

**IMPLEMENTATION OF THE  
GREAT AMERICAN OUTDOORS ACT**

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**HEARING**  
BEFORE THE  
SUBCOMMITTEE ON  
NATIONAL PARKS  
OF THE  
COMMITTEE ON  
ENERGY AND NATURAL RESOURCES  
UNITED STATES SENATE  
ONE HUNDRED SEVENTEENTH CONGRESS  
SECOND SESSION

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FEBRUARY 9, 2022  
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# IMPLEMENTATION OF THE GREAT AMERICAN OUTDOORS ACT

WEDNESDAY, FEBRUARY 9, 2022

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

The Subcommittee met, pursuant to notice, at 10:02 a.m. in Room SD-366, Dirksen Senate Office Building, Hon. Angus S. King, Jr., Chairman of the Subcommittee, presiding.

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

Senator KING [presiding]. I will open this hearing of the National Parks Subcommittee of the Senate Committee on Energy and Natural Resources on the issue of the administration and execution of the Great American Outdoors Act (GAOA).

America's public lands connect our people. They give them common gathering places for some of life's most wonderful moments—from sunrises over Acadia National Park in Maine, to sunsets bouncing off the light of the canyons in Zion. From the overwhelming expanses of Yellowstone, to everyday joys found in local nature preserves. These lands are a uniquely American inheritance that have been passed on by those who came before us, and now, it is our job on this Subcommittee and in this Congress to ensure that we are doing our part to steward these treasures for the next generation. In 2020, Congress took a massive bipartisan step to accomplish that goal. I was proud to work with my colleague, the Vice Chair of this Subcommittee, on that work—the Great American Outdoors Act, which was the most important land conservation legislation in a generation.

This bipartisan effort enacted two major provisions to strengthen our public lands. First, it created the National Parks and Public Land Legacy Restoration Fund, which will provide \$9.5 billion over five years to address deferred maintenance needs in our national parks and other public lands. Second, the Great American Outdoors Act guaranteed \$900 million per year in perpetuity for the Land and Water Conservation Fund (LWCF), making good on a promise made to the American people in 1965. This LWCF investment strengthens our communities, preserves our history, and protects our national endowment of lands and waters through grants to state and local governments and federal land acquisitions. Perhaps most importantly, it removes the political consideration from

the equation and guarantees support over the long term for vital LWCF programs.

This legislation is an incredible accomplishment, but the words on paper will not make a difference without the proper follow-through. One of my mottos in life is, "Execution is as important as vision." And that is what we are talking about today. That is why our Subcommittee is meeting for the first Congressional hearing on the implementation of the Great American Outdoors Act. It has been about 18 months since this landmark legislation was passed, and I know that the U.S. Department of the Interior and U.S. Forest Service have been hard at work implementing the Act and getting funding out the door. I look forward to using today's hearing to better understand the agency's distribution of Great American Outdoors Act funding, and to learn about the initial impacts of this project. I am particularly interested to learn more about the agency's process for selecting deferred maintenance projects. It is important to me that the prioritization process is transparent, that dollars are being distributed in an equitable way, and that projects are being prioritized to have the greatest impact. I am also interested to learn about the early impacts of the Great American Outdoors Act funding. As we developed and passed this legislation, we were focused upon improving accessibility to public lands, driving economic activity, and better accommodating the increasing number of visitors. I want to make sure we are on the right track toward those goals.

Finally, I see this hearing as an opportunity to begin conversations around potential future funding for the National Parks and Public Land Legacy Restoration Fund. In 2019, 2025 seemed a long way away. Today, it doesn't seem that far away. I know that \$9.5 billion is a large sum, but it represents only a portion of the funding needed to eliminate the more than \$25 billion of current estimate in deferred maintenance needs plaguing our public lands. Clearly, there is more to do. Deferred maintenance isn't responsible. It is putting off until tomorrow what you already know that you owe today. It is debt, just the same as debt on the balance sheet of a corporation or an individual. Ask anybody who has done the minimum payment on a credit card, and you know how that works out in the long run. The need for this conversation is even more pressing because the Park Service annual maintenance budget is not keeping up with the annual need, meaning that even as we pay down the backlog, the list of projects, regrettably, continues to grow.

We have made great strides, but more will have to be done to ensure that we keep America's best idea alive and well for the next generation. That is why I am looking forward to today's discussion and the valuable insights of our witnesses and our Committee members.

Senator Daines.

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

Senator DAINES. Chairman King, thank you.

I am very pleased to be joining the Chairman here today and thank him for his leadership to examine implementation of the

Great American Outdoors Act. Many believe, and I would agree, that this was the greatest conservation victory perhaps in the last 50 years. Republicans and Democrats came together to pass a historic bill that would invest in our parks, our public lands, outdoor recreation economies, and permanently fund the Land and Water Conservation program. As a fifth generation Montanan and avid sportsman, I truly and profoundly understand the importance of protecting our public lands. That is why I was grateful to be able to work hard with Chairman Manchin and Chairman King to get the Great American Outdoors Act signed into law. In fact, I see Senator Heinrich here. Chairman Manchin is not in the Subcommittee hearing, but I want to recognize Chairman Manchin, but I also want to recognize Senator Heinrich. Senator Heinrich, I remember the back and forth, the text messages, the real-time working to get this thing done.

Senator KING. Bringing people back from the airport.

Senator DAINES. Literally dispatching people back from the airport on the late nights to get this passed in the U.S. Senate, and there is a reason that Senator Heinrich is here—I am sure for many reasons—but one, I know, is that we all worked very well together to get this passed. I remember going to the White House early on because Leader McConnell said we are not going to put this on the floor unless we can be guaranteed the President would sign it if it got to his desk, and none of us wanted to go through this exercise without being assured that we had an outcome that we could be sure it was a bill that would get signed into law. And I remember that meeting distinctly, talking about showing beautiful pictures of what is at stake here in terms of conservation and protecting our public lands and our national parks and investing. And we got the assurance from the President—President Trump—that he would sign it, and that was all we needed to hear, and off to work we went and we are grateful for the outcome.

As the Chairman and Ranking Member of the Subcommittee, Senator King and I have long pushed to ensure that our national parks and public lands can be enjoyed for generations to come. The Great American Outdoors Act created a permanent funding stream for an important conservation program, the Land and Water Conservation Fund, or what we call the LWCF, which continues to provide benefits to Montanans, increased fishing and recreation access, and we see it right now with a major influx of population coming into our great state, and very understandable. But the parking lots are full. There are a lot of folks using the trails. We need to continue to invest here to provide more access, frankly, to work on some of the issues of crowding that we are seeing at the moment, and fraying infrastructure. This is how we protect our wonderful landscapes for years to come. And when you have complex checkerboard land patterns like we have in Montana, with federal holdings, state holdings, private holdings, the Land and Water Conservation Fund becomes a very important tool that we use here to provide better access to our public lands.

It also created the National Parks and Public Land Legacy Restoration Fund, with the goal of addressing the maintenance backlog faced on public lands. The maintenance backlog is housing for park employees that has fallen into disrepair—a really important part of

what is needed in our national parks to boost morale, to make sure they have good housing. It is wastewater systems that are broken. Again, these are items that you do not necessarily see as the public when you come into our national parks, but it is essential and critical to be able to get these fixed if we are going to continue to provide the right experience for the public when they come to the national parks. It is campsites. It is trailheads that are inaccessible. Congress worked together to get this bill passed. Now we must ensure the program is being implemented as Congress intended. Angus said it well when he talked about it not just being about a vision, it is also about execution, and that is why we are here today.

And we are already starting to see some really good results. Yellowstone National Park is leading the way in how this money should be spent. By the way, Yellowstone National Park had a record level of visitation last year—nearly four million visitors. Superintendent Cam Sholly was laser-focused on improving employee housing to ensure that people working at Yellowstone—those employees—have a safe and a comfortable place to live. This is extremely important for the park and a community who are suffering from a lack of affordable housing. I look forward to continuing to work with our national parks and Chairman King to find more solutions to the housing issues faced in parks as well as in gateway communities, which is why I just recently introduced the Gateway Community and Recreation Enhancement Act with Senator King, to build upon the good work that we have already done and find real solutions to the challenges employees and the communities are facing due to increased visitation to our national parks. All you have to do is go visit one of our gateway communities, sit down with the local leaders there and the community members, and you will hear firsthand exactly that this is becoming a critical issue in our gateway communities, and I am glad we are starting to work to address that problem.

The Great American Outdoors Act funding has also gone to restoring roads, improving fishing access and recreation access on BLM and Forest Service lands in Montana, and our Montana Conservation Corps have worked alongside the Forest Service to do this important work. As the program continues, it is important that we are funding projects that improve visitor experience, create a safe environment for employees, and protect the natural and the cultural assets that we have. It is important that local input drives this process of identifying and prioritizing these important projects. It is also important that federal agencies are maximizing the return on this investment by streamlining processes, leveraging contracting authorities and external partners, and taking a hard look at existing processes to see if we can make them better to make sure we have an efficient way to move forward. This is why we need transparency and clear metrics to measure the success.

Before I turn this back to Chairman King, I want to address a major concern I do have that I believe threatens the good work we have accomplished. The Legacy Restoration Fund and LWCF are funded almost entirely from oil and gas revenues on public lands. The Great American Outdoors Act was successful because it took the revenue generated on public lands and waters from oil and gas

development and reinvested them back into conserving and restoring these same public lands. I am very concerned that the Administration is threatening the funding for this important program. It has a longer fuse on it, but as Angus pointed out, it doesn't take long before we think it is a long time in the future and it suddenly becomes the present reality. In fact, just yesterday, the Administration could not commit to holding a lease sale in Montana despite a federal judge requiring them to do so over seven months ago. Lease sales alone generate millions of dollars in bonus bids and rentals each year. That money is split between local communities and the Treasury. It is having a real meaningful impact on states like Montana, and the money is available for conservation. I am concerned and disappointed with the Administration's anti-energy policies, and urge the Department of the Interior to resume leasing so these programs can continue long into the future.

I look forward to today's questions and plan to dig deep into implementation of this important bill. With that, Mr. Chairman, I turn it back to you and look forward to hearing from the witnesses.

Senator KING. Thank you.

I would observe that Yellowstone had four million visitors this year. Acadia had three million. But if you measure it on a per-square-foot basis, Acadia won.

[Laughter.]

Senator KING. Our guests and our witnesses today are Shannon Estenoz, who is the Assistant Secretary for Fish and Wildlife and Parks at the Department of the Interior. Ms. Estenoz provides policy guidance and direction for the U.S. Fish and Wildlife Service and the National Park Service and has the direct responsibility for programs associated with the management and conservation of our natural resources.

Chris French is the Deputy Chief of the National Forest System. Mr. French is responsible for policy, oversight, and direction for the natural resource and public service delivery programs across the 193 million acres of national forest and grasslands in 44 states and territories that make up the National Forest System.

And while he will not be testifying, I want to recognize Mr. Brian Bloodsworth, the Director of the Great American Outdoors Act Program Management Office. Mr. Bloodsworth will be available to answer the Committee's questions.

Ms. Estenoz.

**STATEMENT OF HON. SHANNON ESTENOZ, ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, U.S. DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY BRIAN BLOODSWORTH, DIRECTOR OF THE GREAT AMERICAN OUTDOORS ACT PROGRAM MANAGEMENT OFFICE**

Ms. ESTENOZ. Thank you, Mr. Chairman.

Chairman King, Ranking Member Daines, and members of the Subcommittee, thank you for the opportunity to present the views of the Department of the Interior on the implementation of the Great American Outdoors Act. I would like to submit our full statement for the record and then summarize the Department's views in a brief opening statement.

I want to start by thanking you and your colleagues for all you do to connect people to the outdoors. The Great American Outdoors Act was a historic legislative achievement—it has been said already this morning, and it bears repeating. Demand for outdoor recreation continues to grow, and the Great American Outdoors Act recognized that when it combined a historic financial commitment to conservation and recreation with a significant investment in the facilities needed to carry out the Department's important mission, including the care and maintenance of America's national treasures. GAOA authorized full permanent funding of the \$900 million annually for the Land and Water Conservation Fund and established the National Parks and Public Land Legacy Restoration Fund, providing up to \$1.9 billion annually to address deferred maintenance in national parks, national wildlife refuges, recreation lands, and at Bureau of Indian Education (BIE) schools.

First, let me touch for a moment on the LWCF. The investment made through LWCF to expand outdoor recreation and conservation of America's lands and waters is integral to President Biden's call to action that we work together to conserve, connect, and restore our lands and waters for the sake of our economy, our health, and our well-being. On the Federal Side of LWCF—land acquisition programs at the National Park Service, the Fish and Wildlife Service, and the Bureau of Land Management—Interior is working with willing sellers to promote the protection of at-risk resources, the expansion of recreation opportunities, and the support of local partners. Each bureau has established processes and criteria to select projects to advance these priorities consistent with each bureau's mission. On the State Side of LWCF, Interior funding totaled \$101.2 million for grants to states and other partners in FY21. In addition to apportionments for outdoor recreation and conservation to all 50 states, five U.S. territories, and the District of Columbia, competitive grants and conservation programs include: the Outdoor Recreation Legacy Partnership Program, the American Battlefield Protection Program, the Highlands Conservation Act Program, and the Cooperative Endangered Species Conservation Fund for habitat conservation. At the end of FY21, Interior held listening sessions with stakeholders and tribal nations to check in with valued partners and to engage new audiences and potential partners about Interior's LWCF programs and how to best leverage the benefits of GAOA.

Our testimony shares many successes of LWCF—acquisitions, grants, and support for recreation in underserved communities. We are in the process of right-sizing our State Side LWCF program and evaluating and overhauling our processes to address the significant increase in applications for grant funding since the full funding of LWCF. We have increased our outward reach and training programs and are listening to feedback from our partners to improve these efforts. We have also heard concerns about our ability to increase the pace of all of our processes across both sides of LWCF, from the timely issuance of State Side apportionment letters to the lengthy federal land acquisition process itself. We are taking a hard look at these concerns and we look forward to working through these issues with you and with our partners in the months and years ahead.

Next, let me touch on the National Parks and Public Land Legacy Restoration Fund—a game-changing investment program that is helping us make meaningful progress on protecting high-priority assets, improving the financial health of the Department, and setting the course for a sustainable future for asset management in our bureaus. In FY21, the Department prioritized 165 projects to address critical deferred maintenance needs and improve transportation and recreation infrastructure in national parks, national wildlife refuges and recreation areas, and at Bureau of Indian Education schools. To facilitate a consistent approach to delivering on the LRF requirements in GAOA, the Department provided four parameters to guide project selection across all bureaus. First, to focus on projects that improve the overall financial health of the Department by achieving significant deferred maintenance reductions. Second, to maximize the number of people served by these investments. Third, to safeguard those we serve, including our visitors, our partners, volunteers, and workforce by focusing on public health and safety and critical-asset stability. And finally, prioritizing the rehabilitation of assets to support conservation and recreational opportunities, and in the case of BIE, education for years to come.

These four department-wide parameters are the basis for step-down project selection processes and criteria in each bureau. Project selection criteria reflect the mission of each bureau, and the project selection process reflects the organizational structure of each bureau. All four bureaus have also leveraged existing programs and methodologies. For example, facilities assessment protocols, capital improvement plans, and repair and replacement plans. They have used these existing programs to build their list of candidate projects. Also common to all four bureaus is that the project selection process is built from the ground up, with input and leadership of superintendents, refuge managers, state directors, and facilities managers, who identify condition deficiencies in their assets and then develop projects to address those deficiencies. Those projects are then reviewed and prioritized horizontally by multidisciplinary teams and vertically by management teams and through the departmental budget development review and approval process. I look forward to discussing these processes and criteria in greater detail with the Subcommittee today.

I refer to the Legacy Restoration Fund as game-changing not only because of the historic investment it represents, but also because it provides our bureaus greater flexibility to free up funding across multiple discretionary, mandatory, and supplemental appropriations, and right-sizing projects to funding programs to meet the most critical large and small maintenance needs across the system. We are focusing on making strategic investments across all funding streams to maximize benefits to the American public. Across all bureaus, Interior has obligated more than \$780 million, with 70 percent of the funding awarded to small businesses to date. While the first two years of LRF implementation have been very successful, we want to be nimble in our implementation and adapt to feedback we receive from partners, Members of Congress, and the public, and to adapt to the lessons that we ourselves learn as we go. We are adaptively responding to concerns and ideas that we have

heard about our selection processes and criteria, and we continue to refine and optimize the selection criteria used by bureaus. For FY22, the Department prioritized 63 projects with an average project size of \$20.5 million and an estimated \$1.2 billion to be addressed in deferred maintenance. We await Congress's guidance on those selections, and look forward to putting the next tranche of GAOA funding dollars to work when a full-year funding bill is passed.

