cyclic maintenance projects.

Senator DAINES. Your written testimony referenced what a former NPS Director called the "thinning of the blood" which is what happens when the overall Park System acreage is expanded, but even if appropriations are increased year after year, they are not increased at the same pace as park acreage. The overall effect is basically a thinning of park resources.

What I would like to ask you is how do we, as Congress, continue to ensure the national parks are able to meet its mission without continuing to dilute park resources and retaining at least some semblance of fiscal responsibility?

Ms. FRETWELL. I think we really need to focus on exactly what we have now rather than expanding what is in the parks, that means both expanding assets and expanding new parks.

Those "thin the blood" as Ridenour said, and if we really want to protect our parks for the future and conserve those parks, we need to take the revenues and the receipts we have today and put them in the parks that we have today.

First, we need to make sure that we get a hold of the deferred maintenance problem. Part of that deferred maintenance problem is that we don't have enough funding for the cyclic and routine maintenance. So, after a year when we're unable to respond to those issues, they are added to the deferred maintenance problem.

In order to get a hold of that deferred maintenance problem, it's not just getting the deferred maintenance numbers down, it's also making sure that we can take care of those resources that we have existing in our parks today.

Senator DAINES. Thank you.

I want to switch gears here to Ms. McDowall. Thank you for coming here today.

Since we are dealing with multiple revenue streams, monies are drawn from accounts that deposit funds into the Treasury at different times of the year. So it can be a little bit lumpy and bumpy. In terms of timing, how would you envision the timing of the payments to the Legacy Fund taking place?

Ms. MCDOWALL. So the Department's Office of Natural Resources Revenue handles the disbursement process for these revenues.

And as you mentioned, they do come in at different times of the year. Our understanding is that no deposits will be made to the Legacy Fund under this legislation until the end of the year, until all other obligations have been satisfied.

ONRR has, you know, handles the details of those disbursements. I am not as conversant in the details. So, if you would like more details on exactly how that works, we can provide those for the record.

Senator DAINES. We will follow up on that.

And then, how would you draft the regulations that allow for parity in each of the various types of revenue sources currently depositing funds back into the Treasury or is that even possible to predict?

Ms. MCDOWALL. I don't think I have the answer to that question. I would have to get back to you for the record on that one.

Senator DAINES. Okay, we will work on that.

Let's get back to this whole certainty piece to make sure we have something here that will be very workable and can operate well.

I am going to yield now to the Ranking Member, Senator King.

Senator KING. Thank you.

First, I should say I was a little carried away. Acadia is not one of the third or fourth largest towns, but it is a large town, about 10,000 people on a busy day, but by Maine's standards it is still a large town. I didn't want to overstate that.

Ms. McDowall, how would the projects be prioritized? We are talking about a fund that would meet about half the need. I understand about this 60/40 split on the roads versus—buildings versus roads. But how? Is there a process? Have you started to think about what would be the most urgent projects and how that would be defined?

Ms. MCDOWALL. So the Park Service does have a strategy that we use to prioritize these projects. It's called the Capital Investment Strategy. It has a number of criteria, including impacts on visitation, resource protection, is it an asset that is critical to the mission of that park? We look at health and safety, and we also

look at financial sustainability. So, is it an asset that the Park Service feels it has the funding to maintain? We don't want to put significant investment dollars into facilities that we do not feel we have the funding or the commitment to maintain over the long-term with our operational dollars.

Senator KING. So it sounds like you have already got a plan in mind. If we can get this bill through, we wouldn't have to spend two years thinking about how to allocate the money?

Ms. MCDOWALL. That is correct.

You know, one factor in not having enough funding available to deal with these things is that we've had to get smarter about how we use the funding that we do have. So we do have several processes in place.

Senator KING. Good.

Ms. Brengel, you represent the National Parks Conservation Association, a large, non-profit organization that works on behalf of the parks. There are lots of other organizations that are interested in these park conservation issues. Is it your understanding that they are in support of this legislation as well?

Ms. BRENGEL. Yes, we actually lead a coalition called the Second Century Action Coalition, and it's made up of friends groups, tourism groups, recreation groups and they're all pulling for this bill to move and to pass so that we can get proper funding for the maintenance backlog.

Senator KING. Can you estimate how many of such groups there are?

Ms. BRENGEL. Oh my goodness. Well, those groups combined with the ones that we've been working with with Pew are a couple hundred.

Senator KING. Good.

And they know about this bill and they think this is the right way to go?

Ms. BRENGEL. Yes, since the past week we've been educating folks about the bill and you'll be receiving a letter from the coalition and from others who are supporting the bill.

Senator KING. Great. Thank you.

Thank you, Mr. Chairman.

Senator DAINES. Thank you, Senator King.

Senator Alexander.

Senator ALEXANDER. Thank you. Thanks to all of you for being here.

Let me continue with—did you say 200 organizations?

Ms. BRENGEL. It's a couple hundred organizations.

Ms. ARGUST. It's actually—I'll jump in—it's almost 3,000 if you combine it with the groups who want to see dedicated resources for maintenance nationwide, local and nationwide.

Senator ALEXANDER. Good.

Ms. ARGUST. A lot in Tennessee.

Senator ALEXANDER. Well, let me tell you something that would help. This would be nice if this bill had about 98 co-sponsors.

Seriously, I think the single thing as I look down the road, I think, thanks to your work and the work of Senator Warner, Senators Portman and King, the Chairman, others, I think we have a very good product. I mean, you support it. The Administration sup-

ports it. This is a pretty unique circumstance. So we have a good product. That is step one.

What do we need with steps two and three? I think two and three are for the House of Representatives to like it as well and to pass it. That would help.

And here in the Senate, I think the thing that would help us the most, we have 12 bipartisan co-sponsors of the new bill today. Of course, nobody has had much time to see it since it is just a few days old. But it would genuinely help our efforts to move this through swiftly if the 3,000 organizations would let members of the Senate know that they hope they will co-sponsor this legislation.

And I would ask you, if it is appropriate, to encourage them, to encourage them to do that.

Ms. BRENGEL. We'll let them know that you asked them to report it.

Senator ALEXANDER. No, it helps. It helps a lot.

Ms. BRENGEL. Yeah.

Senator ALEXANDER. The practical matter is we have a busy time ahead of us and even a partisan time ahead of us which isn't unusual. But Senator McConnell has to look at a piece of legislation and see if he has time on the Floor——

Ms. BRENGEL. Right.

Senator ALEXANDER. ——for us to consider it. And if we have a large number of Democrat and Republican co-sponsors that may mean that we can say to him, Majority Leader, this won't take much time. We can get a lot of agreement on this if we have that kind of support.

So it is not just an idle request. It is a practical matter that is probably, up to now, the single most important thing to do is to get the product right.

I think we have done that with your help and support and that of the Administration—which I am very grateful to Secretary Zinke for his role in this because he has done an excellent job of talking with Office of Management and Budget and with the President and it is very good to have that kind of support. So that is number one.

Number two, I think it would help for the public at large to understand that when we talk about 417 different properties, we are talking about some things they might not normally think of as national park properties. For example, the National Mall is one such property, right? What is the backlog in deferred maintenance at the National Mall right now? Anybody know that?

Ms. ARGUST. It's, I think, about $700 million.

Senator ALEXANDER. Yes.

Ms. ARGUST. Based on FY2017 figures, unless you know differently and that's approximate.

Senator ALEXANDER. Yes, and the National Mall is something that people come from every single state, almost every community, to see and do not want it to be run down.

I think another, the Great Smokies, has more than ten million visitors a year, and we have $215 million in maintenance.

Ms. McDowall, we get an annual appropriation of $20 million a year at the Great Smokies. Can you see a way that our $215 million deferred maintenance backlog would ever be taken care of without some extraordinary effort like this?

Ms. MCDOWALL. Not by just relying on the $20 million a year, no.

Senator ALEXANDER. Yes.

Ms. Fretwell, you did a lot of studying of the properties. Can you mention two or three other properties in the National Park System that are badly in need of help that people might not be aware of?

Ms. FRETWELL. Well, the ones I focus on are the ones I use. So Yellowstone definitely has a lot of water and sewer issues.

Senator ALEXANDER. Yes.

Ms. FRETWELL. As well as Grand Canyon has water issues.

Really what I see when I go through my parks is that they are not being cared for just from a visual perspective when I'm driving through and seeing potholes and trying to use the restrooms at Yellowstone National Park and there are huge lines and they are outhouses that we're using and there's 30 people waiting in line because a bus just came in to use those facilities.

Senator ALEXANDER. Yes.

Ms. FRETWELL. That's not a good way to conserve our properties and that's not a good way to show other Americans and those visiting our country that these really are the great crown jewels that they should be.

Senator ALEXANDER. My time is up, Mr. Chairman, but I will mention my suggestion of how helpful it would be to have a large number of Democratic and Republican co-sponsors for the bill.

The other thing that would help is for those who support the bill, both in the Senate and outside the Senate, to keep in mind that, as a practical matter, it will be easier to move this bill through the Senate if it stays this bill and doesn't try to attract a lot of other worthy amendments and proposals which many of us support. In fact, if it does that what often happens when we try to do too much at one time, nothing happens.

So I can see this bill gaining broad support and if we can keep to the bill the way it is written, I can see it passing this year. I think the two biggest things to help do that are one, the largest number of co-sponsors, and two, let's keep the train moving without a lot of extra baggage, even if it is baggage that all of us like and support. We can work on that on another track at another time.

Thank you, Mr. Chairman.

Senator DAINES. Thank you, Senator Alexander.

I think about the National Mall, and our national parks oftentimes are the first impressions for international visitors who come to our country, that is the first place they go is our national parks. It is their first impression of America, and they will see our crumbling infrastructure right before them.

Speaking of the schedule too, Senator Alexander, you know, the House had a hearing about a month ago. We are pushing the House to try to get a markup done before the House recess, so before the first part of August. And so, we are pushing this hard.

Again, I echo Senator Alexander's comments. Let's get a bunch of Senators on this bill as co-sponsors. Let's make it 98. Let's make it 100. Let's get everybody on it.

Give us a good reason why you should not be on it and we will go, but I think we really have a chance here with Secretary Zinke's leadership, Director Mulvaney. The stars are lined up. Let's act.

Senator KING. That would be the layabout House that is taking an August recess, right?