Through the significant investments of GAOA and the bipartisan infrastructure law and a commitment to the public-private collaborations and outreach to diverse new audiences, we will enhance conservation and recreation opportunities in local communities and on public lands across America. We look forward to working together to ensure our country's national parks and public lands remain relevant, inclusive, and accessible to everyone, and that our Bureau of Indian Education schools provide environments and facilities conducive to learning. Chairman King, Ranking Member Daines, thank you for the opportunity to appear before you today. I am happy to answer questions that you and other members of the Subcommittee have today, and when the question-and-answer period begins, I will ask Mr. Bloodsworth, who is the head of our program management office, to join us at the table. Thank you so much.

[The prepared statement of Ms. Estenez follows:]

**STATEMENT OF SHANNON A. ESTENOZ, ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENERGY AND NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, REGARDING IMPLEMENTATION OF THE GREAT AMERICAN OUTDOORS ACT.**

**February 9, 2022**

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Chairman King, Ranking Member Daines, and members of the Subcommittee, thank you for the opportunity to present the views of the Department of the Interior (Department) on implementation of the Great American Outdoors Act.

The Great American Outdoors Act (GAOA) is a historic legislative achievement that combines a financial commitment to conservation and recreation for future generations with a significant investment in the facilities needed to carry out the Department's important mission, including the care and maintenance of America's national treasures. GAOA combined two major conservation initiatives into one legislative package: the guarantee of permanent full funding for the existing Land and Water Conservation Fund (LWCF) and the establishment of a National Parks and Public Land Legacy Restoration Fund.

The investments being made through this historic Act are coming just in time as people are clamoring for more access to the outdoors. Parks and other public lands and waters have provided critical opportunities for respite and rejuvenation for the American public. GAOA funding will enhance conservation and recreation opportunities in local communities, support the annual multibillion dollar outdoor recreation economy, and improve access to America's treasured places for many years to come.

**Land and Water Conservation Fund**

The LWCF was established by Congress in 1964 to fulfill a bipartisan commitment to safeguard natural areas, water resources and cultural heritage, and to provide recreation opportunities to all Americans. Annual funding is shared by the Department of the Interior and the U.S. Department of Agriculture (USDA). LWCF funds at the Department support grant and Federal land acquisition programs at the National Park Service (NPS), U.S. Fish and Wildlife Service (FWS) and Bureau of Land Management (BLM). LWCF funding for USDA supports grant and Federal land acquisition programs at the U.S. Forest Service (Forest Service).

GAOA authorized permanent full funding of \$900 million annually from the LWCF each year, ensuring the Nation's commitment to conservation and recreation endures for future generations. The LWCF is based on a simple concept: take revenues derived from the depletion of resources – specifically offshore oil and gas – and use them to conserve natural areas and cultural resources and to enhance opportunities for outdoor recreation. Of the \$900 million provided by GAOA for FY 2021, funding for the Department totaled \$681.9 million, including \$401.2 million in grants to states and other partners and \$280.7 million for Federal lands programs. For FY 2022, the Administration proposed \$681.9 million for the Department, including \$398.6 million in grants to states and other partners and \$283.3 million for Federal lands programs.

The investment made through LWCF to expand outdoor recreation and conservation of America's lands is integral to President Biden's call to action that we work together to conserve, connect, and restore our lands and waters for the sake of our economy, our health, and our well-being. The Biden-Harris Administration has launched "America the Beautiful," a decade-long challenge to pursue a locally led and voluntary, nationwide effort to conserve, connect, and restore the lands, waters, and wildlife upon which we all depend, and fully funded LWCF program made possible through GAOA will support this effort.

The Department's Federal programs include land and easement acquisition activities in the BLM, FWS and NPS. Each program has established processes and criteria to select projects which support their specific mission and address risks to the land or resources, expand recreation, have strong partner involvement and local support, and have willing sellers. The Department seeks to maximize these investments by prioritizing the protection of at-risk resources, expanded opportunities for public enjoyment of and access to the outdoors, engagement of a broad and diverse audience, and strong local support and partner involvement, through the project selection process.

The Fiscal Year (FY) 2021 Consolidated Appropriations Act allocated the first year of funding for the GAOA programs, and the Department has made considerable progress since then. A few highlights of that progress include:

The NPS completed high-priority federal land acquisition projects at multiple parks, including parcels at Big Cypress National Preserve in Florida, Big South Fork National River and Recreation Area in Tennessee, City of Rocks National Reserve in Idaho, Dinosaur National Monument in Utah, and Ste. Genevieve National Historical Park in Missouri. The timely acquisition of these parcels from willing sellers expands protection for wildlife corridors, increases recreational opportunities and access, and preserves resources for future generations.

The FWS also completed high-priority land acquisition projects across the country, including parcels at Bayou Sauvage Urban National Wildlife Refuge in Louisiana, Bear River Watershed Conservation Area in Utah, Everglades Headwaters National Wildlife Refuge and Conservation Area in Florida, and Stillwater National Wildlife Refuge in Nevada. These acquisitions will protect habitat and migration corridors for important species and improve public access to wildlife-dependent recreation opportunities.

The BLM expects to complete several high-priority land acquisition projects by spring 2022, including at the North Platte River Special Recreation Management Area in Wyoming and Montana's Blackfoot River Watershed. These acquisitions will open up access for hunting, fishing, and other recreation, maintain working lands, and serve as a buffer and linkage zone for wildlife.

The NPS State Conservation Grant program apportioned \$302 million for outdoor recreation and conservation to all 50 states, five U.S. territories and the District of Columbia, of which \$220 million was made available by GAOA and \$82 million by the Gulf Of Mexico Energy Security Act. The NPS also obligated 478 grants totaling \$179

million from prior year apportionments. In May 2021, the NPS also announced the availability of \$150 million through the Outdoor Recreation Legacy Partnership competitive grant program, from GAOA and prior year appropriations, which enables urban communities to create new outdoor recreation spaces, reinvigorate existing parks, and form connections between people and the outdoors in economically disadvantaged and underserved communities. The NPS is currently evaluating applications and anticipates announcing awards in the coming months.

The NPS American Battlefield Protection Program awarded the largest grant in its history in November 2021 to support acquisition of 250 acres at Williamsburg Civil War battlefield in Virginia, where archaeological investigations revealed significant resources associated with free and enslaved peoples who lived and fought on the property. This project built on nearly a decade of state, local and Federal preservation efforts. The NPS also awarded the first round of the new Battlefield Interpretation grants in FY 2021, including a grant to the Fort Ticonderoga Association in New York to rollout a new interpretive plan and leverage long-standing relationships with Tribal communities, universities, and descendant communities to co-create inclusive and accessible experiences for visitors in preservation and interpretation of this Revolutionary War site. The NPS anticipates introducing the new Battlefield Restoration grant program in FY 2022, and further building on these successes ahead of the United States Semiquincentennial in 2026.

The FWS Highlands Conservation Act (HCA) program completed 19 conservation projects, including the Camp Mack property in Pennsylvania that serves as the missing link between two large conservation areas to create a 10,000-acre permanently protected landscape. Land conservation in the Highlands Region is increasing climate change resiliency of the landscape and is protecting drinking water resources used by millions of people. The HCA grant program is protecting strategically important natural areas that sustain a diversity of fish and wildlife species, including priority at-risk species like the bog turtle, northern long-eared bat, brook floater mussel, and the New England cottontail.

The FWS awarded nearly \$79.2 million in grants, of which \$11.1 million was from GAOA and the remainder from FY21 and prior year appropriations, to help conserve and permanently protect nearly 56,000 acres of habitat for 55 listed and at-risk species through land acquisition grants to States and Territories under authority of section 6 of the Endangered Species Act. For example, the State of Hawaii received funding to support the acquisition and permanent protection of the Na Wai Eha Watershed Forest property, which will complement ongoing mitigation efforts for listed species. The State of California received funding to acquire a 384-acre parcel of unprotected coastal open space in southern California, complementing other conservation efforts and benefitting listed species. The State of Maine received funding to acquire the Pleasant River Headwaters Forest tract in the 100-Mile wilderness region, which will contribute to recovery goals for the Atlantic Salmon. The States of Oregon and Nevada received funding to acquire the Disaster Peak Ranch straddling the state border, which will promote the recovery of the Lahontan cutthroat trout.

At the end of FY 2021, the Department held listening sessions with stakeholders and Tribal Nations to check in with valued partners and engage new audiences and potential partners about the Department's LWCF programs and how to best leverage the benefits of GAOA's enactment.

The Department looks forward to continued engagement with all LWCF stakeholders as we work together to develop the potential of LWCF programs with the full and permanent funding made possible through GAOA.

#### **National Parks and Public Land Legacy Restoration Fund**

The Department is responsible for administering and implementing GAOA's National Parks and Public Land Legacy Restoration Fund (LRF) program for the NPS, FWS, BLM, and the Bureau of Indian Education (BIE). For FY 2021 through 2025, Congress authorized up to \$1.9 billion annually to be deposited in the LRF for projects that reduce deferred maintenance. The annual deposit is equal to 50 percent of energy development revenues from oil, gas, coal, alternative, or renewable energy on Federal land and water credited, covered, or deposited as miscellaneous receipts under Federal law in the preceding fiscal year. Of the annual funding, 70 percent is allocated to the NPS, 5 percent is allocated to the FWS, 5 percent is allocated to the BLM, 5 percent is allocated to the BIE, and the remaining 15 percent is allocated to the Forest Service.

The Department has relied on the subject matter experts in each of its bureaus to develop project selection criteria and a process to formulate prioritized LRF project lists. The Department provided four parameters to the bureaus, which has guided the project selection process to-date: achieve a significant deferred maintenance reduction; maximize return on investment; safeguard those we serve, our partners, volunteers, and workforce; and rehabilitate assets to support conservation and recreational opportunities for years to come.

Using these parameters, in FY 2021, the Department prioritized 165 projects to address critical deferred maintenance and improve transportation and recreation infrastructure in national parks, national wildlife refuges and recreation areas, and at BIE schools. The average project size is \$9.4 million and it is estimated that the deferred maintenance addressed by these projects will be \$1.23 billion. Congress finalized the allocation of these funds in the Consolidated Appropriations Act, 2021, and projects are underway across the country. Examples of that progress include:

NPS: At Saratoga National Historical Park in New York, \$6.6 million was awarded to update and rehabilitate worn interpretive waysides and all routes, parking and walkways to provide universal accessibility at all ten Tour Stops along the Saratoga Battlefield Tour Road. At Fort Vancouver National Historic Site in Washington, \$15 million was awarded to rehabilitate a historic barracks building that will be leased to external parties upon completion, generating rental income while preserving the historic fabric and character defining features of the barracks. At Ohio's Cuyahoga Valley National Park, \$2 million was awarded to remove buildings that pose a safety hazard, eliminating risks and increasing recreation opportunities for visitors. And at Yosemite National Park in California, work is substantially complete on a \$9 million project to replace dilapidated high-voltage transmission lines that serve multiple areas and provide power, lighting, and heating for a variety of structures within the park.

FWS: At the Wichita Mountains Wildlife Refuge in Oklahoma, \$18.7 million was awarded for the design and construction of multiple, co-located replacement facilities. Completed work at the Refuge has included the demolition of numerous excess structures and construction of a buttress dam adjacent to the existing Comanche Lake dam. At the Tule Lake National Wildlife Refuge in California, \$7.6 million was awarded for the design and construction of a new headquarters and visitor center to replace rockslide-damaged facilities. At the Camas National Wildlife Refuge in Idaho, \$4.6 million was awarded to rehabilitate the water delivery system so that waterfowl management can be conducted more efficiently. In Illinois, more than \$20.5 million was awarded to replace water and sewer systems, construct a replacement visitor center, and accomplish other deferred maintenance retirement activities at the Crab Orchard National Wildlife Refuge. In Arkansas, more than forty different assets have been repaired and/or rehabilitated at the Dale Bumpers White River National Wildlife Refuge. In-house maintenance personnel performed this work from June through October 2021, successfully rehabilitating more than 30 lane miles of gravel public access roads.

BLM: In Montana, the BLM completed the Moose Creek Road resurfacing project, a \$591,000 investment that repaired road drainage, restored surface deformations, and resurfaced the multipurpose aggregate surface road to improve safe public access to various recreational opportunities on BLM managed public lands, including the Humbug Spires Wilderness Study Area. In Florida, at the Jupiter Inlet Lighthouse Outstanding Natural Area, the BLM awarded a \$700,000 design contract for a sustainable living shoreline. The current shoreline is collapsing into the inlet, due to climate impacts, such as recent hurricanes, as well as pedestrian traffic and boat wakes. Several designs have been developed for public input and are scheduled to be released for review in February 2022. Stabilizing the shoreline will improve access for the visiting public, protect the foundations of the historic lighthouse and buildings, and protect resources by preventing further shoreline damage. In Glennallen, Alaska, the BLM's log bunkhouse has been determined to be structurally unsound due to a foundation failure. Since the 1960s-era building no longer supports the BLM mission, the agency will spend approximately \$276,000 to have it removed. Disposal will eliminate significant maintenance costs and help reduce the BLM's deferred maintenance backlog. The project is currently under hazardous material evaluation for asbestos, with demolition scheduled for summer 2022.

BIE: In Arizona, the BIE is preparing to award a planning contract to improve and repair Many Farms High School, an education and boarding facility in the Navajo Nation that supports approximately 360 students in grades 9-12. This investment will help reduce BIE's backlog of deferred maintenance and provide a safe and secure learning environment conducive to student learning. Similarly, in Eagle Butte, South Dakota, the BIE is working with the Cheyenne River Tribe to finalize the scope of the Cheyenne Eagle Butte school replacement project, and an education and boarding facility serving approximately 765 students in grades K-12. The BIE has also awarded six major demolition/remediation contracts targeting unsafe and uninhabitable buildings in various locations across New Mexico, Arizona, Utah, North Dakota, and South Dakota.

Across all bureaus, the Department has obligated more than \$780 million, with 70 percent of the funding awarded to small businesses to-date.

The Department built on this effort for FY 2022 and prioritized 63 projects with an average project size of \$20.5 million and an estimated \$1.20 billion to be addressed in deferred maintenance. Of this, the NPS prioritized 36 projects, with a total program cost of \$1.25 billion, that will address more than \$835 million in deferred maintenance. This funding will improve the condition of roads, buildings, utility systems, and other assets in 29 park units located in 23 states and will address critical life, health, and safety issues, as well as related code compliance and accessibility deficiencies. Funding will also be used to remove dilapidated and unneeded structures that detract from the visitor experience and attract vandalism. The FY 2022 final allocations are pending resolution of FY 2022 appropriations, and the Department continues to work with the House and Senate Committees on Appropriations to address questions and provide updates.

Finally, the Department is considering its outyear priorities for FY 2023 – FY 2025 as part of the budget formulation process, which will be published with the President’s Budget Request, as required by the GAOA. This process is built from the ground-up, as parks and their counterparts in other bureaus identify condition deficiencies in their assets and develop projects to address those deficiencies. Those projects are then reviewed and prioritized across appropriate funding sources. For example, at the NPS, while the LRF is the newest and largest source of deferred maintenance funding, the NPS balances its priorities across multiple discretionary, mandatory, and supplemental appropriations to ensure funding is distributed to meet the most critical needs across parks as conditions and funds availability changes. For example, prioritizing large-scale deferred maintenance projects for FY 2021 and FY 2022 LRF funding created space in the NPS’s discretionary Line-Item Construction plan to accelerate work on other projects such as the visitor center and headquarters of the Martin Luther King, Jr. National Historical Park in Georgia. It also allowed Line-Item Construction to support replacement of windows and climate control systems at the historic Old Courthouse at Gateway Arch National Park in Missouri, which otherwise would have been delayed due to revenue losses from the COVID-19 pandemic.

In addition to the work described above to formulate and execute the LRF program of projects, the Department has also continued efforts to more consistently and accurately report the condition of its assets, in order to ensure that progress, supported by GAOA and other resources, is appropriately documented. In particular, the NPS is nearing completion of a multi-year effort to comprehensively review and reform the systems and processes used to manage its assets, including a streamlined condition assessment methodology in conformance with industry standards.

#### **Conclusion**

We are embarking on a new era for America’s outdoors with unprecedented funding, expanded recreation opportunities, and broader engagement. Through significant investments from the GAOA and the Bipartisan Infrastructure Law, and a commitment to the public-private collaborations and outreach to diverse new audiences, we will enhance conservation and

recreation opportunities in local communities and on public lands across America. We look forward to working together to ensure our country's national parks and public lands remain relevant, inclusive, and accessible to everyone.

Chairman King, Ranking Member Daines, thank you for the opportunity to appear before you today. I would be happy to answer any questions you or other members of the Subcommittee may have.

Senator KING. Thank you. Thank you for your testimony.  
Mr. French.

**STATEMENT OF CHRIS FRENCH, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, U.S. FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE**

Mr. FRENCH. Good morning Chairman King, Ranking Member Daines, and members of the Subcommittee. It is a great opportunity to be here today to discuss the USDA Forest Service's implementation of the Great American Outdoors Act.

The Great American Outdoors Act has been a game changer. I want to share a deep appreciation to you, Congress, for recognizing how critical it is to fix our infrastructure, create more access to our public lands, and further conservation by ensuring that America's forests remain forests through our Forest Legacy Program. Our goal is to have every visitor and every Forest Service community feel the positive impacts from the implementation of the Great American Outdoors Act—from jobs, access, improved facilities, and sound road systems, the Great American Outdoors Act is making incredible impacts across our National Forest System. Today, I will discuss our decision-making process and results about projects funded through the Great American Outdoors Act.

First, we are committed to equitable outdoor access, providing clean air and water to all communities, especially our most vulnerable ones, and securing abundance, resilience, and accessibility of the natural resources within our national forests. To support that, the national forests and grasslands include more than 370,000 miles of roads, almost 14,000 bridges, 160,000 miles of trails, and nearly 70,000 recreation and administrative facilities across the system, all of which require ongoing maintenance to continue to meet growing public demand. Public use of national forests is continually increasing. In 2020, we saw an unprecedented number of visitors—168 million—an increase of nearly 18 million from just a year ago. And each year, as has been noted, our backlog of deferred maintenance grows. Currently, it is estimated at \$6.3 billion. The National Parks and Public Land Legacy Restoration Fund is helping us to stabilize and reduce this backlog. From the onset, we decided to ask the public and tribes how to prioritize our implementation of the Great American Outdoors Act, discussing what was most important, what was most meaningful. We held listening sessions with stakeholders at the national, state, and local level so we would be responsive, and to help our communities and our stakeholders develop good project proposals.

From this came our first set of ranking criteria. First and foremost, we needed to reduce deferred maintenance. Second, improve visitor experience, improve visitor access, contribute to local economies, address health and safety issues, promote forest restoration, and importantly, leverage partnership funding. In Fiscal Year 2021, we reviewed more than 900 proposed projects, and Congress authorized 556 projects in 43 states and Puerto Rico. We prioritized 60 percent of those projects through a national competition and 40 percent through local and regional priorities. In that first year, we committed \$285 million, leveraged more than \$42 million in partner contributions, and reduced deferred maintenance by \$426 mil-

lion. Ninety-six percent of the contracts that we let associated with those projects went to local and community-based small businesses and partners, contributing almost \$420 million to our gross domestic product. We learned a lot in that first year, and for 2022 we went a step further. We incorporated an all-agency, all-infrastructure approach to our decision-making, building a more robust process that considers all of our agency infrastructure assets and other infrastructure funding streams. We continue our approach to listen, develop our work collaboratively and transparently, and we strive to have the greatest impact in the widest fashion. In 2022, we reviewed more than 2,000 proposed projects and we proposed 456 for funding.

Fully funding the Land and Water Conservation Fund means the Forest Service can provide more services through our land acquisition program and the Forest Legacy program. These programs are key to long-term forest conservation and meeting the goals of the Administration's "America the Beautiful" plan. The land acquisition program allows the Forest Service to expand public lands to improve public access and protect natural heritage. In the last ten years, nearly 280,000 acres have been acquired to assure access to hiking, fishing, firewood gathering, and the multitude of other ways that people use and access our national forests and grasslands. The Forest Legacy Program is administered by the Forest Service in partnership with state agencies to encourage the protection of privately owned forest lands through conservation easements and land purchases. Today, this program has enabled private landowners to keep nearly 2.9 million acres of forest as forest across the United States.

Both of these programs have a merit-based, two-stage, long-standing competitive process. These programs help secure the abundance, resilience, and accessibility of the natural resources across our nation. I appreciate the opportunity to be here today. I look forward to your questions. Thank you.

[The prepared statement of Mr. French follows:]

**TESTIMONY of  
CHRISTOPHER FRENCH  
DEPUTY CHIEF, NATIONAL FOREST SYSTEM  
U.S. FOREST SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE  
Before the  
UNITED STATES SENATE  
COMMITTEE ON ENERGY AND NATURAL RESOURCES — SUBCOMMITTEE ON  
NATIONAL PARKS  
FEBRUARY 9, 2022  
Concerning  
IMPLEMENTATION OF THE GREAT AMERICAN OUTDOORS ACT**

Chairman King, Ranking Member Daines, and Members of the Subcommittee, thank you for the opportunity to appear before you today to discuss the U.S. Department of Agriculture's Forest Service implementation of the Great American Outdoors Act. My testimony today will discuss our appreciation of the Great American Outdoors Act, the deferred maintenance backlog on National Forest System lands, Legacy Restoration Fund project selection and implementation, forest land conservation, and implementation of the Land Acquisition and Forest Legacy Program projects funded by the Land and Water Conservation Fund.

The USDA Forest Service is incredibly appreciative of the Great American Outdoors Act (GAOA) and how it allows us to better serve the nation. We are a values-based, mission-driven, and relationship-focused organization. Living our core values takes work; it is as important as the work we do every day to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations. Our mission success is strengthened by anchoring to our values of conservation, service, diversity, safety, and interdependence. The GAOA is helping us live out our values and deliver the best possible experience to the American people.

We are committed to equitable outdoor access; providing clean air and water to all communities, especially our most vulnerable ones; and securing the abundance, resilience, and accessibility of the natural resources within our national forests.

Over the years, public use of National Forest System (NFS) lands has continually increased as more Americans visit our public lands. Most recently, during the COVID-19 pandemic, the Agency saw a tremendous increase in recreational visits to national forests. In 2020 alone, there were approximately 168 million visits to lands managed by the Forest Service, an increase of 18 million visits compared to 2019. Our public lands are an important component of our nation's wellbeing. We are moving forward with implementation, which will enable federal land managers to take aggressive steps to address deferred maintenance and other infrastructure projects on national forests and grasslands through 2025. We will use these funds to maximize the benefits experienced by millions of Americans who visit and use their national forests. Projects funded by this act will focus on improving conditions on forest and rangelands, reducing wildfire risk, and increasing the resiliency of our nation's forests for present and future generations.

**Deferred Maintenance on National Forest System Lands**

The Forest Service manages 193 million acres of national forests and grasslands across 43 States and territories. These lands include more than 371,000 miles of roads (64,600 miles for passenger vehicles), 13,800 bridges, 160,000 miles of trails, 1,700 dams and reservoirs, 1,500 communications sites, 30,000 recreation sites, and 40,000 facilities of other types, all of which require ongoing maintenance to continue to meet growing public needs and provide economic benefits to communities, particularly important in rural areas.

Recreation on NFS lands contributes more than \$13.5 billion to America's gross domestic product and supports more than 168,000 full and part-time jobs, the vast majority of which are in gateway and rural communities. Increases in visitation are an exciting opportunity to serve more Americans, increase the economic vitality and quality of life in communities, improve mental and physical health of recreationists, and connect even more people to nature and conservation. While increased visitation creates opportunities to provide such connections to more Americans, it also presents certain challenges.

One salient challenge is that non-fire Agency personnel have declined by 40% since the late 1990s. This reduction complicates efforts to maintain the Agency's extensive infrastructure and capital assets. Concurrently, the growing wildfire risk means more Forest Service resources are allocated to firefighting and prevention efforts, resulting in a growing backlog of deferred maintenance, which we recently estimate at \$6.3 billion.

**National Parks and Public Land Legacy Restoration Fund Implementation**

The Great American Outdoors Act (GAOA) established the National Parks and Public Land Legacy Restoration Fund and provides up to \$285 million each year through Fiscal Year (FY) 2025 to the Forest Service to reduce the Agency's backlog of deferred maintenance. Projects funded by the GAOA Legacy Restoration Fund (LRF) are projected to contribute \$420 million to the gross domestic product annually. For FY 2021, the Forest Service reviewed more than 900 proposed projects and selected more than 550 projects in 43 states and Puerto Rico, which were authorized by Congress for implementation. When completed, these FY 2021 projects, many of which are multiyear-funded projects, will reduce \$375 million of the Agency's deferred maintenance backlog while improving recreation facilities, visitor centers, and dams, and increasing public access by repairing roads, trails, bridges, tunnels, and parking areas.

The Forest Service submitted the FY 2021 list of proposed deferred maintenance projects within 90 days of GAOA's enactment, as mandated by the Act. We relied on seven criteria in assessing projects: reducing deferred maintenance; promoting management of America's forests; improving visitor experience; contributing to rural community economic development; improving visitor access; ensuring health and safety; and leveraging external resources.

The Agency has integrated LRF into our Capital Improvement Program and rebranded it as the National Asset Management Program for the FY 2022 project list and beyond. The Forest Service has proposed 456 projects for funding in FY 2022. The projects selected for FY 2022 include approximately 100 multi-year projects initiated in FY 2021. We are making strategic, data-driven decisions focused on identifying projects that deliver in six specific benefit areas to the public. These are economic; recreation and public access; environment and sustainability; active forest management; fire operations; and research and development. The Agency develops a nationally prioritized list of projects for funding by applying criteria pertaining to these six

benefits. In addition, 40 percent of LRF funding is dedicated to regional priority projects that reduce deferred maintenance. This model of supporting both national and regional priorities was developed because the Forest Service recognizes community and state priorities may not result in projects that are selected nationally. As a result of this approach, the Forest Service project list provides an investment in deferred maintenance reduction that values both locally and nationally significant projects.

The funding authorized by GAOA serves as a catalyst for rural economic development and employment opportunities through investments in infrastructure. We are working to ensure project selection also benefits underserved communities as part of the Administration's priority of Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (Executive Order 13985). Starting in September 2020, we held seven national listening sessions involving dozens of partner organizations, including representation from underserved communities, with information on how to get involved and develop project proposals. We met with stakeholders at the national, state, and local level.

For FY 2021 projects, the Agency solicited public comment on the proposed list of projects. The Agency also created a tool on our website to allow the public to provide feedback on GAOA implementation. Additionally, two national level sessions were hosted by the Outdoor Recreation Roundtable and the National Forest Foundation to determine the best approach for implementing LRF projects. Strong outreach is ongoing throughout the Agency's regions with local communities, Tribes, and State and local governments.

Thus far, the Forest Service has expended approximately \$125 million of the funds allocated for FY 2021 projects. More than 200 of the over 550 projects have been completed or are under construction. The remaining projects are progressing through contracting and agreement processes and being prepared for implementation during the upcoming field season. These projects involve extensive work with Agency partners. Approximately 25 percent of the projects have a partner providing cash or in-kind contributions, resulting in execution of over 200 cooperative agreements, contributing an additional \$160 million to the FY 2021 projects.

These projects will deliver significant local benefits across the country. In Maine, \$733,820 of the FY 2021 fund was approved for a project to reconstruct nearly five miles of Deer Hill Road to improve access and connectivity for local communities to the White Mountain National Forest. When completed, this project will expand access to public lands for Stoneham, Maine, and surrounding communities. In Montana, two bridges were replaced on the Custer Gallatin National Forest, on the Timberline Trail and the Blue Lake Trail, with help from the Montana Conservation Corps. A third bridge in the Absaroka-Beartooth Wilderness is slated for work in spring/summer of 2022. The Forest Service invested \$239,473 into these projects, which together will provide benefits to local communities who rely on access during hunting and winter recreation seasons.

The FY 2021 process for project development, selection, and implementation has informed the Forest Service approach for FY 2022 and FY 2023. The Forest Service proposed a reserve fund as part of its FY 2022 proposal to Congress due to supply chain issues and other project implementation challenges. This fund will enable the Agency to ensure project work can continue uninterrupted as the cost of labor and materials fluctuate.

Project selection and prioritization for FY 2022 and FY 2023 reflect the Administration's emphasis on working in partnership with local communities and users of national forests, investing in projects that will address climate adaptation and mitigation efforts, and ensuring project benefits include improving access and opportunities for Tribes and underserved communities. The Forest Service will continue to learn and adapt its project selection process as implementation efforts continue.

The Agency appreciates the recent investments through the Infrastructure Investment and Jobs Act (IIJA) to support additional work on our transportation network and recreation sites. The IIJA funding provides much needed additional resources for investments in infrastructure, such as for aquatic organism passage and road access to address wildfire risk reduction, that are complementary to GAOA's deferred maintenance funding.

#### **Land and Water Conservation Fund**

Originally created in 1964, the Land and Water Conservation Fund (LWCF) provided opportunity for the Forest Service, the Department of the Interior, and partners to create a network of conserved lands supporting healthy ecosystems and a high quality of life for local communities. The LWCF is fully supported by revenue from federal oil and gas leases on the Outer Continental Shelf, with \$900 million authorized annually. Originally created for a limited number of years, the fund was permanently reauthorized in 2018 with the passage of the GAOA.

The Forest Service operates two separate programs supported by the LWCF, the Land Acquisition Program and the Forest Legacy Program. The Land Acquisition Program allows the Forest Service to expand public lands to improve public access and protect natural heritage. The Forest Legacy Program is administered by the Forest Service in partnership with State agencies to encourage the protection of privately owned forest lands through conservation easements or land purchases.

Strategic implementation of the Land Acquisition Program and the Forest Legacy Program furthers the Administration's implementation of the America the Beautiful Initiative, which is a call to action to work collaboratively to conserve and restore the lands, waters, and wildlife that support and sustain the nation. These programs and the focus of this Initiative will secure the abundance, resilience, and accessibility of these natural resources.

#### **Land Acquisition Program Implementation**

Since 1964, the Forest Service has acquired approximately one million acres of land using LWCF funding through the Agency's Land Acquisition Program. All Land Acquisition Program conservation projects are selected using a merit-based, two-stage, longstanding competitive process. The evaluation process is based on standard, nationwide criteria, including whether projects have demonstrated local community support; provide recreation access; protect watersheds and mitigate climate change; and provide species habitat. The most heavily weighted criterion is recreation access. In the first stage of the review process, proposals are evaluated and ranked regionally. In the second stage, each region submits its prioritized list to a national review panel comprised of experts in each of the criteria areas. The result is a nationwide prioritized list of major projects proposed in the President's Budget request to Congress.

On the priority list, the larger, individually proposed projects are known as “core” projects. The project list also includes separate requests for smaller projects by type, such as recreation access, wilderness, and inholding.

The Forest Service has completed nine of its FY 2021 “core” and recreation access projects. One FY 2021 project of note is the Lolo Trails project, which permanently protected 14,800 acres of important fish and wildlife habitat as well as public recreation access to the Lewis and Clark National Historic Trail and the Nez Perce National Historic Trail. These lands are historically and culturally significant areas for both the Nez Perce Tribe and the Confederated Salish and Kootenai Tribes of the Flathead Nation. While providing permanent public access to extraordinary recreation, the acquisition also precludes development west of the rapidly growing city of Missoula, Montana, and protects incredible wildlife habitat and key landscape connectivity.

#### **Forest Legacy Program Implementation**

The Forest Legacy Program works in partnership with State agencies which receive grants to protect environmentally important privately-owned working forest land from conversion to non-forest uses through conservation easements or land purchases. Since its creation, the Forest Legacy Program has conserved 2,926,785 acres in 51 states and territories. We should also note that the Subcommittee’s Chairman and Ranking Member’s heavily forested home states of Maine and Montana are two of the leading states when it comes to participation in the program, which is reflected in their ranking first and third for total acres conserved and also lead the nation with the highest levels of federal investment. Forest Legacy projects share more than 5,000 miles of boundary with federal, state, and private conservation lands. Nearly 1,000 of those boundary miles are shared with National Forest System lands. Over the life of the program, the Forest Service has invested \$960 million into these projects, with an additional \$1.12 billion contributed by partners.

Projects are selected through a two-part competitive process – state-level and then national-level. The state level process ensures each project has local support and aligns with state priorities; and the national-level project selection process considers defined environmental and economic benefits, strategic contribution to other conservation initiatives on the landscape, and likelihood of conversion to non-forest uses. For FY 2023 consideration, the Agency received 44 applications from 28 states with a total request of \$249 million.