[Laughter.]

Senator DAINES. They do criticize us a bit, don't they?

Anyway.

And rightfully so, frankly, Senator King.

Senator Heinrich.

Senator HEINRICH. Well, I want to start by just thanking the Chair and the Ranking Member and all of my colleagues who have worked to put this together. I think we have a really great start here. It is a bright spot in what has been a year that could use some bright spots.

I guess the first thing I wanted to say is that the reality here is that—and maybe Senator King might have used this phrase in the past, but it is certainly something I learned from bond counsel when I was in government at the local level—deferred maintenance is debt. It just is. When you choose not to invest in things, it is going to cost you more later, and it should be reflected in our balance sheet as such.

And when we have these Park Service jewels that are really, truly the economic engines of rural communities across the West, of communities all over the country in both rural and urban areas, they deserve for us to do something about this.

So, I'm excited about where we are going here and how quickly we have put together the list of co-sponsors we have, and I think we all got our marching orders about finding additional ones.

Ms. McDowall, I would be a little bit remiss if I didn't mention a specific backlog issue, while I have you here, regarding New Mexico.

I was really excited to see the primary elevators at Carlsbad Caverns go back into service last week. It was the first time since 2015, as you may know. However, our secondary elevators have also proven to be unreliable due to many decades of deferred maintenance.

Do you have the funds to restore the secondary elevators identified by the Park Service yet, and what are you expecting with regard to a timeline to get those backup elevators up and running as well?

Ms. MCDOWALL. So that will be a large project. The estimate right now is close to $19 million, and it is on our line item construction list proposed for 2021 at this point.

Senator HEINRICH. Thank you.

We look forward to working with you on that.

Ms. Argust, I have a quick question for you.

Most National Park units in New Mexico are in rural areas. That is true for a lot of the West. It is not always true with respect to some of our historic Park Service properties in urban areas on the East Coast, but it does hold true for a big chunk of the Western United States.

And what we've learned is that protected and specially designated public lands, parks, monuments, wilderness areas and

wildlife refuges provide a critical boost to neighboring communities. In fact, a recent joint Economic Committee report on rural economic development found that rural communities with specially designated public lands like parks and monuments recovered more quickly from the 2007 recession than similar counties without those amenities.

How does the park's maintenance backlog specifically affect rural communities and how does it impact the economies of our gateway communities?

Ms. ARGUST. A number of our parks are certainly in rural communities or rural areas, as you note and a number of those are larger parks. And as you note, parks are certainly economic engines.

So Pew commissioned a study late last year. It showed that fully investing in the deferred maintenance backlog has the potential to generate more than 110,000 additional infrastructure-related jobs.

So parks already create approximately 306,000 jobs annually. That's based on National Park Service data. They also bring over 330 million visitors each year to parks, and those visitors spend upwards of $18 billion directly in communities. So we're talking about the possibility of an additional 110,000 jobs, infrastructure-related jobs and, you know, jobs in rural communities, very important.

So addressing deferred maintenance, it's important to preserving historic resources, landscape resources, but also important for the economy.

Senator HEINRICH. Thanks for your thoughts on that.

Mr. Chair, I don't want to ever disagree with our colleague from Tennessee because he is very wise counsel, but I would urge us also to come together around some of the other things that historically we have been able to come together around, including the Land and Water Conservation Fund and taking care of our wildlife as well. I know those are priorities in Montana, but I would be remiss if I didn't mention those.

Thanks.

Senator DAINES. Thank you, Senator Heinrich.

Senator Barrasso.

Senator BARRASSO. Well, thank you very much, Mr. Chairman. I do appreciate this opportunity to have you all testify and to have this discussion today, particularly as many of our national parks are in the middle of peak tourist season.

I am happy to see my colleague and friend from New Mexico here as well because Wyoming and New Mexico play such a role in the contributions to the funding mechanism.

I think, as you know, Mr. Chairman, national parks are prized and celebrated in our local communities, including those near Grand Teton National Park, our shared Yellowstone National Park. Mr. Chairman, the need to develop long-term options to address the significant pervasive deferred maintenance requirements is very clear to all of us who visit the parks regularly. We need to ensure that people are able to visit parks that are safe, functional, educational and enjoyable.

But both Yellowstone and Grand Teton saw record visitations last year, over four million visitors each during 2017 and the whole population of the State of Wyoming is only a half a million people.

So to have four million visitors in each park tells you what a significant role the parks play in our states. These visitors, millions others like them, have joined Wyoming residents in enjoying all the wonders the parks have to offer.

In Wyoming we know that the parks represent important wildlife habitat, diverse natural resources and are a legacy that we must actively work to protect. We also know that our Wyoming legacy is not based solely in our national parks, our communities are filled with thriving businesses, agriculture components, energy companies. They give their time and their money to our local schools, our charities and other small businesses. In Wyoming we recognize the need to develop our resources wisely to ensure a strong future for the communities, and in the case of this bill, certainly for our national parks.

I think, Mr. Chairman, this bill highlights the irony though that some groups that have historically opposed expansion of offshore energy development and who have opposed increasing onshore development now seem to support using the revenues derived from these very activities that these people have objected to in the past, as long as it goes to the national park fund.

But what really struck me about the bill, particularly after the line of your questioning, Mr. Chairman, is that the proposed mandatory funding model begs comparison between this proposed fund and other existing funds, like the Reclamation Fund, for example, is also currently funded by energy revenues and it has a balance of today, on the books, about $14 billion. And yet, in order to actually access this money, to use any of that money on the ground, Congress has to first appropriate the dollars.

Well, it is worth noting that for the last 14 years, Wyoming contributed over 50 percent of the royalty receipts to this Reclamation Fund. And my friend from New Mexico, who just had asked the questions, he knows that his state has contributed 27 percent. So it is 77 percent of all the money in the Reclamation Fund has been populated by receipts from two western states, Wyoming and New Mexico. And still, access to the funds, to actually use the funds is very hard to come by.

So it is disheartening for people in Wyoming for whom water storage projects and other activities the Reclamation Fund is supposed to be funding and could be funding, well, the projects seem far out of reach and the money is stuck there.

To be clear, I am not suggesting we make each of the other funds populated by offshore and onshore revenues mandatory spending, but I am suggesting that a bill that includes mandatory spending, even for just five years, seems a greater priority system that favors parks and over critical water projects or other conservation programs, like those funded through the Land and Water Conservation Fund.

It is not just a question of existing funds. There are a number of initiatives in bills that would like a piece of this unobligated revenue as well.

The bill is not unique. If enacted, this funding mechanism, I believe, will set a precedent that it will take away Congress' ability to direct resources, even for just five years. And when we have the

conversation about each of these other funds in the future, this fund will then become a reference point.

I just think, Mr. Chairman, the need for a better maintenance schedule and specific funding for the National Park Service deferred maintenance fund needs is very clear. We need to do this.

My comments today are simply unanswered questions about whether this funding model is the best one to tackle the $11.6 billion behemoth that lurks around every corner and every trail in every national park in America.

It is a job that needs to be done. I appreciate the work that you have done and that members of the Committee have done to propose meaningful changes for the Park Service. I think it is important.

I look forward to continuing to work with you to answer some of these remaining questions about how we ensure these incredible national parks that we are so blessed with have a bright future.

Thank you, Mr. Chairman.

Senator DAINES. Thank you, Senator Barrasso.

Senator Hoeven.

Senator HOEVEN. Thank you, Mr. Chairman.

Deputy Director McDowall, in our state two-thirds of our deferred—we have five national parks, but two-thirds of the deferred maintenance is related to paved roads in Theodore Roosevelt National Park. How would the Restore Our Parks Act help the National Park Service improve transportation assets in our park and the other national parks?

Ms. MCDOWALL. So, 35 percent of the funds that would be deposited into this fund under this legislation would be devoted to transportation projects, like roads. The split is 65/35 because we do have other fund sources available as well for transportation projects from federal highways.

Senator HOEVEN. Describe the funding mechanism.

Ms. MCDOWALL. The funding mechanism for the legislation that's on the table, Restore Our Parks Act?

The funding would come from funds that would otherwise be deposited as miscellaneous receipts from energy development, including onshore, offshore, alternative energy, an all-of-the-above strategy, consistent with the Administration's overall energy development strategy.

Senator HOEVEN. And are some of these revenues already flowing into an account or would this be new projects?

Ms. MCDOWALL. These would be, if you're talking about projects that would be funded out of the new revenues, they would be additional projects that we could not cover with the funding that we currently have available. So there would be overall more projects, more transportation projects being done in the Park Service.

Senator HOEVEN. Ms. Argust, how does the Restore Our Parks Act encourage public-private partnerships in addressing the deferred maintenance backlog?

That is one of the things we are trying to do in other areas are these public-private partnerships for infrastructure whether it is flood projects or roads and so on and so forth.

Are you looking at the P3—public-private partnership—mechanism for the parks?

Ms. ARGUST. There is a provision in the bill that would encourage donations that would go toward addressing deferred maintenance as well as public-private partnerships that would be used for deferred maintenance.

Senator HOEVEN. Does that give those projects some priority then, for example, if you have organizations that will make significant contributions in order to get a project going, how does that factor into the decision as to where the public revenues are allocated?

Ms. ARGUST. I do not believe it gives those projects any prioritization on the list that goes to Congress.

Senator HOEVEN. Okay.

But yet, you want to create incentives to leverage those dollars, right? How do you create those incentives then to leverage private funds to participate with the public funds?

Ms. ARGUST. It's providing an authorization. The incentive is not quite the same as it has been in other bills but there is the authorization and the encouragement to be able to allow private and public partnerships to go toward deferred maintenance.

Senator HOEVEN. That would come in as charitable contributions.

Ms. ARGUST. Correct.

Senator HOEVEN. Okay.

And then Ms. Brengel, in your testimony you discuss how the Restore Our Parks Act balances funding between transportation and non-transportation. Can you elaborate on that a little bit?

I understand it is 35 percent from Ms. McDowall, but can you talk about that balance in terms of how the funds are allocated?

Ms. BRENGEL. So the way that the bill was designed was to take into account money that's coming in through the Highway Trust Fund for the Park Service, and to make sure that there is parity when you included that funding into it. So that actually brings it to almost 50/50 when you include the money that we bring in annually through the Highway Trust Fund.

The Park Service also does have opportunities to access other transportation funds from the Reauthorization bill and does—we have seen several projects that have been able to move forward. For instance, the State of Florida applied for a Tiger Grant in order to construct the Tamiami Trail which allows the water flow into the Everglades to be improved. There are other, sort of, sea mat grants for areas that are—haven't reached attainment in terms of air quality where those areas have applied for money.

So when you take into account the transportation funds that are already being applied to national parks and you try to find parity between the amounts, you get closer to it in the bill when you have a 65/35 split for five years.

Senator HOEVEN. Do all of you see this legislation as significantly increasing the pull of private dollars into this effort to leverage the public dollars?

Ms. BRENGEL. There are philanthropic entities that care deeply about the parks that want to write checks to improve the parks. In the previous hearing on this topic, on the oversight hearing, I think the National Park Foundation put it really well when they said that it's hard to raise money for water systems and sewer sys-

tems and so on and so forth. And that's going to continue to probably be a challenge.

A lot of funding is raised for the Centennial Challenge program which is both appropriated and part of a previous bill. And those, that program is wonderful and incentivizes a one-to-one match. We've seen a lot of improvements and even some deferred maintenance projects tackled because of that one-to-one match. So there are other avenues that might be more attractive to the philanthropic community.

Senator HOEVEN. Okay.

Thank you.

Senator DAINES. Thank you, Senator Hoeven.

One follow-up question for Ms. McDowall.

You mentioned in the bill that this would create the National Park Service Legacy Restoration Fund which will be used to address some high priority deferred maintenance needs of the parks.

One thing I have observed here today is first we have had a lot of governors here today.

[Laughter.]

I tell you, I am pandering here. I am surrounded by governors right here on my left and my right, but no, Senator Alexander. We had Senator Warner. And governors have to find solutions all the time because you are an office of one.

I think that probably brings some of the pragmatism to trying to get something done here, and I thank you for the leadership of our former governors.

There is also probably a common thread with many of us here today is commitment to LWCF.

I would like to get into a bit more detail of how the Legacy Restoration Fund would operate with existing public lands funds. As you recall in my opening statement I mentioned that LWCF is an important program, certainly to Montana and the West. We want to ensure that the creation of this fund would not come at the expense of existing funds. Could you explain for us here today how the NPS Legacy Restoration Fund would interact with very important funds like LWCF and GOMESA?

Ms. MCDOWALL. So the Administration agrees that LWCF and GOMESA obligations are very important. That is why the legislation is designed to ensure that no funds are deposited for the Park Service that would otherwise go to other mandatory accounts, obligations under for a lot of these energy revenues. So the fund is designed to only deposit monies that would otherwise be deposited as miscellaneous receipts and are not obligated for some of those other funds.

Senator DAINES. Yes.

I have been studying the past ten-year actual numbers, year by year. We have had, I think it's very safe looking at past history and probably looking at reasonable forecast, there will be enough coming up from these streams here to continue to keep funding all of these to see if we would like to see it funded higher, we will get a permanent, mandatory, but we will take this a step at a time.

It looks like the funding streams here will be adequate. I think that is a concern of the community that supports LWCF, and we want to make sure we've looked at that math and that accounting.

Ms. MCDOWALL. I would say that the Administration agrees with that perspective.

Senator DAINES. Alright.

Ms. MCDOWALL. Yes.

Senator DAINES. Thank you.

If there are no more questions here today, members may also submit follow-up written questions for the record. The hearing record will be open for two weeks.

I very much want to thank the witnesses for great interaction today, very informative for this Committee and for your testimony today.

The hearing is adjourned.

[Whereupon, at 4:22 p.m. the hearing was adjourned.]

APPENDIX MATERIAL SUBMITTED

U.S. Senate Committee on Energy and Natural Resources
Subcommittee on National Parks
July 11, 2018 Hearing: *S. 3172, the Restore Our Parks Act*
Questions for the Record Submitted to Ms. Lena McDowall

Questions from Chairman Lisa Murkowski

Question 1: Ms. McDowall, can you confirm that NPS Restoration Legacy Fund, if enacted as drafted, would be the first fund to utilize onshore energy funds for conservation efforts (aside from state apportionments, when said states may choose to utilize a portion of their funding for conservation purposes)? If so, do you see this as a precedent to pushing more onshore receipts for the use of conservation purposes?

Answer: There is at least one precedent for using the production of onshore resources for the conservation of National Park Service (NPS) assets: the Helium Stewardship Act of 2013 (Act), which provides for receipts from the sale or disposition of helium on Federal lands to be deposited into the Helium Production Fund. The Act directs that $20 million in FY 2018 receipts and $30 million in FY 2019 receipts to be used for NPS deferred maintenance projects.

Question 2: Ms. McDowall, please explain how natural disasters impact assets with deferred maintenance. For example, the Sperry Chalet in Glacier National Park had some deferred maintenance prior to burning down last summer. It is now in the process of being rebuilt. Would that asset, upon destruction, immediately be removed from the deferred maintenance category? What does this process look like, and how are funds that are estimated in FMSS removed from this category? It is my understanding that some of the funds used to rebuild the Sperry Chalet were raised from philanthropic resources, and others from insurance. Will the remainder of the funds come from cyclic or other revenues? Is this policy determined on a per-asset, per disaster basis, or is there an agency wide policy?

Answer: The NPS process for assessing damage, post natural disaster, requires a condition assessment and then the creation of emergency (EM) work orders for all needed repairs or reconstruction. Any repairs not completed immediately results in the EM work orders being bundled into project funding requests. If funding is not identified and corrective action taken within a year, the EM work orders become deferred maintenance (DM) work orders. If the decision is made to not rebuild, the DM will be retired.

In the case of Sperry Chalet, the FY 2018 Line Item Construction operating plan includes $12 million from NPS appropriated funds for this project. The NPS anticipates leveraging its partnership with the Glacier National Park Conservancy, which has committed up to $3.2 million for the reconstruction. When similar situations occur where an asset is destroyed by a natural disaster, the NPS explores all available funding streams to be able to implement the preferred alternative for the site. Factors affecting the urgency to rebuild or replace an asset include mission importance, visitor needs, resource impacts, health and safety, and stakeholder interest.

U.S. Senate Committee on Energy and Natural Resources
Subcommittee on National Parks
July 11, 2018 Hearing: *S. 3172, the Restore Our Parks Act*
Questions for the Record Submitted to Ms. Lena McDowall

Question from Senator Bernard Sanders

Question: The president's fiscal year 2019 budget request would slash funding for the Land and Water Conservation Fund (LWCF) by about 90 percent compared to fiscal year 2017 levels. However, during this hearing, you stated that the administration agrees with the perspective that the LWCF should be funded at a higher amount, and that the funding should be made permanent and mandatory. As you may know, I am an original cosponsor of legislation introduced by Senator Cantwell, S.569, to provide robust and permanent funding for the LWCF. Do you support this legislation?

Answer: The President's budget supports the LWCF and calls for its reauthorization. The Department looks forward to continuing to work with Congress on options for LWCF reauthorization.

Question from Senator Steve Daines

Question: Because the National Park Restoration Legacy Fund, if enacted, would deal with multiple revenue streams, with funds deposited into the Treasury at different times of the year from different sources, please describe how you might draft regulations that would allow for parity in each of the various types of revenue sources currently depositing funds back into the Treasury? For example, if the excess funds from offshore receipts could more than cover the Legacy Fund, would you draw from that source first, or would ensure that all other energy sources were covered first?

Answer: There are approximately 23 accounts that receive mandatory payments from energy development. Each account has its own disbursement rules, which are governed by the Treasury. The National Park Service will follow all policy and guidance issued by the U.S. Treasury related to the establishment of the Legacy Restoration fund, recognizing that mandatory payments would be made to other funds first. Under S. 3172, the Legacy Restoration fund will only receive payments after the 23 mandatory accounts receive their payments. There would be no need to draft regulations to implement the bill.

Questions from Senator Mazie K. Hirono

Question 1: Secretary Zinke said that deferred maintenance at our parks "...is not a Republican or Democrat issue, this is an American issue." Indeed, it's a national issue and in Hawaii we have over $238 million in deferred maintenance needs.

Secretary Zinke also mentioned during his nomination hearing that he supported the Land and Water Conservation Fund, which is another issue that receives broad bipartisan support. In

U.S. Senate Committee on Energy and Natural Resources
Subcommittee on National Parks
July 11, 2018 Hearing: *S. 3172, the Restore Our Parks Act*
Questions for the Record Submitted to Ms. Lena McDowall

Hawaii our "Island Forests at Risk" proposal has provided millions of LWCF dollars to conserve and protect land.

Yet, the LWCF is set to expire this September and is chronically underfunded. In addition to providing mandatory funding for deferred maintenance, does the administration support permanent reauthorization and full funding of the LWCF?

Answer: The President's budget supports the LWCF and calls for its reauthorization. The Department looks forward to continuing to work with Congress on options for LWCF reauthorization.

Question 2: If S. 3172 is signed into law, will the National Park Service have the staff necessary to conduct an estimated $1.3 billion worth of deferred maintenance projects each fiscal year? If not, what additional resources will the National Park Service require?

Answer: Major construction projects would require pre-award work including compliance, planning and design. In addition to direct project support, major project needs would include construction program management, budget and financial management support, contracting officers, and solicitors.

For smaller projects accomplished by day laborers, contractors, or youth corps, contracting officers and budget support would be necessary.

For all projects, on the ground project management and construction supervision would also be required.

Should the legislation become law, the Park Service will take the necessary steps to implement it.

Question 3: Both Congress and the National Park Service recognize the importance of cyclic maintenance to curb the growth of deferred maintenance on our nation's parks, although I was disappointed to see that the National Park Service proposed a $14 million cut to Cyclic Maintenance Projects within National Park Service's Facility Operations and Maintenance account in its fiscal year 2019 budget proposal.

The testimony of Holly Fretwell with the Property and Environment Research Center suggests that the Restore Our Parks Act could be improved by creating an endowment for cyclic maintenance projects. Has the National Park Service evaluated or taken a position on this proposal? How, if at all, would the establishment of an endowment fund for cyclic maintenance assist the National Park Service in addressing its maintenance backlog?