One of the highlights of the FY 2021 Forest Legacy Program awarded projects is the Montana Bad Rock Canyon Project. This fee acquisition project covers 772 acres and protects water quality, important fish and wildlife habitat, and will provide free public recreation access. This project safeguards vital habitat and a travel corridor for bull trout and grizzly bears, Endangered Species Act-listed threatened species found on the property, with the bull trout migrating into Canada to spawn. A trail will run through the property to allow access for hikers, bikers, birdwatchers, and other recreationists. The Montana Department of Fish, Wildlife, and Parks will manage public access to preserve wildlife use, and timber management will sustain important habitat components of the property. The project is adjacent to a stronghold of public lands and adds to a 12,000-acre network of conserved riparian land along a 43-mile reach of the Flathead River.

These investments will improve public access by funding strategic land acquisitions, support locally led conservation efforts and protect our natural heritage. It will also create jobs, expand access to the outdoors, and help address climate change through protecting natural resources. These outcomes are replicated in investments in communities and states across the country, thanks to the enactment of the GAOA.

This concludes my testimony. I welcome any questions the Subcommittee may have.

Senator KING. Thank you very much. Welcome back to the Committee, Mr. French.

I am going to defer my questions and call upon Senator Heinrich. Senator HEINRICH. Thank you, Chairman, and thank you both for the hearing today. I think this is really important.

Assistant Secretary Estenoz, realizing the full potential of this landmark legislation requires that we get LWCF funds out the door in a timely manner that works for both the agencies and also the private landowners involved. I am really concerned about some of the bottlenecks in that process, and you mentioned some of them, but they are really testing the patience of very well-meaning, willing sellers with a conservation ethic, and ultimately may lead them to sell their properties to be developed, as opposed to being conserved. In particular, I am told that the property valuation process has really become an increasingly and often unreasonably time-consuming part of the overall acquisition process. In fact, I have heard that appraisals that literally used to be completed in a few months are now under the Department's Appraisal and Valuation Services Office, taking as much as two years or more. How do we fix that?

Ms. ESTENOZ. Senator, thank you so much for the question. It is such an important one, and it is one that, internal to Interior, we are having a number of conversations about and focus very closely on. Let me agree in the strongest possible terms with your statement that in order for us to maximize the benefits, we have to get this money out the door and working on the landscape. I could not agree more with that statement. And you know, making sure that the federal land acquisition process is formulated in a way that does that is critically important. You have pointed out one specific step in that process that has become quite lengthy. And you know, what you are touching on here is the tension between trying to create a valuation and appraisal process that is transparent, that is accountable, and that injects integrity into the process, which is very important, and certainly the taxpayers deserve that kind of accountability. But we have to find a way to balance that with the mission.

Senator HEINRICH. And Secretary, I don't think anyone is asking for an appraisal process that is not transparent.

Ms. ESTENOZ. That's right.

Senator HEINRICH. We do this all the time in the real estate industry. Appraisals are our thing. They don't take two years. And everyone wants a good deal for the taxpayer. I mean, I don't think anyone up here would—you know, we want these dollars to go as far as they can, we just want them to be effectuated efficiently, and it used to get done in a few months when it was done regionally. And when it got pulled back to DC, it became a multi-year process. And I will tell you, there is a project I am working on right now in New Mexico where we decided to go with the state—even though many of the funds are coming from the Federal Government—we decided to go with the state as the agency to run the project, to manage the project, simply to avoid that step in the process.

Ms. ESTENOZ. Yes, and you are absolutely right, you know, this is sort of the point that I was trying to make, which is, you know, we cannot separate our valuation and appraisal process from the mission, essentially. And I think that finding the right balance is

where we are now. I think we are kind of swinging in between extremes of how to approach that. And I could not agree more with you that we have to get that right.

The numbers I have seen are that acquisitions can take anywhere from 6 months to 36 months, which, you are absolutely right, 36 months doesn't work for most willing sellers.

Senator HEINRICH. Three years is really hard on people.

Ms. ESTENOZ. That's right.

Senator HEINRICH. So I would just urge your attention to this issue.

Ms. ESTENOZ. Thank you.

Senator HEINRICH. I am going to run out of time, so I want to switch over to Mr. French real quick, and I appreciate your focus on the role of some of these funds in public access. And you and I have talked extensively about the need to defend the public's legal access rights, whether that is in New Mexico or Alaska or Michigan or Montana. And we have talked a lot in recent years about the Crazy Mountains and the Gallatin, and I continue to be concerned with what I think are inconsistencies in the Forest Service's approach to public access. We had an exchange a few months ago, and I want to follow up on that because in a 2015 letter, the Custer Gallatin National Forest Supervisor wrote in a letter that the Forest Service maintains and holds unperfected prescriptive rights, in particular, up Sweet Grass Creek to the North, based on a history of maintenance with public funds and historic and continued public and administrative use. But in current litigation, the Forest Service and the Department of Justice are claiming that now there is not a prescriptive easement on Sweet Grass Trail. These decisions affect access in every state in the nation. Why are the Forest Service and DOJ changing their position on public rights of access on that trail in particular, and what does that mean for trails everywhere in the U.S.?

Mr. FRENCH. Thank you, Senator, for the question.

Let me start off first by saying our approach is to defend access in all the places we can as a stated policy. In that particular case—and I would love to follow up with you more directly afterwards and maybe bring in some other members of our team. In that particular case, based on the actions of the landowners there and others, our ability to defend that doesn't—we are not able to, according to state law. My understanding is that they have fulfilled many of the obligations that have changed our ability to defend those access rights. But it is very complicated. I know this is a concern of yours. It is not a broad policy. We handle these things on a site-by-site approach, and I absolutely commit to sit down with you and your staff and go through all the details afterwards.

Senator HEINRICH. Thank you, Chairman and Ranking Member.

Senator KING. Senator Daines.

Senator DAINES. Thank you, Chairman King.

Ms. Estenoz and Mr. French, could you explain in more detail how geographical location and visitation trends are accounted for in your methodology for choosing a Legacy Restoration Fund project? Senator Heinrich, I completely agree—the appraisal process is so broken. I am so glad you brought that up. I guess we will

prepare you—forewarn you—I have great concerns about this too. We will talk about that in a moment here.

But the first question is on geographic location and visitation trends. Ms. Estenoz, I'll let you go first on that.

Ms. ESTENOZ. Thank you, Senator.

It is a great question. Let's take the Park Service, for example. So the number one criteria that has been set by the Department has been the reduction of deferred maintenance, and our deferred maintenance is very unevenly distributed across the country. And so some 80 percent of our deferred maintenance is accounted for in something like 56 of our more than 420 park units. So right off the bat, we are starting with a sort of skewed distribution of needed investments.

Now, having said that, another big departmental criteria is to maximize the number of people who are served by that investment. There is a pretty strong correlation between the most heavily visited parks and those that have the highest deferred maintenance. And so when it comes to those two criteria, those are closely correlated and we can pursue those in tandem together. But those two together are not going to give you the geographic distribution that I think many of us would like to see—a broader geographic distribution. So let me say we are doing two things. We are trying to stay nimble. So in this current tranche of project evaluations we are looking at different ways to slice the data. We are looking, for example, at what is a state's share of the deferred maintenance backlog, and are investments keeping up on par with those, for example, with that distribution of percentage of deferred maintenance. And then second, the Park Service has innovated these maintenance action teams, which are making use of wage-earning internal staff to work on smaller deferred maintenance projects. It is efficient to do so. We get a good return on investment, and that also helps to distribute some of the benefits geographically as well.

Senator DAINES. Thank you. That's a very informed answer. I appreciate that.

Mr. French.

Mr. FRENCH. Yes, thank you for the question, Senator Daines.

We looked at it in a couple different ways. Primarily, we looked first at how much deferred maintenance would be reduced, but then, right up there with it, we were focused on does it improve visitor experience? And then from there, how much partner and local collaboration could occur to help do this? Our process used both a national process and a local process, where 40 percent of our projects were actually geared toward local priorities and regional priorities because we knew that on some of these issues, we may not pick those up. The end results, when we look at what we are doing, have actually been quite astounding, and what I mean by that is, if you look at the State of Montana—your state—eight percent of the National Forest System, nine percent of the National Forest System occurs in Montana and actually, you received about nine percent of the funds through the Great American Outdoors Act. And we are seeing that sort of equitable distribution based on our criteria occurring almost throughout the entire system.

Senator DAINES. Thank you.

A follow-up on that is, we look at the cost of doing business in terms of getting these projects executed in the field. Do you have an estimate on the percentage of total Legacy Restoration Funds that are used for administrative or environmental review costs?

Ms. ESTENOZ. Yes, sir. The administrative costs are—we are running at about three percent for LRF and interestingly, we are running at about the same administrative costs for LWCF as well, State Side. Now, environmental reviews, planning and design, all of that, Senator, is folded into project cost. Those are considered project development costs, and so those are not counted as part of the administrative costs. So the three percent includes cost to administer the program.

Senator DAINES. So would there be a way—that may be the way you want to define it in terms of the environmental review costs, to lump it into the overall—but is there a way you could break that out just so we could have transparency and understanding of what additional costs are associated with the environmental review?

Ms. ESTENOZ. Senator, can we come back to you with the feasibility of that and follow-up? A question for the record?

Senator DAINES. I would like to see that, yes, and I think that's the helpful dialogue here today—

Ms. ESTENOZ. Absolutely.

Senator DAINES [continuing]. Is you are kind of getting a sense of how is it going, and the overall cost burden here to achieve the—what we ultimately want to see here is the infrastructure.

Mr. French, how about you?

Mr. FRENCH. Yes, a little bit different, but part of this is probably accounting. All the projects that we review have already gone through environmental review and compliance. They are basically shovel-ready. And so we do not look at those costs directly associated with these projects.

Senator DAINES. And again, I would like as a follow-up to that, just to take like—I assume you could break that out?

Mr. FRENCH. We could.

Senator DAINES. In fact, you have already done it, but let's just kind of get a sense, so we know what the costs are. I mean, we have three percent in the administrative. Let's just get a percentage on the environmental review lump as well.

Mr. FRENCH. We can certainly follow up with you.

Senator DAINES. Thank you.

I am already over my time here.

Senator KING. Go ahead.

Senator DAINES. All right, I will do one more question here and then we will go back.

The question is about LWCF. We have benefited greatly from this, certainly, in Montana. About 70 percent of our fishing access sites were funded through this program. I could tell you, when I get in airplanes, I fly back and forth to Montana, you can always tell when you are at one of the Montana gates at the airport because everybody's carrying a fly rod. Whether it's Bad Rock Canyon or the Kootenai Forest Lands project, this past year was no different. It is successful because it is bottoms-up driven. And I heard both of you mention that as well in your remarks. It is locally led conservation.

Could you elaborate on the steps your agencies respectfully are taking to ensure we keep that strong, local support of bottoms-up recommendations on a project for funding?

Ms. Estenoz, we will start with you.

Ms. ESTENOZ. Thank you, Senator.

Yes, and local support—partner support—has been built in, sort of baked into the LWCF criteria for a long time now. It is one of the primary department-wide criteria for project selection, right up there with willing sellers. And so, you know, at the refuge and park level, we work really hard to be good neighbors, and at that level our engagement with local communities is paramount for the success of those units. So public support and partner support is an important criteria in our project selection.

Senator DAINES. Thank you.

Mr. French.

Mr. FRENCH. You know, our projects originate from local recommendations. I mean, all of the projects that are coming up into those, they do go through a two-stage process where they go through a national set of criteria, but they are derived from local collaborations with local support within those criteria, Senator.

Senator DAINES. Yes, thank you. And I will turn this back over to the Chairman, but that was one of my strong selling points to my colleagues when we went to this big debate here, was on the Land and Water Conservation Fund. I just watched this operate over many years. It truly is as much grassroots-driven as any program that I have seen. And I hope we continue to keep it that way.

Chairman King.

Senator KING. Ms. Estenoz, I should have mentioned at the outset that you are one of those fortunate people who did see the sun rise over Acadia and not only that, heard Yo-Yo Ma play music at that moment. It was an extraordinary moment I am sure none of us will ever forget.

We have talked a lot about bureaus and processes and sort of the abstract. Walk me through a specific project. How does it start? You have a broken sewer system at Zion. What happens? It starts with the superintendent and goes, and you just—in a very nuts-and-bolts kind of way.

Ms. ESTENOZ. Sure. So yes, the short answer is yes. That's where it begins. And so it begins at the park level, or the park unit level, and where you have a superintendent and then that superintendent's multidisciplinary team. It might be their facilities manager, depending on the size of the park. It might be that their program staff identifies a facility or a maintenance deficiency. And then a project is developed to address that deficiency.

Senator KING. At the park?

Ms. ESTENOZ. Yes, sir.

Senator KING. They come to you and they nominate a project, and say "here's what we need to do, and it will cost \$1.2 million" and then what happens?

Ms. ESTENOZ. Yes, and so then a project is developed. And then, within the context of LRF, that project then is lifted up through the Park Service's regional system and then it is evaluated against LRF and Departmental-wide criteria by the investment review board.

Senator KING. In the region? This is before it gets to Washington?

Ms. ESTENOZ. Well, Brian—if you don't mind, Mr. Chairman?

Senator KING. Please.

Ms. ESTENOZ. If we can have Brian talk a little bit about the IRB, the investment review board.

Senator KING. Please.

Mr. BLOODSWORTH. Sure, thank you for the question, Senator.

Yes, there is a regional process by which Legacy Restoration Fund projects are first evaluated at the regional level before they make their way to a headquarters national level investment review board.

Senator KING. So there is a board that looks at the projects. You have eight or ten projects from a region. They look at them. They apply those criteria that were demonstrated at the beginning of the hearing and then they forward recommendations to Washington. Is that correct?

Mr. BLOODSWORTH. Yes, and for additional clarity, when the call goes out for project formulation it is not only just Legacy Restoration Fund. It also includes projects that could be considered across all maintenance and facility-related fund sources that the Park Service has at its disposal.

Senator KING. I think that is important. We are going to want to get to that later. I think that there isn't just one source of funds here. And if we are smart, we are going to work and have them be coordinated.

Okay, so then it goes to Washington. There is a similar kind of review that takes place, I take it?

Mr. BLOODSWORTH. Yes. The investment review board—multidisciplinary investment review board—takes a hard look at the projects that have been identified. They look at what is the best fund source for those projects, whether it be Legacy Restoration Fund, line-item construction, federal lands transportation, and they also make sure that the projects that are considered for Legacy Restoration Fund are also meeting the criteria that the National Park Service has identified as objectives.

Senator KING. And then you have a completed list?

Mr. BLOODSWORTH. That then comes to my office, Senator, the program management office at the department level, where we look at it for just department-wide consistency as well. That is really just making sure that it is in line with the strategic criteria that have been set out for all four bureaus at Interior to follow.

Senator KING. Thank you. I appreciate that. I think it is helpful to us to understand how it works.

Ms. ESTENOZ. And Mr. Chairman, may I add? Our other bureaus have very similar processes. They differ in organizational, in small—

Senator KING. When you say bureau, is this Park Service?

Ms. ESTENOZ. For Park Service, Fish and Wildlife Service, Bureau of Indian Education, and those processes differ somewhat based on the organization itself and based on existing processes and programs that are designed to identify maintenance deficiencies. But they follow a very similar path, ultimately ending up

at the Program Management Office and then working their way through that approval process.

Senator KING. I want to follow up, and this is a slightly different point. This is more of a suggestion. As we are thinking about reauthorization, which we will think more and more seriously about over the next year or so, we have to apply one of my favorite maxims about government, which is, “does it work, and how do you know?” So I hope that you will be thinking about evaluation of the definition of success and how you have demonstrated the achievement of success in order to help us in our consideration, and frankly, to help us in the persuasion of our colleagues that renewing this program is a sensible investment of the taxpayers’ money. So be thinking about that as you are working through these projects, defining success and how we measure it.

Thank you.

Senator Daines.

Senator DAINES. Chairman King, thank you.

I want to go back to a point that Senator Heinrich made on appraisals, because I think this is a really important part of the point that Senator King made earlier about the execution of these programs and doing it well. The Department has a responsibility to ensure that the private landowner is being fairly and justly compensated for any acquisition when we think about the Land and Water Conservation Fund. Unfortunately, past projects in Montana have fallen through because the process and the appraisal does not reflect market realities. And the reality is, at the moment, we have a dynamic land market at the moment in Montana and across the country.