Answer: Establishing an endowment would be a completely different way of funding cyclic maintenance, which has always been funded through annual appropriations. The Department has

not taken a position on the endowment proposal suggested by the Property and Environment Research Center at this time.

Question from Senator Tammy Duckworth

Question: On December 28, 2017, the U.S. Department of Interior (DOI) adopted a new grants and cooperative agreements review process that subjects all grants and cooperative agreements of $50,000 or more to an unprecedented additional review by one single political appointee. This indiscriminate policy is blocking the award of grant funds to organizations, despite Congress specifically authorizing and appropriating funds for just this purpose. These unreasonable delays may represent an unlawful impoundment of appropriated funds and worse, DOI's actions are inflicting harm on local organizations that are already struggling to reduce the deferred maintenance backlog. I support the Restore Our Parks Act's goals, but fear that any legislation will be ineffective if DOI continues to allow a sole political appointee to bottleneck and hold up grant and cooperative agreement awards.

As Deputy Director of Management and Administration for the National Park Service, you are responsible for helping to develop the National Park Service's annual budget submission. Please confirm whether the National Park Service Legacy Restoration Fund, as established in this bill, would be subject to the December 28, 2017 DOI memo, and if so, whether you support delaying the award of grants and cooperative agreement funding to organizations working to reduce the deferred maintenance backlog. In addition, please clarify whether the DOI policy described above has delayed the issuance of grant and cooperative agreement awards to organizations that are helping to reduce the deferred maintenance backlog.

Answer: The purpose of the review process is to conduct appropriate oversight of the Department's financial assistance programs and to ensure that discretionary grants and cooperative agreements better align with the Secretary's priorities. For the NPS, final approval of a grant and cooperative agreement is required from the NPS Deputy Director exercising the authority of the Director if it is under $50,000, and by the Senior Advisor to the Assistant Secretary for Policy, Management, and Budget if it is over $50,000.

Only a small portion of the spending from the National Park Service Legacy Restoration Fund would be in the form of grants or cooperative agreements and therefore little, if any, of that funding would be subject to the financial assistance review process.

U.S. Senate Committee on Energy and Natural Resources
Subcommittee on National Parks
July 11, 2018 Hearing: *S. 3172, the Restore Our Parks Act*
Question for the Record Submitted to Ms. Marcia Argust

Question from Senator Rob Portman

Question: During the oversight hearing the full committee held this April, one thing I heard from all of the witnesses is the need for certainty in funding for the parks. Do you believe that the Restore Our Parks Act provides the certainty in funding that is so crucial to tackling deferred maintenance backlog projects?

The Pew Charitable Trusts believes that the Restore Our Parks Act, S. 3172, will provide the certainty in funding that the National Park Service (NPS) needs to significantly draw down its multi-billion-dollar backlog of repairs.

Under the legislation, 50% of unobligated mineral revenues paid into the U.S. Treasury each year would go into a *National Park Service Legacy Restoration Fund* that would be used to address priority park maintenance needs. This Fund would have a cap of $1.3 billion each year. Based on past Department of Interior mineral receipts, even in low production years, this cap would be reached, which means the bill would provide a potential of $6.5 billion toward the park backlog. This revenue would remain in the Fund until expended.

Dependable, consistent funding will allow NPS to plan, design, begin scoping and contracting processes, and implement more complicated maintenance and repair projects that often take years. Projects like this are difficult to plan and complete in a timely, efficient manner since agency budgets vary from year to year.

U.S. Senate Committee on Energy and Natural Resources
Subcommittee on National Parks
July 11, 2018 Hearing: *S. 3172, the Restore Our Parks Act*
Question for the Record Submitted to Ms. Kristen Brengel

Question from Senator Tammy Duckworth

Question: The Pullman National Monument is an important landmark in Chicago's history and America's labor movement. The site was listed on the National Register of Historic Places in 1969 and deemed a National Monument by President Obama in 2015. However, the Pullman site is representative of the lengthy process for restoring and remediating important properties. As a new National Park Service asset, the Pullman National Monument requires $11 million in repairs to stabilize the building and repair the roof. Without these repairs, Pullman National Monument is forced to limit access to the site. Ms. Brengel, if the Restore Our Parks Act is signed into law, will Pullman National Monument benefit from an increase in funding?

Response: I'm pleased to answer your question, Senator Duckworth. NPS ownership at Pullman National Monument is limited to the iconic Clock Tower Administration building, which is approximately 2/3-acre within the 200+ acre monument boundary. In 2015, when the National Park Service (NPS) acquired this asset from the State of Illinois, the deferred maintenance issues also transferred to NPS. The projects at Pullman include a new roof, windows, and masonry/structural repair totaling $11,343,000. NPS has pledged Regional funds from a variety of sources to begin the work in FY2018 because in order to open the monument's first NPS visitor center to visitors, the deferred maintenance projects must be completed.

If the Restore Our Parks Act is signed into law, Pullman National Monument will certainly benefit from this increase in funding as will Lincoln Home National Historic Site, also in Illinois, which has deferred maintenance in the amount of approximately $7 million.

U.S. Senate Committee on Energy and Natural Resources
Subcommittee on National Parks
July 11, 2018 Hearing: *S. 3172, the Restore Our Parks Act*
Question for the Record Submitted to Ms. Holly Fretwell

Question from Senator Rob Portman

Question: Tackling the deferred maintenance backlog now is so important because it will only continue increase over time, costing the federal government more and more. The National Park Service estimates that the deferred maintenance is increasing by 2.7% each year. Almost 65% of the deferred maintenance is attributed to infrastructure that is over 80 years old. Aging infrastructure can also deter visitors to the parks if there is not adequate facilities, water, and accessibility of trails. How important is it to address deferred maintenance needs when it comes to attracting visitors and increasing the economic impact of our parks?

Answer: The deferred maintenance backlog refers to the total cost of all maintenance projects that were not completed on schedule and therefore have been put off or delayed. The estimated $11.6 billion deferred maintenance backlog impairs the public enjoyment of national parks. Buildings, trails, and roads, are closed because of the backlog. Visitor centers are dilapidated, wastewater systems are deteriorating, and roads, bridges, and trails are crumbling. Two-fifths of all paved roads in national parks are rated in "fair" or "poor condition." Dozens of bridges are considered "structurally deficient" and in need of rehabilitation or reconstruction. And thousands of miles of trails are in "poor" or "seriously deficient" condition. More than half of the backlog is transportation-related assets. Failing and degrading roads and other infrastructure and closed facilities have a negative impact on the quality of park visits and increase safety concerns. At some point they will also reduce park visitation.

Despite a growing maintenance backlog, recreational park visits and their economic impact have been increasing. The National Park Service estimated 331 million park visitors in 2017. National park visitation contributes to the economic vitality of surrounding communities both directly through visitor spending and indirectly as those dollars circulate through the community. According to the National Park Service visitors spent $18.2 billion in gateway communities in 2017, which translates into nearly $36 billion in total economic output.[1]

Park visitation growth rates may slow as a result of the growing deferred maintenance backlog. Yaron Miller, an officer with Pew's Restore America's Parks campaign, notes that the "deferred maintenance issue threatens the integrity of these parks, which can harm the communities that neighbor them and benefit from tourism and visitor spending."[2] Regardless, the backlog demonstrates poor public land conservation. Conservation is about taking care of what you own. At its core, addressing the maintenance issue is about conservation and ensuring visitors enjoy their experiences in the national parks, a fundamental principle of the Organic Act. To ensure our

---

[1] Cullinane Thomas, C., L. Koontz, and E. Cornachione. 2018. "2017 National Park Visitor Spending Effects: Economic Contributions to Local Communities, States, and the Nation." Natural Resource Report NPS/NRSS/EQD/NRR—2018/1616. National Park Service, Fort Collins, Colorado. Available https://www.nps.gov/subjects/socialscience/vse.htm

[2] Holly Kays. 2018. "Breaking the Backlog: Deferred Maintenance in the billions for National Parks." January 24. Available https://www.smokymountainnews.com/archives/item/21580-breaking-the-backlog-deferred-maintenance-in-the-billions-for-national-parks.

U.S. Senate Committee on Energy and Natural Resources
Subcommittee on National Parks
July 11, 2018 Hearing: *S. 3172, the Restore Our Parks Act*
Question for the Record Submitted to Ms. Holly Fretwell

national parks are preserved and accessible in the future we must take care of what we have in a timely fashion by prioritizing the care and maintenance of existing parks.

The proposed "Restore Our Parks Act" would establish the National Park Service Legacy Restoration Fund, which would serve as a mandatory fund dedicated to addressing the NPS deferred maintenance backlog. The NPS Legacy Restoration Fund is important because, unlike other funds such as the Land and Water Conservation Fund, it is a dedicated fund that does not require annual congressional appropriations or approvals. Furthermore, the Restore Our Parks Act gives the NPS director the authority and flexibility to allocate the revenues to high-priority deferred maintenance needs. By allowing a portion of the fund to be invested, the act can balance present deferred maintenance needs with expected future needs.

Deferred maintenance is the result of not performing routine maintenance. To ensure the future of our parks and healthy surrounding communities, we must do more than take care of the deferred maintenance backlog. We must also ensure that park managers have autonomy and flexibility to use resources to balance daily maintenance needs with deferred maintenance projects. When routine maintenance is not completed, facilities can deteriorate three to five times faster than if they were properly maintained.

The national parks play an important role in conservation and recreation opportunity in the United States. To conserve our public lands and sustain the vitality of gateway communities it is necessary to tackle both the backlog problem and to ensure that today's routine maintenance needs do not become tomorrow's deferred maintenance backlog. It will take multiple creative approaches to adequately conserve and maintain our national parks for future generations.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

II

115TH CONGRESS
2D SESSION

S. 3172

To amend title 54, United States Code, to establish, fund, and provide for the use of amounts in a National Park Service Legacy Restoration Fund to address the maintenance backlog of the National Park Service, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 28, 2018

Mr. PORTMAN (for himself, Mr. WARNER, Mr. ALEXANDER, and Mr. KING) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To amend title 54, United States Code, to establish, fund, and provide for the use of amounts in a National Park Service Legacy Restoration Fund to address the maintenance backlog of the National Park Service, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Restore Our Parks Act".

SEC. 2. NATIONAL PARK SERVICE LEGACY RESTORATION FUND.