I will give you an example. We had a project in Montana. The Department took a year to complete the appraisal. It is what Senator Heinrich was talking about as well. While a standard appraisal of this nature is typically about two months, why is it taking a year or more from these federal agencies? Markets can change dramatically during this waiting period. It is unfair to ask landowners to take a gamble and wait so long for an unnecessarily lengthy appraisal process. Here is an example: the BLM appraised a land deal in Montana for about half—and half was \$6 million below what the landowner’s own appraisal came to, and by the way, ultimately sold for. And usually when it sells, the selling price is usually a pretty good indication of the appraisal and whether it was accurate or not. The landowner’s appraisal and other appraisals came in at \$12 million. The BLM said \$6 million. And guess what? We lost an opportunity because it sold to a private entity versus being a chance to be acquired here for Land and Water Conservation Fund purposes. And I can give you many, many more examples of that.

Ms. Estenoz, we do have a few outlying Forest Service examples of that happening, but as we have looked at it, I think the largest issue here is in Interior. It is something you have inherited. It has been there for a long time. We have a chance to fix it. Is there anything in statute or regulation in the framework of the Appraisal and Valuation Services Office that constrains the Department from doing and completing appraisals in a way that better reflects the reality of the market and ensures fair compensation for landowners

who are willing to make a transaction with Land and Water Conservation Funds?

Ms. ESTENOZ. Senator Daines, we are in the process of doing that very evaluation because we are hearing this feedback directly, both to find out, you know, why this process is taking so long and then why the outcome often does not meet expectations. And so, you know, we have had some process changes over the last several years with our valuation and appraisal process. We are evaluating those. It is a matter of loosening up the jams, taking up the slack, certainly, in the process, but then also doing sort of what you are suggesting, which is really digging into our statutory and regulatory requirements, or even our policy documents, to figure out if there is anything in there that is hanging things up.

We are accustomed to doing complex land valuation. We have been doing that for decades and decades. And so we know how to do them. The question is, why have things slowed down so much? And then, the other thing I just want to say—I want to acknowledge—is that the nature of LWCF, and you touched on it, is that sometimes what we are buying are these singular parcels, right? Some of them are little Hope Diamonds, where it is one parcel that can protect, you know, an adjacent Civil War battlefield, or it is a very important missing link in a big game corridor. And so the question is, is that importance complicating the valuation process? So we are looking at all aspects of it and trying to be very responsive to—

Senator DAINES. Thank you. And it is not a new problem to have complex appraisals on land that's been around for a long, long time. It is just—there is that song on Sesame Street, Senator King, that says one of these things is not like the other.

[Laughter.]

Senator DAINES. And so when you look at the agencies, I am just telling you, the BLM is not like the others. And so we are looking. We have had some challenge with the Forest Service, but I think the biggest problem, frankly, is there, and let's look at that process and, as we know the definition of insanity is continue the same thing and expect a different outcome. And what's at stake is, we are losing opportunities that come up sometimes once in a generation to have an acquisition. And if you miss it, you miss it for generations.

And so anyway, you are saying the right things and I would like, if we could—if we could work together, let's take a hard look at that and see how we can make it more transparent, ensure we get faster, more transparent, accurate valuations to reflect these changing markets.

Senator KING. I don't want to beat this too much, but where are the people who do these evaluations physically sitting? Are they here in Washington? These appraisals?

Ms. ESTENOZ. Yes, well, we have an Office of Valuation and Appraisal that—

Senator KING. And they do appraisals?

Ms. ESTENOZ. Most of it is, a lot of it is contracted out to—

Senator KING. I was just going to say, I don't understand why you cannot hire local appraisers who know the local market and,

say you have three months to get in your appraisal, I mean, that seems to me a fairly straightforward process.

Ms. ESTENOZ. Well, and I do think that our contract appraisers are local and know the market. I think there are a number of factors, though, Senator, that may be at play here. In the short run, there is, I think, a backlog, and as Senator Daines mentioned, the real estate market in many of these places is tight. And so the availability of appraisers—you know, there is a pipeline issue that we have. I think what we are going to find is that it is a multi-dimensional challenge and that we have to address it on multiple dimensions.

Senator KING. Thank you. I am sure you have gotten the point that this is something of concern.

I am concerned about the definition of deferred maintenance and the change in the number. I can remember when we were working on this bill, everybody talked about \$12.5 billion, and now we are talking about \$25 billion. And I just wondered, does everybody—all the bureaus and the Forest Service—use the same definition of deferred maintenance, and where are we in terms of that analysis?

Ms. ESTENOZ. I won't remark on the Forest Service's definitions, but the short answer for Interior is "no." There are some differences among the bureaus and how we account for and define deferred maintenance. And I think the increase in the number is in large part due to—since the passage of GAOA, the Park Service, in particular—doing what it can to standardize its method to come closer to the way our other bureaus count deferred maintenance. In addition to that, the passage of GAOA, as you can imagine, Senator, inspired the Park Service and land managers and facilities managers to begin, in earnest, updating what had probably been a lack of updated records on deferred maintenance prior to there being dollars available to really, you know, take a significant chunk of the deferred maintenance out.

I think that the Park Service is getting really close to what it feels is a consistent and comfortable number, but it really has been that multi-year process of largely the Park Service trying to standardize and make their method more consistent with their sister bureaus.

Senator KING. Thank you.

The other piece of bipartisan historic legislation that has passed around here in the last couple of years is the bipartisan infrastructure bill, and I want to be sure that both departments are using that resource as well because, particularly when we are talking about roads and we are talking about transportation networks, that seems to be a fruitful area of complementary funding sources. In addition, the possibility for other kinds of projects, not necessarily roads, perhaps is philanthropic support. Our parks are well-loved, and many—I know in Maine, we have Friends of Acadia, and it is a very dedicated group of people. So are we maximizing—I will ask you, Mr. Bloodsworth—are we maximizing the opportunities for complementary and matching funds and those kinds of things? And matching is a very effective way to generate philanthropic support, for example.

Mr. BLOODSWORTH. Thank you for the question, Senator.

We are certainly working to have many types of leveraging across all of our investments that we are making. In some cases, those investments are easier to fundraise for than others. The maintenance action teams that are being deployed by the Fish and Wildlife Service and the National Park Service are great opportunities to do that. They are the types of investments that are being made that lend themselves to more local, smaller efforts, as juxtaposed against the massive wastewater and water treatment systems that are not quite as easy to fundraise for. So yes, that is something that we are very focused on. Have we maximized it? I would say no, there is definitely room for opportunity to do better there. But it is something that we are certainly working toward.

Senator KING. Thank you.

Mr. French, are you able to generate additional funds?

Mr. FRENCH. Yes, so on the two questions, one is that we are looking at all the funding streams right now so that we are looking at the complete asset management. One of our primary criteria is leveraging partner funds as we select projects, both locally and nationally, and later this month, we will have a dashboard open to the public that shows all our projects across the nation on a map and you can dive in to see exactly how much funding is coming in from each of the funding sources and our partners on those. So I think that is another step of just showing that broader approach that we are trying to take there.

Senator KING. I think that is a brilliant approach.

Ms. Estenoz, can you do a dashboard with that kind of information?

Ms. ESTENOZ. Yes. I mean, I think the short answer is yes. I know our program management office has a significant amount of data and is working on developing communication tools that can give the public a simple, easy, accessible way of understanding this program and its many dimensions. And with regard to leveraging dollars, I really appreciate that question, Senator, and I want you to know that at Interior we are trying to think as expansively as we can about leveraging. So there is certainly the philanthropic arm. Friends of Acadia is a tremendous example of that capacity. And we know we have it and need to maximize tapping into it.

And there are many other ways. You mentioned other infrastructure legislation. There are opportunities for cost recovery built into our planning and design. There are, for example, when we are building a utility or rebuilding a utility there might be an opportunity to tap into a municipal utility that can provide a cost recovery mechanism or a better economic return on that investment. So we are trying to think expansively about this concept of leveraging our dollars.

Senator KING. Thank you very much.

Senator Kelly.

Senator KELLY. Thank you, Mr. Chairman. Thank you for holding this hearing and thank you, everyone, for being here today.

Ms. Estenoz, my first question is for you. I would like to discuss the declining water levels in Lake Powell in the Glen Canyon National Recreation Area. In October, I spoke to Director Sams about this and I know he is taking a look at this and tracking it closely. Lake Powell, as you know, is one of the most popular boating loca-

tions in the West. It receives somewhere around three million annual visitors. Drought has reduced the levels in Lake Powell like 22 feet over the last six months. And we are down to one boat ramp. This is a 180-mile-long reservoir. One boat ramp. And this is crushing the tourism economy and industry in Northern Arizona. The other ten boat ramps at Lake Powell are currently, you know, they are essentially beached. And many were on standby already, to be replaced because they were just old.

Can we look into using Great American Outdoors Act funding to replace and extend those boat ramps?

Ms. ESTENOZ. Thank you, Senator Kelly, for raising a really profound issue of this—the second and third order effects of the prolonged drought that we are experiencing. And Lake Powell, you are right, has dropped 22 feet. Projections are it may continue to drop. The park is going to be receiving about \$31 million in supplemental disaster funding to address, I am pleased to report, to address some of these boat ramp and attendant utility issues as well. So it is not just extending a boat ramp, but it is also extending, perhaps, water wells and the like that go with the boat ramp.

In terms of eligibility for deferred maintenance, that evaluation will be done to the extent that these projects qualify for deferred maintenance. The \$31 million, I think, is going to give us a really good start on alleviating some of the pressure there for a situation that we know is creating significant economic hardship.

Senator KELLY. What is the timeline for, with this money, to get the extensions done for these boat ramps?

Ms. ESTENOZ. Senator, can I get back to you with the answer to that question?

Senator KELLY. Yes, I appreciate that. Thank you.

Ms. ESTENOZ. Absolutely.

Senator KELLY. Mr. French, good to see you again. I want to discuss the Forest Service Road 516 on the Coconino National Forest. Many Arizonans call this the Snow Bowl Road. It is the main access road used by visitors to the San Francisco Peaks, one of the most visited and cherished mountains in Arizona. At 12,000 feet, it is the tallest mountain in our state. An estimated 500,000 people visit the Peaks every year. Unfortunately, the six-mile road is in disrepair, and it needs some significant upgrades. The last time it was repaved was in 1990. It has been a while. Only minor improvements have been made over the last 30 years.

So Mr. French, does the Forest Service plan to allocate resources improving Snow Bowl Road? Is that part of the plan for the funding under the Great American Outdoors Act?

Mr. FRENCH. Yes, thank you, Senator, for the question. I know this road well. Total costs for that road are somewhere between \$9 million and \$13 million to do the full repairs. It did not meet the first year's Great American Outdoors Act work where the average project was about \$1 million. But given the broader streams of funding we have right now for roads, we are confident that we should be able to put together a package that will address that road here in pretty short order.

Senator KELLY. When you say broader streams of funding, do you mean additional funding from the bipartisan infrastructure bill?

Mr. FRENCH. Yes, and there is multiple beyond that. I mean, specifically, like the federal highways funds and some of those others, that is correct.

Senator KELLY. Was consideration given for the federal lands transportation program in the bid?

Mr. FRENCH. Yes.

Senator KELLY. Okay.

Mr. FRENCH. And I think we are, you know, we are still looking at exactly what those percentages will be, that working with the Department of Transportation of what portion of that we will get, but we are prioritizing, you know, a number of those large paved roads that are very expensive under that program.

Senator KELLY. As the plan comes together for the repair of this road, if you could, please just keep my office informed.

Mr. FRENCH. Okay.

Senator KELLY. Thank you. And thank you, Mr. Chairman.

Senator KING. Thank you.

Do we have Senator Hoeven? Not yet? Okay.

One additional question, and that is ongoing maintenance budgets. I am worried that the Great American Outdoors Act can create a moral hazard that sort of relaxes everyone about maintenance and that we are not adequately budgeting. I mean, we got into this hole in the first place because of inadequate maintenance budgets. Maintenance should be done every year.

Ms. Estenoz, where are we on adequately assessing the annual need and making that part of the President's budget?

Ms. ESTENOZ. It is an absolutely essential question, Senator and you know, we are looking ultimately to use LRF as a catalyst for really switching to what we call proactive life-cycle asset management. And this concept that you do not take an asset and drive it to failure, that rather you keep up with annual maintenance, and by doing that, every dollar that you spend keeping that asset functional longer, it can save \$6 to \$12 if your maintenance plan is to drive it to failure.

So that means that even as we buy down the deferred maintenance backlog, that it is very important that we maintain our operations and maintenance—annual maintenance budgets. That is going to be a really important part of—if our hope, if one of the things we hope for as an outcome of LRF is stronger departmental financial health, that is going to be a big part of it.

Senator KING. Well, I hope you will pursue that and I will commit to you on my own behalf to argue strenuously in the budget process for adequate maintenance funds as well as adequate staffing. This is not the subject of this hearing but, as you know, visitation is exploding and staffing is about where it was in 2013, and we are not serving the public or these parks and recreation areas adequately if we are not either maintaining them or staffing them adequately. So you make the request, and I will certainly do whatever I can in my modest way to try to assist you on both maintenance and staffing. Same for you, Mr. French.

Senator Hoeven is with us via WebEx.

Senator Hoeven.

Senator HOEVEN. Yes, thank you, Mr. Chairman.

Ms. Estenoz, of course, in the Great American Outdoors Act there is funding for maintenance as we are talking about, very important for all of our national parks across the country and certainly very important for the Theodore Roosevelt National Park in my State of North Dakota. The absolute number one priority in terms of deferred maintenance that we have been working on, as you know, is the Scenic Loop in the South Unit of the Theodore Roosevelt National Park, and that is just a fabulous, beautiful park with, you know, buffalo and mountain lions and elk and all kinds of animals that people love to see as well as incredible scenery there in the Badlands. And so one, I would very much like to have you come out and see it, if you haven't already. Also, you know, we need you to commit to work with us. We have secured the funding through the Great American Outdoors Act to fix the Scenic Loop, but we need to do it as soon as possible so that people can get out and enjoy the park as they historically have. So I would like you to address both coming and joining me there and your commitment to get this done as soon as possible.

Ms. ESTENOZ. Thank you, Senator, and I very much appreciate the invitation and look forward to taking you up on it. The Scenic Loop was an FY21 LRF project, as you have mentioned, and our goal is to get those dollars obligated on all FY21 projects as quickly as possible. And so we have obligated 48 percent of our FY21 dollars thus far. All the rest are in the pipeline either in planning and design or in procurement, in other words, they are out to bid.

And Brian, I don't know if we have a status on Theodore Roosevelt, but if we don't, Senator, we will get back to you with that very specific answer.

Senator HOEVEN. Well, the status that we have now is that there is an additional six miles that has to be fixed because of slumping in the ravines there and so forth. And so as a result, this is now taking longer. We had hoped to have this done by the end of 2022, certainly in 2023. Now it looks like maybe 2024 because of the additional work based on the latest information that we have been getting from you. So I guess I would really like your commitment to work with your staff as well as the Federal Highway Administration to see if we cannot expedite that because it makes it very difficult to get out and enjoy the park if you do not have this full loop because cars can drive up certain ways and then turn around and come back. They cannot get all the way out and around the park, at least with, you know, on the road piece. Obviously, they can hike and do those kinds of things.

So it really is a priority and needs to be expedited to the extent possible.

Ms. ESTENOZ. Thank you, Senator, and I commit to working with you to find ways to expedite that project.

Senator HOEVEN. All right.

And then also, we will want to work closely with you on your other prioritization of additional funding for our parks in North Dakota as well. You will commit to work with us on that?

Ms. ESTENOZ. Yes, absolutely, sir. Thank you.

Senator HOEVEN. Thank you.

And then, Deputy Chief French, I would like you to come out and join me in the grasslands. Are you willing to do that and meet with

our grazers and ranchers and all the people that live and work out in the grasslands?

Mr. FRENCH. Yes, Senator. I very much look forward to coming out and meeting with the associations and communities at some point later this year.

Senator HOEVEN. Yes, I think you will enjoy it and get good information and insight from it. I think it is very important.

You know, in this legislation, we also included funding that goes to the grasslands. We get about \$10 million a year in North Dakota for the grasslands out there, and what we have done to leverage that is set up a steering committee between the National Forest Service, USDA, as well as the Governor's office out there, the Ag commissioner, and then the counties and the grazing associations. And so we are also bringing state dollars to join with the \$10 million we have and then we are working with the counties as well because we think if we kind of divide up the deferred maintenance tax between what is on the land and what is on the roads, you know, what affects the grazers, what affects the energy industry, what affects the tourism industry, all those different things, we can be much more effective in a coordinated way.