(a) IN GENERAL.—Chapter 1049 of title 54, United States Code, is amended by adding at the end the following:

"SEC. 104908. NATIONAL PARK SERVICE LEGACY RESTORATION FUND.

"(a) IN GENERAL.—There is established in the Treasury of the United States a fund, to be known as the 'National Park Service Legacy Restoration Fund' (referred to in this section as the 'Fund').

"(b) DEPOSITS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), for each of fiscal years 2019 through 2023, there shall be deposited in the Fund an amount equal to 50 percent of all energy development revenues due and payable to the United States from oil, gas, coal, or alternative or renewable energy development on Federal land and water that are not otherwise credited, covered, or deposited under Federal law.

"(2) MAXIMUM AMOUNT.—The amount deposited in the Fund under paragraph (1) shall not exceed $1,300,000,000 for any fiscal year.

"(3) EFFECT ON OTHER REVENUES.—Nothing in this section affects the disposition of revenues that—

"(A) are due to the United States, special funds, trust funds, or States from mineral and energy development on Federal land and water; or

"(B) have been otherwise appropriated under Federal law, including the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432), the Mineral Leasing Act (30 U.S.C. 181 et seq.), and chapter 2003 of title 54, United States Code.

"(c) AVAILABILITY OF FUNDS.—Amounts deposited in the Fund shall be available to the Service without further appropriation or fiscal year limitation.

"(d) INVESTMENT OF AMOUNTS.—

"(1) IN GENERAL.—The Secretary may request the Secretary of the Treasury to invest any portion of the Fund that is not, as determined by the Secretary, required to meet the current needs of the Fund.

"(2) REQUIREMENT.—An investment requested under paragraph (1) shall be made by the Secretary of the Treasury in a public debt security—

"(A) with a maturity suitable to the needs of the Fund, as determined by the Secretary; and

"(B) bearing interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

"(3) CREDITS TO FUND.—The income on investments of the Fund under this subsection shall be credited to, and form a part of, the Fund.

"(e) USE OF FUNDS.—Amounts in the Fund shall be used for the high-priority deferred maintenance needs of the Service, as determined by the Director, as follows:

"(1) 65 percent of amounts in the Fund shall be allocated for projects that are not eligible for the funding described in subparagraph (A) or (B) of paragraph (2) for the repair and rehabilitation of assets, including—

"(A) historic structures, facilities, and other historic assets;

"(B) nonhistoric assets that relate directly to visitor—

"(i) access, including making facilities accessible to visitors with disabilities;

"(ii) health and safety; and

"(iii) recreation; and

"(C) visitor facilities, water and utility systems, and employee housing.

"(2) 35 percent of amounts in the Fund shall be allocated to road, bridge, tunnel, or other transportation-related projects that may be eligible for funding made available to the Service through—

"(A) the transportation program under section 203 of title 23; or

"(B) any similar Federal land highway program administered by the Secretary of Transportation.

"(f) PROHIBITED USE OF FUNDS.—No amounts in the Fund shall be used—

"(1) for land acquisition; or

"(2) to supplant discretionary funding made available for the annually recurring facility operations and maintenance needs of the Service.

"(g) SUBMISSION OF ANNUAL PROPOSAL.—As part of the annual budget submission of the Service to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate (referred to in this section as the 'Committees'), the Service shall submit a prioritized list of deferred maintenance

1 projects proposed to be funded by amounts in the Fund
2 during the fiscal year for which the budget submission is
3 made.

4 "(h) CONGRESSIONAL REVIEW.—After review of the
5 list submitted under subsection (g), the Committees may
6 provide for the allocation of amounts derived from the
7 Fund.

8 "(i) PROJECT APPROVAL.—

9 "(1) IN GENERAL.—Except as provided in para-
10 graph (2), if, before the beginning of a fiscal year,
11 the Committees do not alter the allocation of funds
12 proposed by the Service for that fiscal year, the list
13 submitted under subsection (g) for that fiscal year
14 shall be considered approved.

15 "(2) CONTINUING RESOLUTION.—If, before the
16 beginning of a fiscal year, there is enacted a con-
17 tinuing resolution or resolutions for a period of—

18 "(A) less than or equal to 120 days, the
19 Service shall not commit funds to any proposed
20 high-priority deferred maintenance project until
21 the date of enactment of a law making appro-
22 priations for the Service that is not a con-
23 tinuing resolution; or

24 "(B) more than 120 days, the list sub-
25 mitted under subsection (g) for that fiscal year

shall be considered approved, unless otherwise provided in the continuing resolution or resolutions.

"(j) PUBLIC DONATIONS.—

"(1) IN GENERAL.—The Secretary and the Director may accept public cash or in-kind donations that advance efforts—

"(A) to reduce the deferred maintenance backlog of the Service; and

"(B) to encourage relevant public-private partnerships.

"(2) CREDITS TO FUND.—Any cash donations accepted under paragraph (1) shall be credited to, and form a part of, the Fund.

"(3) REPORTING.—Each donation received under paragraph (1) that is used for, or directly related to, the reduction of the deferred maintenance backlog of the Service shall be included with the annual budget submission of the President to Congress.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1049 of title 54, United States Code, is amended by adding at the end the following:

"104908. National Park Service Legacy Restoration Fund.".

○

July 11, 2018

Testimony of Backcountry Hunters & Anglers on the Senate Energy and Natural Resources Subcommittee on National Parks legislative hearing on "S. 3172, the Restore Our Parks Act"

Organization: Backcountry Hunters & Anglers
Address: PO Box 9257, Missoula MT 59807
Point of Contact: Julia Peebles
Email: peebles@backcountryhunters.org

The Honorable Steve Daines
United States Senate
Chairman
Subcommittee on National Parks
304 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Angus King
United States Senate
Ranking Member
Subcommittee on National Parks
304 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Daines and Ranking Member King,

Backcountry Hunters & Anglers (BHA) is a North American conservation organization that voices the concerns of sportsmen and women for our wild public lands, waters, and wildlife. We have 23,000 BHA members and represent 250,000 hunters and anglers continentwide.

Over the past five years, BHA doubled its membership annually and represents 68 percent sportsmen and women between the ages 18 and 45 years old. We are the fastest growing and the only hunting and fishing organization in North America that represents the younger generations.

We contact you regarding your hearing on the discussion of the National Parks Service maintenance backlog and Senator Rob Portman's (R-OH) bill, Restore Our Parks Act (S. 3172). I commend the Subcommittee's attention to this critical issue, but encourage you to amend S. 3172 and include two provisions, such as:

1. Permanently reauthorizing and dedicating funding to the Land and Water Conservation Fund (LWCF);
2. Expanding the National Park Service Legacy Fund Restoration Fund to all public land agencies, including the Bureau of Land Management, Forest Service, and Fish and Wildlife Service.

Hunters and anglers depend on public lands to access the outdoors and create memories with family and friends. According to a recent study by the FWS, an estimated 36 percent of hunters in the United States and 72 percent of hunters located in the west depend on public lands. Without LWCF to enhance access to outdoor recreation, the future of hunting and fishing in places like Tenderfoot Creek, Montana where 8,200 acres of prime deer, elk, moose, and trout habitat reside, or Rachel Carson National Wildlife Refuge in Maine with valuable salt marshes and estuaries for migratory birds, are threatened.

While we believe it's important to resolve the NPS maintenance backlog, we cannot forget about the most critical public land agencies for hunting and fishing activities. According to Congressional Research Service, the total deferred maintenance for FS is $5.49 billion, $1.4 billion for FWS, and $810 million for BLM. The deficiencies amongst three of the public land agencies **are not** insignificant and provide economic value to our annual $887 billion outdoor economy.

Thank you for your attention and for this opportunity to submit testimony for the record. We appreciate your consideration of our concerns and encourage you to amend the Restore Our Parks Act. It's vital to include permanent reauthorization and dedicate funding to the Land and Water Conservation Fund and address the maintenance backlog for all public land agencies in the legislation, so we can continue funding access to our nation's wild public lands, waters, and wildlife.

Sincerely,

Land Tawney
President and CEO
Backcountry Hunters & Anglers

cc: Chairwoman Murkowski and Ranking Member Cantwell

FRIENDS OF ACADIA

43 COTTAGE STREET
P.O. BOX 45
BAR HARBOR
MAINE 04609
207 288 3340
207 288 8938 fax
friendsofacadia.org

July 17, 2018

U.S. Senate Committee on Energy and Natural Resources
Subcommittee on National Parks
304 Dirksen Senate Building
Washington, D.C. 20510

Comment for the Record on the July 11, 2018 National Parks Subcommittee Legislative Hearing
Submitted electronically to fortherecord@energy.senate.gov

Dear Chairman Daines and Ranking Member King:

Friends of Acadia would like to submit the following comments in support of S. 3172, *the Restore America's Parks Act*. Due to a conflict with the Friends of Acadia Annual Meeting, we were not able to attend the July 11th public hearing on this bill, but the $11.6 billion backlog of maintenance projects in the National Park System is of such significance that we wanted to express our strong support for this legislation.

Friends of Acadia is a non-profit conservation organization located in Bar Harbor, Maine. The organization's mission is to preserve, protect, and promote stewardship of the outstanding natural beauty, ecological vitality, and distinctive cultural resources of Acadia National Park and the surrounding communities for the inspiration and enjoyment of current and future generations. Since 1986, Friends has worked in partnership with the National Park Service to address some of Acadia's most critical needs through private philanthropy, cooperative programs like the Acadia Youth Conservation Corps, and volunteerism.

Acadia National Park employees are working diligently with limited resources to maintain the park's 128 miles of paved and gravel roads, 44 bridges, 152 miles of trails, 162 vehicles and equipment, 6 boats, 175 buildings (including 33 restrooms and 16 outhouses), and 620 campsites. Annual Congressional appropriations for maintenance activities, however, have not kept pace with increasing wear and tear on these facilities created by burgeoning visitation and aging infrastructure. Visitation at Acadia has increased 58% over the last decade to over 3.5 million visits, yet the park's inflation-adjusted budget is down approximately 12% from peak year in 2010.

Friends of Acadia has helped the National Park Service achieve more sustainable maintenance programs on the trails and carriage roads at Acadia National Park by providing annual grants from endowments we manage specifically for these purposes. In 2017, we granted $340,000 to the

park's trails program and $220,000 to the park's carriage roads maintenance program. These amounts vary each year depending on the park's needs, annual federal appropriations for park operations, competition for entrance fee revenues, and the park's ability to secure one-year appropriations for specific projects. Friends of Acadia's contributions are a steady, nimble, and secure source of funding that enables the National Park Service to plan maintenance projects and appropriate crew sizes, equipment, and materials.

The *Restore America's Parks Act* will help the National Park Service address the deferred maintenance backlog, estimated at $11.6 billion nationally and $59.9 million at Acadia National Park, by directing 50% of unallocated mineral revenues (up to $1.3 billion annually to FY 2023) to a newly created "National Park Service Legacy Restoration Fund". This funding would be available to all national parks to address their greatest backlog maintenance projects with input from Congressional appropriators. While the bill encourages matching philanthropic contributions, it does not require them, which is important because some national parks do not have friends organizations supporting them, and many donors are not likely to contribute to projects like sewer and water systems that are viewed as basic utilities the government should provide.

Furthermore, the bill is valuable because it draws from unallocated mineral revenues and does not compete with the Land and Water Conservation Fund (LWCF), which is authorized to receive $900 million a year from offshore mineral revenues. LWCF has been an important source of funding for national parks like Acadia to purchase privately held lands from willing sellers inside park boundaries. These transactions benefit the park by consolidating boundaries, protecting habitat corridors, and preventing degradation of water resources and recreational experiences in the park. Friends of Acadia supports full funding of LWCF in addition to establishing the new "National Park Service Legacy Restoration Fund."

Finally, Friends of Acadia would like to stress the importance of funding National Park Service operations in addition to reducing the deferred maintenance backlog. It makes no sense to rehabilitate a building if there are not enough park employees to fix leaks, ensure fire protection systems are functioning properly, and clean the restrooms. Bolstering annual Congressional appropriations for park operations will prevent facilities from slipping back onto the deferred maintenance list.

Thank you very much for the opportunity to express Friends of Acadia's support for S. 3172, the *Restore America's Parks Act*. If our organization can serve as a resource for the subcommittee at any time or share our experience and perspective on these issues at a future hearing, please do not hesitate to contact me at david@friendsofacadia.org or 207-288-3340.

Sincerely,

David MacDonald
President and CEO

cc: The Honorable Susan Collins, U.S. Senator
The Honorable Bruce Poliquin, U.S. House of Representatives (ME-02)
The Honorable Chellie Pingree, U.S. House of Representatives (ME-01)
Mr. Kevin Schneider, Superintendent, Acadia National Park

July 11, 2017

The Honorable Rob Portman
United States Senate
448 Russell Senate Office Building
Washington, DC 20510

Dear Senator Portman:

On behalf of the National Association of Counties (NACo) and the nation's 3,069 counties, parishes, and boroughs we represent, I write to express support for S. 3172, the Restore Our Parks Act of 2018. Thank you for your leadership in introducing this legislation to provide funding to reduce the National Park Service's (NPS) deferred maintenance backlog.

Counties are important partners in ensuring the success and vitality of the National Park System. Our nation's parks are a key economic engine for neighboring gateway communities. Visitors to national parks contribute billions of dollars to the economy, and support over 300,000 jobs nationwide. Revenues from lodging and sales taxes allow county governments, which are prohibited from collecting property taxes on federal lands, to provide essential services to residents and visitors, such as law enforcement, search and rescue, waste management and infrastructure maintenance.

The NPS faces a growing challenge in maintaining its aging infrastructure. The NPS deferred maintenance backlog currently sits at approximately $11.6 billion. S. 3172 would direct 50 percent of unallocated federal mineral revenues into the newly established NPS Legacy Restoration Fund. This will create a new, reliable stream of revenue to the NPS to improve the visitor experience through transportation repairs, upgrades to utility services, maintenance of trails and necessary updates to visitor facilities and historic structures.

Our National Park System serves as the crown jewel of our national conservation legacy. We must ensure that future generations can see and appreciate our rich natural history, and to learn more about the people and lands that have shaped us as a nation. Counties urge Congress to enact S. 3172 to protect our national parks, and ensure we continue to provide the best outdoor recreation and conservation experience in the world.

Sincerely,

Matthew D. Chase
Executive Director

660 NORTH CAPITOL STREET NORTHWEST | SUITE 400
WASHINGTON, DC 20001 | 202.393.6226 FAX 202.393.2630 | www.NACo.org

STRONGER COUNTIES. **STRONGER AMERICA.**

July 19, 2018

Dear Senators:

We, the members of the National Parks Second Century Action Coalition[i], write in **support** of S. 3172, Restore Our Parks Act. The Coalition is pleased to see a bipartisan solution to address our national parks maintenance needs that provides robust, realistic and dependable multi-year funding.

Current funding sources are insufficient to address the magnitude of this pressing issue that totals $11.6 billion. Unfortunately, the National Park Service has been underfunded, including resources to address cyclic maintenance repairs as well as replacing aging infrastructure. Collectively, with passage of the Restore Our Parks Act, as well as increased appropriations, additional centennial challenge dollars and other current supplemental funding sources, our parks will continue to educate and inspire current and future generations.

Our national parks are more popular than ever and as a result positively impact our nation's economy. By investing in our parks, Congress invests in our local economies. National park visitation generated $36 billion for the U.S. economy in 2017 and supported 306,000 jobs. Investing in national park infrastructure makes good sense: it creates infrastructure-related jobs, preserves our nation's heritage for future generations, and helps local communities that depend on park tourism.

Our national parks need and deserve an increase in federal resources to support our visitors, businesses and the natural and cultural resources that make parks special. We look forward to working with you to ensure passage of the Restore Our Parks Act to help restore national parks for their next 100 years of enjoyment.

Sincerely,

American Forests
American Hiking Society
Appalachian Trail Conservancy
Atomic Heritage Foundation
Coalition to Protect America's National Parks
Friends of Acadia
Friends of Fort McHenry
Friends of Hawai'i Volcanoes National Park
International Inbound Travel Association
National Park Hospitality Association
National Parks Conservation Association
National Trust for Historic Preservation
Outdoor Industry Association
The Pew Charitable Trusts
RV Industry Association
The Shenandoah National Park Trust

777 6th Street, NW, Suite 700 | Washington, DC 20001-3723 | P 202.223.6722 | F 202.872.0960 | npca.org

Southeast Tourism Society
Student Conservation Association
Timucuan Parks Foundation
United States Tour Operators Association
U.S. Travel Association
Voyageurs National Park Association
Washington's National Park Fund
Western States Tourism Policy Council
Wolf Trap Foundation for the Performing Arts

---

[i] The National Parks Second Century Action Coalition is made up of organizations supporting conservation, recreation, outdoor industry, travel and tourism and historic preservation that are dedicated to promoting the protection, restoration, and enjoyment of the National Park System for the long-term benefit it offers our nation.

SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
SUBCOMMITTEE ON NATIONAL PARKS
366 DIRKSEN SENATE HOUSE OFFICE BUILDING
LEGISLATIVE HEARING ON S. 3172, THE RESTORE OUR PARKS ACT
JULY 11, 2018
COMMENTS OF THE NATIONAL TRUST FOR HISTORIC PRESERVATION

Chairman Daines, Ranking Member King, and members of the subcommittee, I appreciate the opportunity to share the National Trust for Historic Preservation's perspectives on the Restore Our Parks Act (S. 3172) that addresses the National Park Service's maintenance backlog. My name is Pam Bowman and I am the Director of Public Lands Policy.

The National Trust for Historic Preservation is a privately-funded charitable, educational and nonprofit organization chartered by Congress in 1949 in order to "facilitate public participation in historic preservation" and to further the purposes of federal historic preservation laws.[1] The intent of Congress was for the National Trust "to mobilize and coordinate public interest, participation and resources in the preservation and interpretation of sites and buildings."[2] With headquarters in Washington, D.C., nine field offices, 27 historic sites, more than one million members and supporters and a national network of partners in states, territories, and the District of Columbia, the National Trust works to save America's historic places and advocates for historic preservation as a fundamental value in programs and policies at all levels of government.

We appreciate the Committee scheduling this hearing to discuss this legislative proposal to address the National Park Service's maintenance backlog and thereby preserve the ability for Americans and visitors to enjoy and experience iconic historic resources and natural wonders on federal lands. The National Trust strongly endorses this legislation and the following comments supplement those we previous submitted to the Senate Energy and Natural Resource Committee on April 17, 2018.

The Need

The National Park System is one of our nation's best ideas – a network of 417 parks and sites that protect spectacular historic, cultural, and natural resources and tell the stories of remarkable people and events in our country's history. The National Park Service (NPS) is responsible for maintaining a system comprised of more than 84 million acres across all 50 states, the District of Columbia, and many U.S. territories.

The National Park System tells an incredible story at sites as diverse as Gettysburg National Military Park, the Statue of Liberty, Shenandoah National Park, the Martin Luther King Jr. National Historical Park, and Native American cultural sites like those at Chaco Culture National Historical Park and Mesa Verde National Park. National parks, and the historic and cultural sites they protect, are some of our nation's most popular attractions and were visited by

[1] 54 U.S.C. §§ 312102(a), 320101.
[2] S. Rep. No. 1110, 81st Cong., 1st Sess. 4 (1949).

over 330 million people last year. In 2015 alone, these millions of visits generated visitor spending of an estimated $16.9 billion in nearby communities – spending that supported 295,300 jobs and provided a $32 billion boost to the national economy.

The size and complexity of the NPS infrastructure and the importance of preserving our parks' invaluable resources represent a significant challenge. Unfortunately, after 100 years of operation and inconsistent public funding, the National Park System faces a deferred maintenance backlog estimated at $11.6 billion, and according to FY 2017 data, 47% of the backlog is attributed to historic assets.[3]

Deferred maintenance in our national parks puts historic and cultural sites at risk of permanent damage or loss, and in the absence of funding, the condition of these assets will continue to deteriorate and become more expensive to repair and preserve in the future. Some of the National Park Service's most significant historic sites are at risk of falling into disrepair. For example, the Statue of Liberty National Monument in New York Harbor, which includes Ellis Island – an iconic symbol of American freedom and immigration – has repair needs of over $160 million.