Will you commit to work with our task force to do that?

Mr. FRENCH. Yes, I think that is exactly the type of approach that we are asking our local leaders to take, and we can commit to that.

Senator HOEVEN. Thank you, Chief. We will look forward to getting you out there and continuing to work on this. I appreciate it.

Thank you, Mr. Chairman.

Senator KING. Thank you, Senator Hoeven.

Senator Daines.

Senator DAINES. Chairman, last question, on Cottonwood. This investment that we made in the Great American Outdoors Act on the National Forest System could easily be undermined by litigation. It could create burdensome procedural requirements resulting from the Cottonwood decision.

Mr. French, you previously testified to the impact the agency will feel beginning in 2023. In Montana, we have seen the full range of projects delayed or obstructed by Cottonwood. Mr. French, will you elaborate on these lawsuits that have shut down entire forests and could undermine this investment in Forest Service deferred maintenance?

Mr. FRENCH. Okay. Senator Daines, thank you for the question, and I think, you know, since we last talked, we are progressing well with our conversations with Interior on solutions here, and I know we are going to follow up with you on that. The issue, broadly, when it comes to infrastructure, is that with a Cottonwood-like lawsuit, essentially activities associated with a forest plan will cease. And so if they were authorized through decisions associated with that forest plan, with a lawsuit like that, we would not be able to move forward with projects until we have done further consultation with the Fish and Wildlife Service on a species. And the interesting piece of that is, is that project would have gone through consultation that we have authorized that is going forward to be funded in an infrastructure project. We will have gone through consultation, if necessary, on that project with the Fish and Wildlife

Service or NOAA Fisheries, but under the Cottonwood situation, essentially, anything tiered to the forest plan would be halted. And so it would be a secondary consultation where we have already had a consultation.

Senator DAINES. Thank you. That's a very clear answer on it. I am going to turn it back to the Chairman, but my follow-up, though, is that we have requested a briefing to understand the concerns the Administration may have on my legislation, some four months ago.

Would you both commit to following up with a briefing, perhaps, within the next week? That would be most helpful.

Ms. ESTENOZ. Yes, Senator. We will work with your team to get that on the schedule.

Senator DAINES. Thank you.

Chairman.

Senator KING. Senator Lee.

Senator LEE. Thanks so much, Mr. Chairman.

Ms. Estenoz, I would like to start with you, if that is all right.

In 2021, I joined my colleagues from Utah's Congressional delegation in sending a letter to the Department of the Interior asking about our maintenance backlog. Utah received only \$7.3 million that year to address its federal maintenance backlog, and the backlog at the time was \$225 million as I recall. The Department responded by saying that it is directing the funding only to projects that are shovel-ready, and I think this was the explanation as to why it got only \$7 million, notwithstanding the \$225 million total backlog.

Now, I understand wanting to catch the spotlight by building the actual infrastructure that Americans have been waiting on for far too long, but what would it take for the Department to make deferred maintenance projects in Utah shovel-ready?

Ms. ESTENOZ. Well, Senator, I am not sure I am able to address specific projects in Utah and how close they are to shovel readiness or not, but let me go back to the FY21 question. And you are right, one of the criteria for selection of those projects was shovel readiness. I think the Park Service continues to try to choose projects where dollars can be allocated in the year that the appropriations are made. And I think what is key here, and I will ask Brian to clean up anything that I get wrong here, but I think what is key is to make sure that, on the ground, at parks in Utah and in other states, that we are giving the superintendents and the facilities managers there what they need to bring a project to the point where it can be proposed for selection.

Senator LEE. I also understand housing constitutes a significant portion of the National Park Service deferred maintenance. And I am thankful for the dedicated individuals who work for our National Park Service, you know, our National Parks depend on that. I can imagine housing issues inevitably impact what you do there. What projects is the Department focusing on right now that can help address this issue?

Ms. ESTENOZ. I am going to ask Brian to talk a little bit about specific projects with regard to housing, but before I do that, let me first of all thank you for acknowledging our Park Service staff. You are absolutely right, they are really at the heart of our national

park system, and I want to acknowledge that all three of the Senators present have mentioned housing and how it is an increasing problem for the Park Service—not particularly in parks—where affordable housing in gateway communities is such a tremendous problem.

Senator LEE. Right. And before we hear from Brian on that, I also want to tie it out more broadly because on the housing front, it occurs to me, just like we are experiencing with the National Park Service—many communities in my state are experiencing similar issues with the affordability of housing. And you see a lot of this, especially in some of the gateway communities adjacent to national parks. You have people who are struggling to address the rising demand for housing, lack of available land in order to build that housing that is compounded by the fact that two-thirds of the land is owned by the Federal Government, and especially with these gateway communities, there tends to be a lot of federal land, and not a lot of land available overall for housing. And so this land has become especially finite. And that is affecting not only National Park Service personnel, but local residents as well, as well as the people who serve those who are visiting the national parks.

So one of the things I was hoping to find out is whether you think that some federal land parcels could be dedicated to housing needs? Should Congress and the Department of the Interior work together on continued protection of the land while serving the constituency, meaning are there some lands, particularly those adjacent to or right outside city boundaries, that might be owned by the Federal Government but suitable for eventual disposal so they could be purchased by local communities who could then develop this into housing opportunities? And to be clear, I am not talking about land within national parks, dedicated wilderness areas, or national monuments or anything like this, just garden variety land owned by the Federal Government.

Ms. ESTENOZ. Senator, I appreciate the question so much and I want you to know that, you know, the Park Service is, I think, being as expansive and as creative as it can in this question about housing. I just happened to be back home in Florida, at Big Cypress National Preserve last week, and they are looking at a combination of housing on federal land that already exists, they are looking at portable housing, they are looking at partnerships in the community for rental housing. So I think that really all options are on the table in terms of finding solutions that work for specific parks and for specific workforces for specific parks.

Senator LEE. Great. So it sounds like you would be willing to work with me on that kind of funding.

Ms. ESTENOZ. Absolutely, Senator.

Senator LEE. Thank you.

Ms. ESTENOZ. Thank you.

Senator KING. Thank you, Senator Lee.

Senator Daines.

Senator DAINES. I think I am closing—

Senator KING. This hearing is going to go on for two days, by the way, just so you know.

[Laughter.]

Senator KING. Get comfortable.

Senator DAINES. We will take a break for four hours for sleep tonight, Mr. Chairman, we will—no, but thank you. I have a closing comment I want to make, and by the way, Senator Lee, the Chairman and I see the same problem in terms of gateway communities and housing issues and we look forward to working with you on that. We have some ideas on that as well. So thank you.

Before closing, I just want to express a disappointment that when I read Secretary Haaland's opinion piece on gray wolves, just one week—in fact, less than one week after the Fish and Wildlife Service solicited scientific data from states and stakeholders on the Agency's 12-month review. That the Secretary would author such an editorial, devoid of facts, but frankly, flushed with alarmist rhetoric, is predecisional, I would argue, and bordering on Administrative Procedure Act violations. And wielding a never-before used emergency ESA authority as a means to circumvent state wildlife authority speaks volumes as to how far the ESA has diverted from original Congressional intent. Sadly, it appears that Secretary Haaland is determined to further politicize wildlife management. I quote what she wrote—Secretary Haaland wrote—and it says she is “committed to ensuring that wolves have the conservation they need to survive and thrive in the wild based on science and the law.”

Ms. Estenoz, the science says that the ESA recovery criteria of 150 Montana gray wolves and 30 breeding pairs was achieved 20 years ago, in 2002. The science says that the wolf population has been consistently above 1,000 wolves in Montana for the past ten years, year after year, even during years of higher wolf harvest. I have the data here using the integrated patch occupancy modeling that provides a confidence level of 95 percent. The law states that the Secretary must present substantial scientific and commercial justification for any determination that a listing is warranted, but this has not happened, and no such data exists.

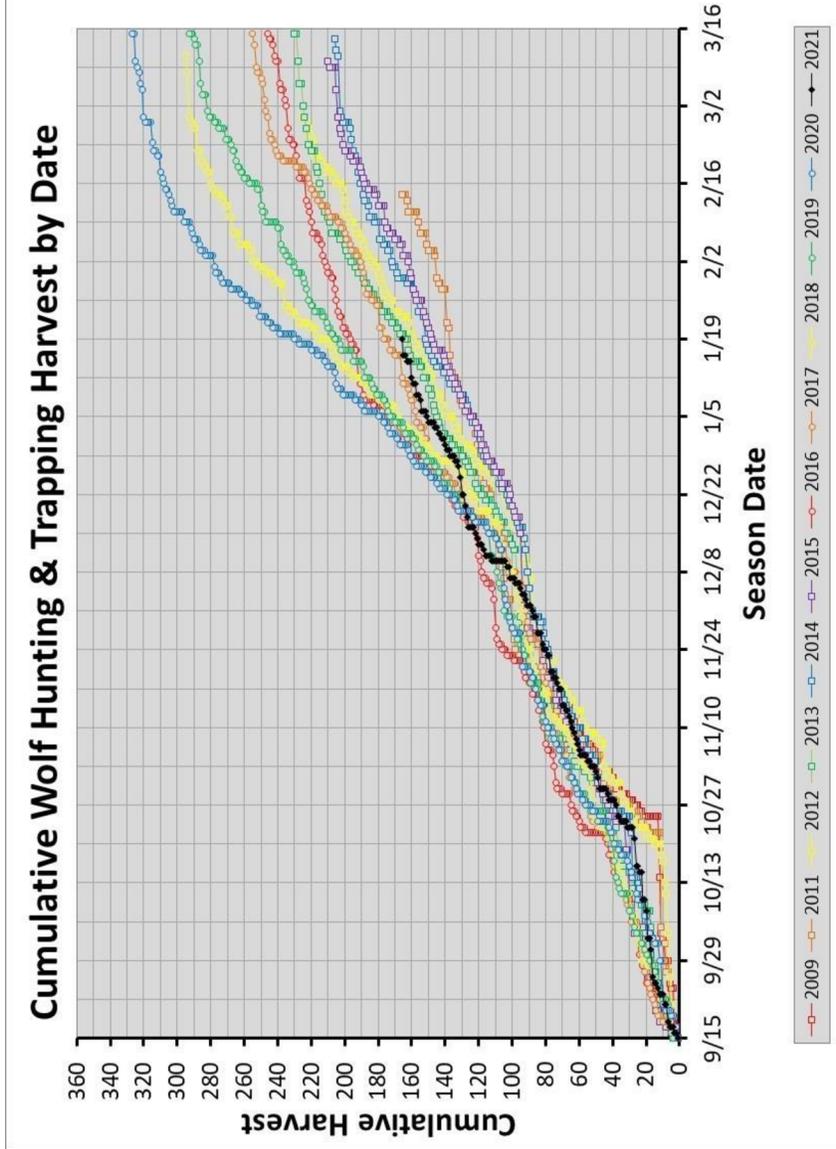
The law also states that the Secretary may only issue an emergency listing if there is a significant and immediate risk to the well-being of any species. These numbers clearly demonstrate that that is absolutely not the case. Furthermore, in the State of Montana, we have regulatory mechanisms in place to regulate and limit take to ensure the population stays well above recovery levels. And even if an emergency should arise, the plan in Montana is flexible, and it is adjustable, and the state is very well-positioned to respond. In fact, just two weeks ago, the Fish and Wildlife Commission in Montana met to evaluate wolf populations. I wonder if the Secretary has read Montana's laws and policies.

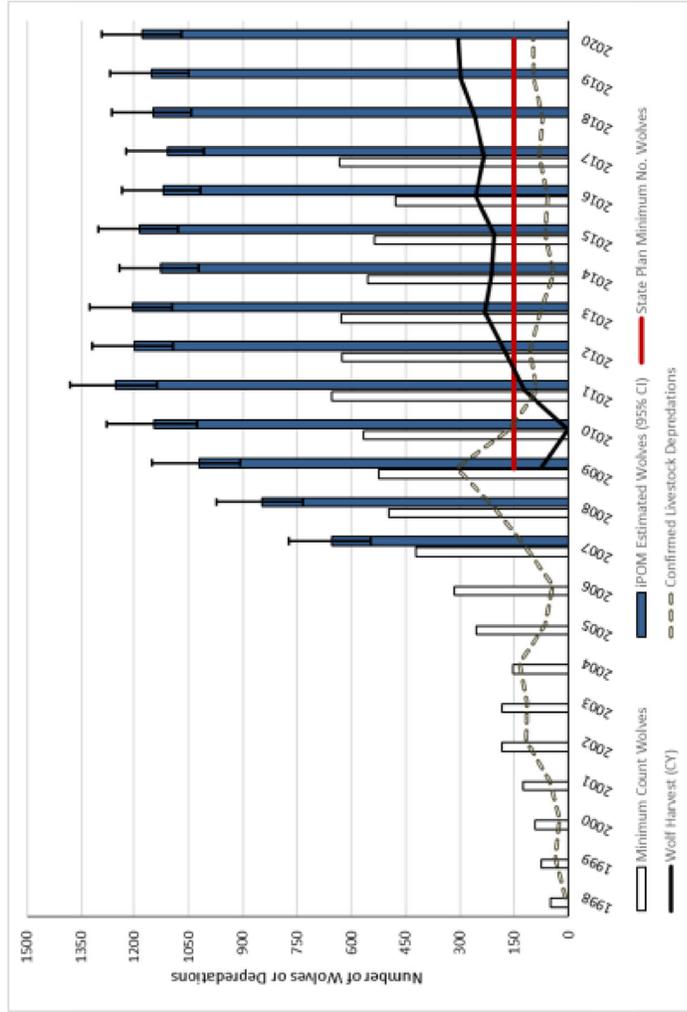
Ms. Estenoz, both the science and the law confirm that gray wolf management belongs with the states. Secretary Haaland writes that she is, and I quote, “closely monitoring data” and is, and I quote, “alarmed by recent reports from Montana.” What reports might that be? The most recent report shows that the wolf harvest—you can call it up online here, I did it when I walked in this morning. I check it frequently. The most recent wolf harvest report from the State of Montana is on par with prior seasons. We have harvested 205 wolves, season to date. The season closes March 15th. In fact, we are actually 90 wolves below where we were at this time last year—90.

Again, the science and the data show that this level of harvest is compatible with sustaining current gray wolf populations. Secretary Haaland writes that she will issue an emergency rule-making, and I quote her, “If the science indicates that there is an emergency posing a significant risk to the well-being of a species.”

Even if the statewide quota of 450—we are at 205 today—were taken, the gray wolf population in Montana would be nearly five times the recovery threshold. Remember, the recovery threshold is 150. I can show you the charts. We are consistently, over the last ten years, over a thousand wolves every year. We are some 90-plus wolves below the harvest levels from last year at the same point in time a year ago.

[The charts referred to by Senator Daines follow:]





**Figure 1. Integrated Patch Occupancy Modeling (iPOM) estimated number of wolves in Montana (including 95% credible intervals) and verified minimum number of wolves residing in Montana in relation to state wolf plan requirements along with trends in wolf harvest and confirmed livestock losses due to wolves, 1998 – 2020.**

Senator DAINES. If you are currently and truly monitoring the data, you would know that Montana is not even half way to even meeting that quota, and our wolf season is coming to a close. The gray wolf is a case study in how the Endangered Species Act can help in a species recovery. We celebrate the recovery of the species, like we do the grizzly bear, but it also is a case study on how the law should work and could work better. Don't toss out this opportunity, Ms. Estenoz. The recovery of the gray wolf is a success story, but the difficult and politicized transition to state management has not been. If you are serious in recognizing quote "decades of hard work by states and others," you will promote rather than disparage the state authority now that its time has come. To respect Montana's demonstrated ability to sustain a healthy wolf population for over a decade consistently is the true mark of success.

So thank you for allowing me to share these comments at the close. I urge you not to allow this Administration to undermine that legacy for political or for partisan gain.

Mr. Chairman, thank you.

Senator KING. Ms. Estenoz, did you have any comment?

Ms. ESTENOZ. Yes, Mr. Chairman, thank you.

Senator KING. There may have been a question buried in there somewhere.

[Laughter.]

Ms. ESTENOZ. Well, thank you, Mr. Chairman, and thank you, Senator Daines. And let me, too, quote the Secretary's op-ed, and I will use the same quote. I think the Secretary made it clear that when it comes to implementing the Endangered Species Act, we will follow the science and the law. I just perceived, really, you know—I want to mark that in the summer we were petitioned to begin a 12-month process. We are in that 12-month process. Senator, you correctly noted that our standard operating procedure—just last week, we invited interested parties, including states, to share with us science and information that they think would inform that process, and in Montana, I am sure, will provide us all of that data.

With respect to the reports from Montana that are causing some concern, those are related specifically to two wolf management units that border Yellowstone National Park. The number of wolves that had been taken that are national park wolves that spend less than five percent of their time outside the park were now near 20 of those wolves. The concern there was that longstanding quotas for those two youth wolf management units had been removed. And so therefore, the impact has been a greater number of Yellowstone wolves taken. The good news is that the National Park Service is in constant communication with the State of Montana. There, we have suggested a pretty quick fix to that problem, which is to reinstitute those management measures in those two wolf units to address Yellowstone wolves.

And then also, it is important to note too that in her piece this week, the Secretary pointed out that the Department of the Interior has other responsibilities relative to wolves, for example, in Wisconsin, where the Ojibwe Tribes have reserved treaty rights to either take or conserve wolves, it is the Department's responsibility

to remind states that it is their responsibility to uphold those treaty rights. So the Secretary, I think, was very clear in explaining what Interior's current role in wolf management is. And the last thing I will say, Senator, is that—the Secretary says it in her piece, you said it, and I will say it again, which is that wolves are a conservation success story, and it is really just incredibly important that we all work together to secure and maintain that success into the future.

Senator DAINES. Thank you for that comment. I would note, the piece though, I think, given that the request for the 12-month review just occurred, and for the Secretary to weigh-in with such an opinion piece, I am very concerned that it becomes entering in territory predecisional, and wielding an authority that—we do know the Secretary holds a 240-day moratorium invoking the Endangered Species Act. The science is not even close on this. I mean, 150 is the number. We have had ten years of over a thousand wolves in the State of Montana. It is a great success story. I am just concerned that this becomes a very partisan kind of issue.

And let's stay focused, as you stated—I have great respect for your comments today and working with you. If we stay focused on the science and the facts and not knee-jerk reactions here, we will sort this out, but the science, I think, is very, very compelling here.

Ms. ESTENOZ. Thank you, Senator, and we could not agree more, and the Secretary, I think, you know, makes that point in her piece a couple of times. So thank you. Thank you so much for surfacing this issue, and I look forward to continuing—

Senator DAINES. And I just wish the Secretary would have told the whole story of a tremendous—to have over a thousand wolves in Montana. If you read that piece, you would think in the moment here that the wolves are on the borderline of having to be relisted, and it is absolutely false. Thank you.

Senator KING. If there are no further questions, I want to thank our witnesses for your testimony today. It has been illuminating and very, very helpful.

Some members of the Committee may wish to submit additional questions in writing. If so, we will ask you to submit answers for the record. Committee members will have until 6:00 p.m. tomorrow, Thursday, to submit additional questions for the record. We will keep the hearing record open for two weeks to receive any additional comments. Thanks again to our witnesses. The Subcommittee is adjourned.

[Whereupon, at 11:34 a.m., the hearing was adjourned.]

**APPENDIX MATERIAL SUBMITTED**

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United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

JUN 23 2022

The Honorable Angus King, Jr.  
Chairman, Subcommittee on National Parks  
Committee on Energy and Natural Resources  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

Enclosed are responses prepared by the Department of the Interior to questions for the record received by the Department's witness, Ms. Shannon Estenoz, Assistant Secretary for Fish and Wildlife and Parks, following her appearance before your Subcommittee at the February 9, 2022, hearing on Implementation of the Great American Outdoors Act. We apologize for the delay in our response.

Thank you for the opportunity to respond to you on these matters.

Sincerely,

Christopher P. Salotti  
Legislative Counsel  
Office of Congressional and  
Legislative Affairs

Enclosure  
cc: The Honorable Steve Daines  
Ranking Member

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**Questions from Committee Ranking Member Barrasso**

**Question 1: What is DOI's priority for maintaining existing infrastructure relative to acquisition of new assets?**

**Response:** The Department of the Interior's goal is to take care of and maintain in good condition those assets, including infrastructure and land, that it currently manages. When existing infrastructure can no longer be cost-effectively maintained or adapted to support the agency's mission, the Department may look to construction or acquisition of alternate infrastructure that meets its mission needs. And the Department remains open to opportunities, when appropriate, to acquire additional land assets when those lands have resources values to advance the Department's mission, including streamlining management efficiencies and expanding access to federal lands and waters for the public, including to disadvantaged and underserved communities.

**Question 2: Within the Department of Transportation (DOT), the Federal Lands Transportation Program (FLTP) funds projects that improve access federal lands on transportation facilities in the national Federal Lands transportation inventory, while the Federal Lands Access Program (FLAP) improves transportation facilities that provide access to, are adjacent to, or are located within Federal lands.**

**a. How does DOI coordinate with DOT to address the deferred maintenance backlog for transportation projects?**

**Response:** The Department works cooperatively and in partnership with the Department of Transportation (DOT) Federal Highway Administration (FHWA) to support the maintenance, rehabilitation, restoration, and reconstruction of transportation assets within, adjacent to, or that provide access to, federal lands managed by the Department's bureaus. In addition to the funding supplied via GAOA, the Department's bureaus utilize Federal Lands Transportation Program (FLTP) funding to address deferred maintenance on transportation assets and perform proactive lifecycle maintenance to prevent deferred maintenance.

The Department's bureaus identify candidate projects and prioritize them using several layered strategies to maximize investment decisions, stretch limited funding, and reach performance-based goals on the condition of roads and bridges. These strategies are based on condition data, safety concerns, visitor use, and bureau/Administration priorities. The bureaus then work closely with the FHWA to determine the best delivery method that ensures sound stewardship of taxpayer funds.

**b. How does your department ensure efforts are complimentary to DOT's efforts?**

**Response:** The bureaus of the DOI are primarily responsible for planning and programming the FLTP, which improves transportation access on facilities owned by the Federal government. Conversely, the

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Federal Lands Access Program (FLAP), is implemented by State Departments of Transportation (state DOTs), FHWA, and County governments and federal land management agencies coordinate with these lead agencies and offer advice and input about project applications.

The Department's bureaus develop long range transportation plans (LRTPs) and are establishing management systems for pavement, bridges, congestion, and safety that influence project selection and priorities. The FHWA approves bureau LRTPs, and the bureaus ensure project funding decisions align with LRTP goals and joint national priorities. Further, State DOTs consult with Federal land management agencies when developing their transportation improvement programs to ensure that programs and projects are implemented in a coordinated and cooperative fashion.

**Question 3: What is DOI's definition of deferred maintenance? Pursuant to that definition, what is DOI's current deferred maintenance backlog?**

**Response:** The Department uses the Federal Accounting Standards Advisory Board definition of deferred maintenance and repairs (DM&R) -- maintenance and repair activity that was not performed when it should have been or was scheduled to be and which is put off or delayed to a future period.

The estimated DM&R for each of the following bureaus of the Department is:

- National Park Service - \$21.8 billion
- Bureau of Land Management - \$4.38 billion
- Bureau of Indian Affairs - \$1.62 billion
- U.S. Fish and Wildlife Service - \$1.76 billion
- U.S. Geological Survey - \$180 million
- U.S. Bureau of Reclamation - \$156 million

All DM&R estimates are as of Sept. 30, 2021, with the exception of the NPS, whose estimate is as of Dec. 31, 2021. The NPS recently completed a multi-year effort to comprehensively review and reform the systems and processes used to manage its assets, including the methodology used to assess the condition of NPS facilities and generate the DM&R values used for reporting. The changes streamline the NPS' condition assessment process and provide a more comprehensive estimate of the NPS portfolio repair needs.

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**Question 4: Fiscal year 2018 was the last instance when an agency broke down deferred maintenance needs by individual land unit, when NPS provided a park and state-specific deferred maintenance backlog estimates. Specific and up-to-date deferred maintenance estimates are necessary for Congress to provide proper oversight of GAOA implementation.**

- a. **Can the Department publish and regularly update the monetary amount of deferred maintenance for each bureau, broken down by land unit or location?**

**Response:** The Department is committed to transparency and providing deferred maintenance and repair (DM&R) estimates annually, broken down by bureau and state. The Department has posted online a complete list of projects undertaken with Legacy Restoration Funding by state (<https://doi.gov/gaoa/projects>). The Department is also working to provide additional DM&R information in the future.

**Question 5: Can you explain what leads to deferred maintenance within DOI and why the deferred maintenance backlog grows over time?**

**Response:** The Department's maintains a vast infrastructure, including roads, buildings, utility systems, and other structures and facilities, across its land managing bureaus. This asset portfolio includes both historic and non-historic properties. As assets age, they may become more expensive to repair and maintain in good condition and increased visitation also contributes to increased asset degradation rates.

Although the Legacy Restoration Fund will significantly reduce deferred maintenance across the Department's asset portfolio, the total backlog will continue to grow if there is a gap in the funding of annual maintenance needs. When annual funding to address routine and cyclic maintenance falls short of what is necessary, it leads to asset degradation.

As we move forward with executing the LRF program, we are also using discretionary resources to fund the replacement of critical assets (e.g. bridges, water and wastewater treatment plants, etc.) that have exceeded their expected service life and are at risk of failure and perform as much scheduled annual maintenance as feasible. We also remained focused on funding capital improvements needed to meet visitor capacity demand, allow assets to operate more efficiently, and address code compliance including accessibility and life safety. Our facilities and the national icons entrusted to our care must be in good condition, and we will continue to work with Congress to ensure that these needs are met.

**Question 6: NPS receives funding from appropriations along with revenues from recreation fees, commercial service fees, and philanthropic donations. Please explain how these different funding streams contribute to addressing both regular maintenance and deferred maintenance.**

**Response:** The significant size of the LRF funding relative to other sources presents an opportunity for the NPS to address large-scale deferred maintenance projects that cannot realistically be funded through

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other means. In addition, the following appropriations and revenue sources contribute to addressing both regular and deferred maintenance:

**Appropriations:**

Cyclic Maintenance – This program provides funding for prioritized projects that focus on addressing preventive, planned maintenance activities and component renewal. Cyclic Maintenance projects are routine in nature and help to ensure that assets and resources can meet their intended design lives and continue to perform efficiently.

Repair and Rehabilitation Program – The program provides funding for prioritized projects that focus on routine and unplanned maintenance, recapitalization, modernization, and disposition/demolition. Repair and rehabilitation projects address complex repair needs that arise on an infrequent or non-recurring basis where preventative maintenance is no longer sufficient to improve the condition of the facility or infrastructure. The projects are designed to restore or improve the condition of a facility or a component, returning the facility to a cyclic schedule.

Line Item Construction - The program provides funding for major maintenance and repair of existing assets, replacement of assets in kind, in addition to construction of new assets. Projects address the highest priority life, health, safety and resource protection issues, as well as needs related to visitor recreation.

**Revenue:**

Recreation Fees – The program provides funding for a variety of work including operations and maintenance of visitor-facing facilities like visitor centers, campgrounds, restrooms, and trails; facility investments; enhancement of recreational opportunities; and interpretation, law enforcement, and other visitor services. NPS has an expenditure policy that prioritizes 55 percent of recreation fee revenue to deferred and preventative maintenance projects.

Park Concessions Franchise Fees – The program provides funding to pay possessory/leasehold surrender interest accrued when concessioners make improvements to concession facilities, for maintenance on concessions assets, as well as to pay for contract development, programs and operations, and concession activities support.

**Department of Transportation Appropriation:**

Federal Lands Transportation Program – The program allows NPS and the Federal Highway Administration to partner to maintain and improve the quality and condition of the NPS roads, parking areas, bridges, and tunnels. Additionally, these funds support nearly 100 transit systems and provide for the development of alternative modes of transportation such as multimodal transportation trails and innovative transportation technologies.

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**Question 7: How is DOI prioritizing which projects to take on first? How are you interpreting and aggregating variables like quantity of users, cost of the project, diversity of recreational activities it provides, geographic location, or other aspects to choose which to embark on first?**

**Response:** Across the Department, each of the bureaus, NPS, FWS, BLM and BIE, selects projects with the potential to meet the Legacy Restoration Fund (LRF) goals of the Department:

- Improve the Department’s financial health
  - Reduce deferred maintenance (high percentage of a project’s net construction cost)
  - Support financial leveraging opportunities
  - Reduce annual operating costs
  - Right-size the portfolio (i.e., asset divestiture and/or demolition)
- Maximize citizens served
  - Benefit a large number of visitors (which are often the facilities with the largest amount of deferred maintenance)
  - Improve accessibility for those with disabilities
  - Expand recreation opportunities and public access, including to disadvantaged and underserved communities
  - Remediate the facilities in the poorest condition
- Protect those we serve
  - Improve/enhance public safety and student/workforce safety
  - Improve/enhance fire response/suppression capabilities
- Plan for the future
  - Repair and modernize facilities to support conservation, recreation, and education opportunities into the future
  - Avoid investments in assets that are no longer central to a bureau’s mission

In selecting these projects, the bureaus also consider:

- Project readiness (i.e., ability to rapidly initiate work when funding is received)
- Projects that employ sustainable life-cycle asset management strategies and/or with the potential to attract outside investment/contributions
- Projects that support Presidential priorities including: job creation, youth/job corps, climate resiliency, disadvantaged and underserved communities, clean energy, and conservation/resource threat protection

Within these goals, each bureau has established its own step-down, mission-focused criteria and internal guidelines for LRF project selection.

The NPS has established a Maintenance Action Team (MAT) program that is focused on small and medium-sized parks, to enable scalability, additional project delivery options, reduced operational costs/total cost of ownership, and greater opportunities for employee training that complement traditional day labor crews. The NPS dedicated \$14.1 million from the FY21 LRF program to the MATs to address

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deferred maintenance needs in 33 states and 59 small and medium-sized parks, and \$20 million in similar investments are planned for the MATs in FY23.

Executing the LRF to ensure every dollar spent achieves the maximum impact to the Department's backlog is an overarching priority, while considering accessibility, climate change, natural hazards and sustainability during project development.

**Question 8:** The Great American Outdoors Act (GAOA; P.L. 116-152) established a new fund with mandatory spending authority to address deferred maintenance needs of five federal agencies. The law also made available the deposits to an existing fund—the Land and Water Conservation Fund (LWCF)—as mandatory spending and made other changes to the LWCF Act (54 U.S.C. §§200301 et seq.).

**a. Can you describe DOI's most important accomplishments in implementing GAOA?**

**Response:** With respect to implementing the National Parks and Public Lands Restoration Fund, the Department has:

- Programmed more than \$4.8 billion of funding for three fiscal years of high priority deferred maintenance projects in under 18 months. These projects span all 50 states, the District of Columbia, Puerto Rico, and the US Virgin Islands.
- Obligated more than 55% of the Department's FY 2021 funding (\$886 million) and initiated work on 141 projects.
- Completed nine FY 2021 projects including the exterior restoration of the Jefferson Memorial's marble colonnade and the replacement of high-voltage transmission lines and towers at Yosemite National Park that supply power to the entire Yosemite Valley.
- Hosted more than 40 formal meetings, presentations, discussions, and listening sessions with external stakeholder groups, attended by more than 2,000 participants, including federal, state and local philanthropic and non-governmental organization partners, including the National Park Foundation and the National Park Friends Alliance
- Sponsored two widely attended industry day events to introduce GAOA project opportunities to thousands of interested contractors, service providers, and architect/engineering firms.

With respect to the LWCF, the Department initiated 59-line-item land acquisition projects in FY 2021, a 34% increase from the prior year, securing important wildlife corridors, expanding recreational opportunities, and increasing the land's resiliency to climate change. In FY 2021 the Department also expanded the Recreation Access program into five additional States, and the number of planned projects rose to 20, an increase of 54%, which has provided greater access to recreation opportunities such as hunting and fishing. And full mandatory funding for LWCF more than doubled available grant funding, increasing support for LWCF State grants and the Outdoor Recreation Legacy Partnership competitive grant program, enabling urban communities to create new outdoor recreation spaces, reinvigorate existing

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parcs, and form connections between people and the outdoors in economically disadvantaged and underserved communities.

The Department also held a listening session with a wide range of stakeholders to discuss the LWCF program and its future in order to broaden engagement and benefit as many states and local communities as possible. In addition to discussing ways to strengthen the program, the sessions focused on ways to leverage the LWCF programs to advance biodiversity, climate resilience, and increased equity and access. The Department also held two sessions with Tribal Nations, engaging over 80 representatives from Tribal governments and Inter-Tribal organizations. These sessions were the first formal discussions with Tribes about the LWCF programs and provided background on the programs and discussed past and future opportunities for partnerships. The information garnered from these sessions flagged areas for improvement and further discussions which will help to shape the LWCF program moving forward.