Legislative Solution

The NPS maintenance backlog of $11.6 billion demonstrates that additional investments and new strategies are necessary if NPS is to meet their stewardship responsibilities. We are encouraged by the many statements of support by Secretary Zinke, members of this subcommittee, and others for reducing the maintenance backlog and prioritizing this issue as part of policy proposals to make investments in our nation's infrastructure.

The National Trust has worked closely with many stakeholders—including The Pew Charitable Trusts and National Parks Conservation Association—on a legislative solution that would provide dedicated funding to address the maintenance backlog. We strongly endorse the bipartisan Restore Our Parks Act (S. 3172) introduced by Senators Portman, Warner, Alexander, and King that we believe makes a substantial and meaningful investment in our national parks. Further, we are pleased the legislation provides dedicated funding financed by unobligated federal mineral revenues in such a way that allocations to the Land and Water Conservation Fund and Historic Preservation Fund are not impacted. The National Trust is a strong supporter of both these programs and believes that both should receive the dedicated funding they have long been promised.

We appreciate the many months of collaborative and bipartisan efforts from members of Congress in the House and Senate on the many other legislative and policy proposals to address the NPS maintenance backlog, including Senators Warner and Portman and Representatives Hurd, Kilmer, Reichert, and Hanabusa for their work on the National Park Service Legacy Act, which to-date has secured 21 Senate and 79 House cosponsors. The leadership and support for these proposals makes a significant contribution to the legislation being discussed today.

As this subcommittee considers legislation to address deferred maintenance needs of the National Park Service, we endorse the following elements that in particular would successfully address these challenges:

Reliable and Dedicated Funding

[3] National Park Service data, FY2017

A reliable, dedicated federal funding source distinct from annual appropriations is necessary to address the maintenance backlog, along with providing sufficient staffing capacity to ensure that we preserve historic sites, maintain buildings and infrastructure in safe condition, and keep our parks open and accessible. The Restore Our Parks Act provides such dedicated funding through receipts from onshore and offshore energy development, as well as renewables, that are not otherwise allocated to other purposes. This legislation would guarantee contributions towards reducing the maintenance backlog with the potential of $1.3 billion annually over the next five years. We believe any legislative solution should include reliable and dedicated funding and provide certainty for park units about the availability of funds for high priority projects.

Priorities for Maintenance Projects

The National Trust strongly supports a provision in the Restore Our Parks Act that provides funding parity between non-transportation and transportation-related maintenance needs, which ensures that funds are available for the preservation of historic structures and cultural artifacts. Many of the large projects included in the NPS backlog are transportation-related and will require significant investments.

For example, several of the road systems at Yellowstone National Park have an estimated maintenance cost of at least $850 million[4]. With limited annual allocations to a dedicated fund for the maintenance backlog and additional funding for transportation projects available through the Highway Trust Fund, a provision to ensure funding parity will ensure that the maintenance needs of historic and cultural assets are also addressed.

We also believe that congressional appropriations providing sustained and robust funding levels for Repair and Rehabilitation, Cyclic Maintenance, and Line-Item Construction are needed to alleviate the maintenance backlog and ensure adequate preservation and protection of resources in our parks. After years of level funding or modest increases for both Repair and Rehabilitation and Cyclic Maintenance, we were pleased to see meaningful increases over the past three years so that, taken together, these accounts received about $100 million more in FY18 than they did in FY15. Similarly, we are pleased to see the combined increase for these two accounts of $40 million in the House Interior Appropriations bill and the more modest increase of $15 million in the Senate Interior Appropriations bill. As Congress considers FY19 funding levels, we believe that additional investments in these key accounts will contribute to the successful preservation of historic sites and other resources in the National Park System.

The nation faces a challenging fiscal environment, and the National Trust recognizes there is a need for fiscal restraint and cost-effective federal investments. We do not believe that a successful solution to address the maintenance backlog can omit significant and reliable financial investments.

Conclusion

Thank you again for the opportunity to present the National Trust's perspectives on these issues, and we look forward to working with the committee, Administration, and other key stakeholders as you consider policy proposals to address the deferred maintenance backlog. We hope that these critical investments continue to sustain our nation's rich heritage of cultural and historic resources that generate lasting economic vitality for communities throughout the nation.

---

[4] National Park Service, "Yellowstone National Park Road Reconstruction" https://www.nps.gov/transportation/pdfs/Yellowstone_Roads_Reconstruction-022016.pdf; February 2016

NATIONAL WILDLIFE FEDERATION
National Advocacy Center
1200 G Street NW, Suite 900
Washington, DC 20005
202-797-6800
www.nwf.org

July 10, 2018

Dear Senator,

On behalf of the National Wildlife Federation and our more than six million members, thank you for holding a hearing on the Restore Our Parks Act, S. 3172. This important legislation will rectify the long-term funding deficiency of maintaining the recreational amenities and other infrastructure necessary to accommodate the more than 331 million annual visitors to America's National Parks.

America's National Parks and wildlife are inextricably linked—and we are confident Congress can address the significant challenges facing both.

We urge the Committee to think of the Restore Our Parks Act as one leg of a three-legged stool that provides the foundation for conservation in America:

1. **Wildlife habitat restoration (e.g. Recovering America's Wildlife Act);**
2. **Land conservation (e.g. Land and Water Conservation Fund); and**
3. **Maintenance of recreational infrastructure (e.g. Restore Our Parks Act).**

Recovering America's Wildlife Act: Right now, more than one-third of all wildlife species are at-risk and in need of proactive conservation action (more than 12,000 species). The best way to save species is through collaborative, proactive, on-the-ground habitat restoration work, before species become endangered and require more restrictive and often expensive regulatory protections under the Endangered Species Act. Like the Restore Our Parks Act, the Recovering America's Wildlife Act proposes to dedicate a portion of existing energy and mineral fees from federal lands and waters to fund implementation of existing State Wildlife Action Plans (already mandated by Congress) to save species of greatest conservation need. This collaborative, non-regulatory approach that will both save species and reduce regulatory uncertainty has attracted broad bipartisan support and the support of non-traditional partners from numerous industries and conservation organizations.

Land and Water Conservation Fund: The authorization of LWCF is scheduled to expire in September and there is overwhelming bipartisan support for permanently reauthorizing and dedicating full funding for this highly successful program. LWCF is the most effective land conservation program in the world. We encourage the Committee to prioritize its passage, including common-sense improvements championed by Chairman Murkowski and Ranking Member Cantwell.

Restore Our Parks Act: S. 3172 will provide essential resources to ensure the current and future generations of Americans can enjoy the unrivalled landscapes, wildlife, cultural heritage, and recreational opportunities conserved through our National Parks. The National Wildlife Federation respectfully encourages the Committee to consider three improvements to S. 3172:

1. Explicitly require that projects minimize impacts (or enhance) wildlife habitat. We must ensure that the infrastructure improvements do not unwittingly diminish the diverse wildlife populations that are so important to the National Park experience and our natural heritage.

2. Allow a portion of Fund to be used for maintaining or enhancing recreational infrastructure at National Wildlife Refuges, Bureau of Land Management lands, and National Forests. These important public lands have fewer maintenance needs than NPS, but they have backlogs that should be addressed through the same funding mechanism as proposed in S. 3172. These sites collectively host more than 261 million visitors annually (National Wildlife Refuges: 47 million visitors/year; National Forests: 148 million visitors/year, Bureau of Land Management: 67 million visitors/year—all in addition to the 331 million visitors to NPS sites). Further, these lands host the vast majority of Americans who hunt and fish, given the prohibitions at many NPS sites.

3. Require that the Department prioritize investments that expand outdoor recreational opportunities of all types and for all of our diverse communities. America's rapidly growing outdoor economy generates nearly $900 billion in economic activity and supports more than 7.5 million jobs. Ensuring that Americans of all backgrounds and interests have access to world-class camping, hiking, wildlife viewing, boating, floating, hunting, fishing, etc., will help attract new visitors to America's public lands.

We urge the Committee to make it a priority this year to enact all three of these critical conservation programs (LWCF, Recovering America's Wildlife Act, and Restore Our Parks) and fully fund them with dedicated revenues (e.g. on and offshore energy and mineral revenues). All three are predicated on the philosophy that if value is going to be extracted from our public lands and waters, a portion of the monetized value should be invested back into on-the-ground conservation that generates additional economic benefit and natural resource enhancement. By prioritizing passage of these three interrelated programs, this Committee will ensure that America's public lands and wildlife heritage endure for the enjoyment and benefit of current and future generations.

Thank you again for all this Committee continues to do for conservation. The National Wildlife Federation stands ready to help in any way.

Sincerely,

Collin O'Mara
President and CEO
National Wildlife Federation

Senate Energy and Natural Resources Committee,
Subcommittee on National Parks Legislative Hearing on
The Restore Our Parks Act, S. 3172
July 11, 2018

Statement for the Record
Outdoor Recreation Roundtable

The undersigned organizations representing the Outdoor Recreation Roundtable (ORR), a coalition of leading U.S. outdoor recreation trade associations, are writing to urge for immediate action to address the $18.62 billion combined deferred maintenance and repair backlog of the four major federal land and water management agencies.

A recent report from the Department of Commerce's Bureau of Economic Analysis (BEA) calculated the outdoor recreation industry's annual gross output to be $673 billion, surpassing other sectors such as agriculture, petroleum and coal, and computer and electronic products. Outdoor recreation makes up 2 percent of the U.S. GDP, and the outdoor recreation industry's GDP has increased an average of 4.4 percent since 2012, significantly greater than the 3.6 percent average increase in the overall U.S. GDP.

The outdoor recreation economy is among our Nation's leading economic sectors, and public lands and waters are the backbone of our industry. These public areas provide significant economic benefits, particularly for nearby rural communities, and proper maintenance is essential towards providing access and ensuring that the full economic impact of the outdoor recreation industry is realized.

Roads, buildings, trails, campgrounds, water systems and more recreational infrastructure suffer from accumulating deferred maintenance that negatively impacts visitor access, enjoyment, and safety on public lands for the rapidly growing community of outdoor recreation enthusiasts.

Federal lands and waters cannot return to sound condition without substantial efforts such as the Restore Our Parks Act (S. 3172). Federal receipts associated with the sale of publicly-owned energy resources create an opportunity to make a strategic contribution to our public lands. We applaud the bipartisan, bicameral collaboration by Senators Alexander (R-TN), King (I-ME), Portman (R-OH), and Warner (D-VA), and Representatives Simpson (R-ID) and Schrader (D-OR) to develop this consensus proposal to address the nearly $12 billion deferred maintenance backlog at the National Park Service, as well as the consideration to not adversely impact the Land and Water Conservation Fund, payments to states associated with onshore and offshore oil and gas revenues, and the Reclamation Fund. However, it's important to note that the damaging effects of deferred maintenance on public lands extends beyond the National Park Service.

While the Park Service holds the largest share of the overall $18 billion backlog, all four major land management agencies face mounting deferred maintenance backlogs that negatively impact outdoor recreational pursuits and the associated economic benefits. Any of the four federal land management agencies left out of the solution will continue to be limited in ability to optimize multiple-use access, prioritize shared conservation stewardship, and serve the American public.

Public-private partnerships also hold the potential to serve as an effective tool to augment public financing of maintenance and repair projects. Requiring federal land management agencies to submit request for proposals to the public to operate, maintain, improve, or fund outdoor recreation assets with insufficient funding prior to closure, unless there is an imminent health or safety threat, would provide opportunities for current businesses, non-profit organizations, volunteers, concessioners, and other governmental and private entities to weigh in on increasing access and improving infrastructure on public lands and waterways prior to closures. This would also provide transparency to land management decisions by discouraging the practice of prematurely closing underfunded outdoor recreation assets to keep them off the backlog.

In addition to new federal financing to address the maintenance backlog, policies to effectively prioritize resources and facilitate public-private partnerships would help ease the maintenance backlog and significantly enhance the experience for visitors to public lands and waters.

The longer this systemic problem continues, the more challenging it will become for the Department of the Interior and the U.S. Forest Service to manage public lands and waters in a way that maximizes opportunities for recreational and conservation activities.

Thank you for your consideration. We look forward to working with the Subcommittee to achieving a historic and important step forward for places all Americans cherish.

Respectfully submitted:

BoatU.S.
International Snowmobile Manufacturers Association
Motorcycle Industry Council
National Marine Manufacturers Association
Outdoor Industry Association
Recreational Off-Highway Vehicle Association
RV Industry Association
Specialty Equipment Market Association
Specialty Vehicle Industry Association
National Association of RV Parks & Campgrounds
National Park Hospitality Association

• 1200 G Street NW, Suite 650 • Washington, D.C. 20005 • 202-682-9530 • www.recreationroundtable.org

Testimony of the Theodore Roosevelt Conservation Partnership

Subcommittee on National Parks
Energy and Natural Resources Committee
United States Senate

S. 3172, the Restore Our Parks Act

July 10, 2018

The Theodore Roosevelt Conservation Partnership (TRCP) collaborates with 58 partner organizations to guarantee all Americans a quality place to hunt and fish. In advance of the Senate Energy and Natural Resources Subcommittee on National Parks hearing on the *Restore Our Parks Act* (S. 3172), TRCP respectfully submits the following testimony.

The legislation before the committee today authorizes mandatory funding to address the deferred maintenance backlog of the National Park Service (NPS). As of March 2018, the Department of the Interior has just over $16 billion in deferred maintenance costs.[1] Of that total, NPS has the largest share – estimated at $11.6 billion.[2] The Interior Department oversees roughly 500 million acres of public lands, of which only 84 million acres is under the purview of the NPS.

While the TRCP is supportive of addressing the major infrastructure issues in our National Parks, we would urge the members of this subcommittee to consider the maintenance backlogs of other land management agencies. These entities oversee the remaining 416 million acres of federal land managed by the Interior Department agencies, plus the 193 million acres managed by the U.S. Forest Service (USFS). The Fish and Wildlife Service (FWS) and Bureau of Land Management (BLM) have backlogs of $1.4 billion and $810 million[3], respectively, while USFS has a backlog totaling $5.5 billion.[4] America's sportsmen and women remain concerned about these backlogs, because this infrastructure has a direct impact on the experiences of hunters and anglers.

According to the Fish and Wildlife Service, more than 36 percent of hunters in the U.S. depend on public lands for some or all of their access. This is an even greater proportion in the West, where more than 72 percent of hunters rely on publicly managed land. Federal lands that are accessible for hunting are almost exclusively managed by the BLM, USFS, and FWS. A maintenance backlog solution that does not meet the needs of these other agencies fails to meet the needs of America's sportsmen and women.

When the roads, trails, bridges, campgrounds, and other facilities on these lands become difficult or impossible to use, sportsmen and women lose their ability to access public lands for recreation. Broken infrastructure can cause sportsmen and women to waste their precious time afield and often leads to frustration with land managers. Loss of access is often cited as the number-one reason that hunters quit the sport. With state natural resource management agencies reliant on hunters and anglers for funding, any impediments to outdoor recreation will further reduce money for state wildlife conservation and risks harming the powerful economic engine that is hunting and fishing. The conservation community and state natural resource agencies cannot afford to allow a backlog of repairs to put negative pressure on the retention and recruitment of sportsmen and women.

Additionally, given the fact that S. 3172 proposes a mandatory funding stream derived from on-shore and OCS energy revenues, we want to reiterate TRCP's strong support for the Land and Water Conservation Fund. Using the "Land and Water Conservation Fund model" by dedicating federal energy revenues to address critical needs in our parks only validates the wisdom of that original model for LWCF, but clearly acknowledges that for the model to work correctly, the funds must be dedicated. Therefore Congress must finally dedicate LWCF's funding if it intends to extend the model to parks maintenance. Even as S.

---

[1] https://naturalresources.house.gov/uploadedfiles/memo_--_doi_backlog_oversight_hrg_02.06.18.pdf
[2] https://www.nps.gov/subjects/plandesignconstruct/upload/FY17-Asset-Inventory-Summary-AIS-Servicewide_Report_508-3.pdf
[3] https://naturalresources.house.gov/uploadedfiles/memo_--_doi_backlog_oversight_hrg_02.06.18.pdf
[4] https://www.usda.gov/oig/webdocs/08601-0004-31.pdf

3172 would appropriately guarantee that the Outer Continental Shelf (OCS) and other revenues deposited in the National Parks Legacy Restoration Fund will be spent for their intended purposes, the OCS revenues already being deposited into LWCF — as they have been since the 1960's — are being diverted away from conservation and recreation. By honoring this longstanding prior commitment, a comprehensive access initiative from Congress would not only address the maintenance backlog on all federal lands, but also include permanent reauthorization and mandatory funding for LWCF.

Our organization's core mission is to ensure reasonable access to quality habitat. As we have illustrated, addressing the maintenance backlog on federal public lands is a key part of ensuring dependable recreational access, which in turn drives a significant portion of the $887-billion outdoor recreation economy. By expanding S. 3172 to address maintenance backlogs at BLM, FWS, and USFS, while reauthorizing and providing mandatory funding for LWCF, you and your colleagues would modernize the infrastructure critical to outdoor recreation and improve access conditions for the sportsmen and women of the United States.

The TRCP appreciates the opportunity to submit this testimony, and we look forward to working with you to improve S. 3172 for the benefit of America's hunters and anglers.

July 10, 2018

The Honorable Steve Daines
Chairman
Committee on Energy and Natural Resources
Subcommittee on National Parks
United States Senate
Washington, D.C. 20510

The Honorable Angus King
Ranking Member
Committee on Energy and Natural Resources
Subcommittee on National Parks
United States Senate
Washington, D.C. 20510

Dear Chairman Daines and Ranking Member King:

On behalf of more than one million members and supporters, The Wilderness Society writes to offer views for the hearing tomorrow in the Senate Energy and Natural Resources Committee's Subcommittee on National Parks on S. 3172, the Restore Our Parks Act. We ask these views be submitted into the record.

The Wilderness Society supports the conservation and care of our National Parks and other public lands, which represent a uniquely American innovation and an investment that has immeasurably benefited our country and set an example for the world. Unfortunately, these priceless national treasures have been underfunded for years, leaving our National Parks, as well as many of our treasured public lands, with troubling maintenance backlogs. While we support the goals of S. 3172, we are very concerned by the narrow focus of this hearing as Congress is poised to allow the Land and Water Conservation Fund (LWCF) to expire at the end of September.

The LWCF is our nation's premier tool for funding the conservation of parks and other public lands, enabling projects that have provided recreational opportunities and innumerable economic benefits in nearly every county across the country. The LWCF also directly helps to fund our National Parks by funding projects that decrease management costs and increase management efficiency. Yet despite the national importance of LWCF and despite its impending expiration, this committee has not held a single hearing focused on its reauthorization.

Although we appreciate that S. 3172 and its supporters have taken great care to not disrupt the inflow of Outer Continental Shelf (OCS) energy revenue into the Land and Water Conservation Fund, we are concerned that advancing this legislation, while failing to similarly provide LWCF with a permanent, mandatory funding stream, has the potential to upend a 52-year commitment to conservation. The foundational commitment of LWCF is to offset the use of, and impacts on, our public resources by investing in land and water conservation. We believe it's essential to fulfill this conservation commitment before committing large portions of OCS and other energy revenue to other uses or allowing other claims on energy revenue to leapfrog LWCF.

We also note that, while we appreciate that S.3172 prohibits funding from being used for annual routine operations and maintenance, further safeguards could be included to ensure this fund is

solely additive to annual appropriations. Given that annually underfunding our parks and public lands has led to the maintenance backlog, any legislative proposal must unequivocally ensure that it does not create a potential perverse incentive for congressional appropriators to avoid adequately funding the true needs of the National Parks. Finally we would note that this bill pulls energy revenue from onshore and offshore sources, including Bureau of Land Management lands, National Forests and even our National Wildlife Refuges, which directly bear the burdens and impacts of onshore energy development. Like our National Parks, these lands and agencies also have detrimental maintenance backlogs that need to be addressed, yet remain untended to under the system devised by S. 3172.

The Wilderness Society thanks you for the opportunity to share our views on the hearing on S. 3172. We look forward to working with members of this subcommittee and the Energy and Natural Resources Committee more broadly on this proposal and others impacting our National Parks and public lands.

Sincerely,

Drew McConville
Senior Managing Director for Government Relations
The Wilderness Society

1615 M Street NW, Washington DC 20036 | ph 202 833-2300 | **wilderness.org**
100% post-consumer fiber