**Question 9: How can agencies and Congress ensure projects funded through GAOA are durable and resilient to long-term outdoor recreation use, or extreme weather events and other natural disasters, and will not just end up back on the maintenance backlog in the future?**

**Response:** Extreme weather events and natural disasters always pose challenges for agency-maintained infrastructure. As we move forward, we are ensuring that GAOA Legacy Restoration Fund projects consider resilience, climate change adaptation, and sustainability during project development. The Department will continue to support and encourage sound long-term investments by emphasizing lowest lifecycle investment, cost effective modernization, resilience, and sustainability opportunities to support its assets.

**Question 10: Given the delay in distribution of funds for LWCF Stateside Assistance, what is DOI working on to ensure states are receiving the funds in an efficient manner to invest in local communities?**

**Response:** LWCF funding is apportioned annually to each state by the Secretary, but the actual distribution of funds occurs on a project-by-project basis, which starts with states identifying and working with local recipients to prepare and submit applications to the NPS. Despite the increase in funding, many states have been challenged with taking steps to add capacity to enhance their own ability to manage the funds, which in turn has reduced their ability to work with local partners to identify projects, as well as aid them in properly preparing complete applications for NPS review and approval. The NPS is working to address these issues by expanding its operational capacity through planned increases in staffing, which will allow for greater levels of technical assistance and resources to review and process new grant applications. The FY 2023 President's Budget for the NPS also proposes a general provision to allow the NPS to apportion matching funds to states to support state administrative costs.

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**Question 11: The federal land acquisition process requires lengthy and complex procedures and numerous steps, ranging from federal appraisal reviews and environmental site assessments. How can DOI ensure that various agencies work seamlessly to minimize these lengthy and complicated factors that impact willing sellers and non-federal entities?**

**Response:** At the Department, land acquisition generally involves coordination between the acquiring bureau (for most due diligence, including boundary, environmental and historic site assessments), the Office of the Solicitor (to provide legal assistance and title review), and the Department’s Appraisal and Valuation Services Office (to prepare, or oversee the preparation of, the appraisal). The Department continues to consider ways to streamline the land acquisition process while still ensuring that we are meeting our Constitutional and legal responsibilities. Earlier coordination, streamlining compliance steps, and developing strategies to ensure that there is sufficient planning and resource allocation to meet our mission goals are all possible ways to increase overall efficiency of the acquisition process.

**Question 12: Under GAOA, mandatory appropriations under the LWCF Act are available “to carry out the purposes of the Fund,” including accounts and programs funded from the LWCF under P.L. 116-94.**

- a. How many acres of land have DOI agencies purchased with LWCF funds to date?
- b. How has DOI’s approach change with the new mandatory funds?
- c. To what extent will DOI agencies use the funding to acquire permanent and temporary easements and other interests in land (rather than full ownership)?

**Response to a, b and c:** Since October 1, 2020, with LWCF funding, the FWS has acquired over 18,000 acres in fee and 14,000 acres of conservation easements, the NPS has acquired 275.31 acres in fee, and the BLM has acquired approximately 47,100 acres in fee. Other acquisitions are in process. The funding certainty provided under GAOA facilitates discussions with willing sellers and conservation partners and offers the probability of enhanced conservation and recreation opportunities in local communities and on public lands. The bureaus continue to implement mission-focused acquisitions and are in the process of reviewing the Federal land acquisition programs to ensure that our organizational structure and business practices are equipped to meet the expanded funding opportunities provided by GAOA.

In certain instances, perpetual conservation easements can be an important, mutually beneficial tool to conserve habitat and wildlife while supporting ranching and farming families and their operations. In other instances, conservation easements may be sought to provide for public use of forest land while it remains as a working forest.

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**Question 13:** Forty percent of LWCF are required to go to the state side program. In order for these funds to be effectively utilized on state priority projects the state side office coordinates with states to develop a Statewide Comprehensive Outdoor Recreation Plan (SCORP).

- a. Please provide a complete list of SCORP plans and the date on which each was approved.
- b. Now that the LWCF of permanent and fully funded, is NPS working with states to update SCORPs so they are able to distribute state side funds effectively?

**Response to a and b:** Since the beginning of the program, there has been a requirement to update SCORPs on a 5-year cycle. However, due to reduced capacity at the state level, a majority of states are unable to meet this timeline. As longtime SCORP planners have retired, their positions have been left vacant or eliminated, so most states contract out the planning effort, which increases the time required for completion and reduces continuity and value between planning efforts. NPS's organizational expansion plan includes reconstituting a planning division so that there will be staff dedicated to working with states on SCORP development. A list of SCORPs with approval dates is attached.

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**Questions from Senator Daines**

**Question 1:** Ms. Estenoz, please provide an estimate of the percentage of Legacy Restoration funds that have been spent on environmental reviews for projects. Please also provide an estimated average cost for environmental reviews for an individual project.

**Response:** The Department estimates a very small percentage of GAOA LRF funds has been spent on environmental review to date (less than 1%). Environmental review and compliance work for many of DOI's fiscal year (FY) 2021 projects were completed using non-GAOA funding sources. Nearly half (47%) of the Department's FY 2021 projects were "procurement ready" and an additional (44%) were in the "planning and design" stage.

For each of its GAOA LRF projects, the Department supplies Congress with a detailed data sheet that includes an estimate of the project's planning and design costs. These FY 2021 project data sheets report anticipated spending of approximately \$30.2 million (1.87%) of the GAOA LRF funding on project planning. The costs for environmental reviews are only one component of project planning. Examples of other planning costs include: geotechnical studies, value engineering analysis, and a range of other studies/supplemental services depending on the nature of the project.

Compliance with resource protection laws such as the National Historic Preservation Act and National Environmental Policy Act are not only critically dependent and integrated functions of project planning, design, and management, they are the cornerstone of our obligation to fulfill the agency mission to preserve the natural and cultural resources and values of the Department.

**Question 2:** Ms. Estenoz, over the past two years Montana has seen significant population growth, in part, due to our outstanding opportunities for outdoor recreation. Are there aspects of the Outdoor Recreation Legacy Partnership program that you believe could be expanded or altered to ensure local parks, recreation, and outdoor opportunities continue to receive support in places like Montana? Has the Department identified any barriers to fully implementing this program in a way that serves changing and growing western communities?

**Response:** The Outdoor Recreation Legacy Program's eligibility criteria were established to ensure that every state would have cities eligible to participate. Montana had three such cities in the 2010 Census – Billings, Missoula, and Great Falls – but the state has not participated in any of the five ORLP rounds to date. Eligibility will be re-evaluated when urban data from the 2020 Census is available, which could result in additional cities in Montana becoming eligible.

**Question 3:** Ms. Estenoz, how does the Department of the Interior's appraisal process differ from the Forest Service's process? Is there any reason why DOI needs to have a separate office when the Forest Service manages their own appraisal process?

**Response:** Since 2003, appraisals at the Department have been managed by the Department's Appraisal and Valuation Services Office (AVSO) and its precursor organizations. This Departmental appraisal

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office was established after a series of audits by the Government Accountability Office and Department's Office of Inspector General between 1991-2001, which found a lack of appraisal independence and a failure to follow established federal appraisal standards to meet program goals within various bureau appraisal offices. To ensure appraiser independence, accountability, high standards, appropriate training, and oversight of the Departmental appraisal functions, the bureau appraisal staff were consolidated into a single Departmental appraisal office.

With respect to valuation determinations, the Department and the Forest Service utilize similar appraisal standards, subject only to the varying missions of the acquiring agencies. In addition, the Forest Service also utilizes a regional approach, allowing the same group of appraisers and review appraisers in an identified region to facilitate contracting actions and allow closer coordination with regional bureau realty staff. The Department is in the process of shifting appraisal operations to this approach within AVSO to create more flexibility across the portfolio and, as with the Forest Service, to allow the same group of appraisers and review appraisers to work closely with bureau realty staff in their respective regions.

**Question 4: Ms. Estenoz, in regards to the 73 Ranch, the land trust appraisal and what the property ultimately sold for, to a separate entity, was more than double the Department of the Interior's AVSO appraisal. What criteria and processes changed between the Bureau of Land Management's hired appraiser and the land trust's appraiser to result in such a discrepancy?**

**Response:** Although AVSO has not seen the land trust appraisal, the AVSO has had conversations with the parties involved and noted two key differences between the appraisals: the valuation of federal grazing permits and the use of sales made to non-governmental organizations for conservation purposes present in the land trust appraisal.

The use of sales to non-governmental organizations requires additional verification to ensure that they are arm's length transactions and not motivated by non-market factors such as the government's overall acquisition plan in the subject area or donative intent of the seller for tax purposes. With respect to the valuation of federal grazing permits, numerous court cases including the U.S. Supreme Court in *United States v. Fuller*, 409 U.S. 488, 492-93 (1973) have found that any value added to a property by federal grazing permits should be disregarded. The reason is that federal grazing permits issued under either the Taylor Grazing Act of 1934 (43 U.S.C. 315(b)(2012)) or the Granger-Thye Act of 1950 (16 U.S.C. 580f)(2012)) are revocable and convey no property rights to the holder of the permit. Because the United States would be acquiring a property interest it already owns, the permits are not considered in the determination of the highest and best use, or the market value of the property interest being acquired.

**Question 5: Ms. Estenoz, has the Department of the Interior identified anything in statute or regulation that affects the appraisal process's ability to be flexible and reflect changing market values or requires the completion of Yellowbook appraisals rather than a USAP compliant appraisal?**

**Response:** Currently the Department, working through AVSO, does not require the use of the Uniform Appraisal Standards for Federal Land Acquisitions (the Yellow Book) for all appraisals. For federal land

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management bureaus within the Department, only 65% of the appraisals completed by AVSO required Yellow Book compliance. While the Department is bound by existing statutes and regulations, some degree of flexibility does exist. The Department is exploring these areas of flexibility, while ensuring a transparent, accountable appraisal process.

**Question 7:** Ms. Estenoz, why does it take so long for AVSO to complete an appraisal? Over the last five fiscal years, what is the average time it takes to complete an appraisal by AVSO? And how does that compare to the time it took the individual DOI agencies to prepare appraisals prior to the creation of AVSO?

**Response:** For appraisals related to federal land acquisitions at the Department, from March of 2018 to present, the median time taken for acquisition appraisals for the LWCF agencies is 177 calendar days from receipt of an appraisal request to delivery of an approved appraisal report. The time to complete the appraisal itself is dependent largely on the availability of contract appraisers and the terms of the contract, but takes between 75-90 days. The appraisal is only one part of the overall land acquisition process. The general appraisal timeframe breaks down as follows for a contracted appraisal:

<b>Days</b>	<b>Phase</b>	<b>Responsible Party</b>	<b>Activities</b>
1-30	Engagement	AVSO/bureau realty	Appraisal request received, missing due diligence obtained, statement of work drafted
31-60	Contracting	AVSO/Interior Business Center – Acquisition Services Directorate (IBC-AQD)	Depending on procurement methodology (federal contract, government purchase card, non-federal party payment, in-house appraisal), a solicitation package is prepared, proposals are reviewed, contract awarded
61-135	Appraisal (approx. 75-90 days)	Contract Appraiser/AVSO	Appraisal is completed by private fee appraiser or AVSO in-house appraiser. Largely dependent on the appraiser's availability on the contract.
135-165	Appraisal Review	AVSO/Contract Appraiser	Appraisal is reviewed and any necessary revisions are made.
165-180	Closeout and Delivery	AVSO/Bureau Realty	Results of appraisal review are delivered to bureau, records completed and closed out

Appraisal records are only kept in archives for a total of seven years so much of the information regarding the days to completion when appraisers were employees of the bureaus is unavailable. However, we are not aware of a significant deviation from this timeframe. As a general matter, simple assignments are completed faster, and complex assignments take longer.

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**Question 8:** Ms. Estenoz, in the example of the 73 Ranch, the land trust used an appraiser recommended by the Bureau of Land management and subsequently learned that the appraisal was not acceptable by the agency. Would the Department of the Interior consider publishing a list of qualified appraisers to ensure this does not happen in the future?

**Response:** AVSO compiles a list of qualified appraisers for each appraisal assignment, considering the location and composition of the property to be appraised and any other assignment complexities. However, each appraisal report must still be reviewed to ensure that the report adequately supports the final value conclusion and reasonably meets the appraisal standards required for the assignment. The Department will look into the issue of publishing a list of qualified appraisers, understanding that there may be legal and other reasons not to do so.

**Question 9:** Ms. Estenoz, is there any statutory reason why the Department would not move the appraisal function back into the individual Bureaus so that the desired outcome of completing appraisals in 3 months or less could be restored, resulting in improved conservation outcomes, providing better customer service to willing sellers and ensuring the successful execution of GAOA for the American public?

**Response:** As stated at the hearing, the question of streamlining the time necessary to complete a federal land acquisition is an important one that the Department is reviewing. To maximize the benefits of the Great American Outdoors Act, it is critical for the Department to implement the goals of the LWCF program as quickly as possible, while ensure the integrity of the program and benefits to the American public. We are working with all offices and bureaus in the Department to find the proper balance.

**Question 10:** Ms. Estenoz, the Department of the Interior Yellowbook specifically prohibits grazing permits from being included in land valuation. This could result in undervaluing parcels that are being considered from a cattle operation valuation. Has the Department looking into this issue?

**Response:** The Yellow Book, or Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA), is not a Department of the Interior document. Instead, these government-wide appraisal standards were developed by the Interagency Land Acquisition Conference -- a conference formed by the U.S. Department of Justice -- to promote fairness, uniformity, and efficiency in the appraisal of real property in federal land acquisitions in accordance with appraisal industry standards and the requirement of the 5th Amendment to the U.S. Constitution that no property shall "be taken for public use without just compensation."

With respect to the valuation of federal grazing permits, numerous court cases, including the U.S. Supreme Court in *United States v. Fuller*, 409 U.S. 488, 492-93 (1973), have found that a value added to a property by the federal grazing permits should be disregarded. The reason is that federal grazing permits issued under either the Taylor Grazing Act of 1934 (43 U.S.C. 315(b)(2012)) or the Granger-Thye Act of 1950 (16 U.S.C. 580f)(2012)) are revocable and create no property rights in the holder of the permit. Because the United States would be acquiring a property interest it already owns, the permits are

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not considered in the determination of the highest and best use of the property, or the market value of the property interest being acquired.

**Question 11:** Ms. Estenoz, the Great American Outdoors Act provided a historic investment to upgrade and restore infrastructure on our public lands. Some have noted that this legislation did not, however, improve capacity at the agency which can hinder completing projects. What is the Department of the Interior currently doing to address staffing capacity? Specifically, what is the agency doing to streamline processes, expand public-private partnerships, and leverage contracting authorities and shared stewardship agreements with states to maximize the amount of work that is completed with these funds?

**Response:** The Great American Outdoors Act combines a financial commitment to conservation and recreation for future generations with a significant investment in the facilities needed to carry out the Department's important mission, including the care and maintenance of America's national treasures. To implement this legislation, the Department must ensure that it has sufficient staffing to successfully carry out the project management needs of the Legacy Restoration Fund and the land acquisition and grant programs of the LWCF. The Department is committed to this goal and has made significant progress in staffing since the enactment of the GAOA.

**Question 12:** Ms. Estenoz, does the Park Service coordinate with the other bureaus within Interior and is there coordination with the Forest Service when selecting projects for the Legacy Restoration Fund?

**Response:** When selecting projects to received LRF funds, the Great American Outdoors Act Program Management Office (GAOA PMO) facilitates a weekly meeting with the NPS, FWS, BLM, and BIE to promote adherence to a common GAOA LRF program execution strategy and drive consistency of approach through coordinated planning, information sharing, and after-action reviews. These meetings are attended by a multidisciplinary group of program managers, budget analysts, contracting personnel, and communicators. Bureaus benefit from hearing about each other's approaches to project selection, program management, and challenges/solutions. Although bureaus have separate and distinct processes for identifying, analyzing, and selecting LRF projects, all bureaus benefit from the cross-pollination of ideas and information sharing that occurs on a weekly basis.

In addition, the GAOA PMO and the U.S. Forest Service have a strong working relationship with consistent communication on program formulation and execution for the LRF. The processes each agency employs to select projects are independent from one another, but best practices are shared and adapted to ensure the most effective approach.

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**Question 13:** Ms. Estenoz, can you please breakdown how much Legacy Restoration funding has been allocated for projects in the following categories: employee housing, transportation, trail maintenance, visitor buildings, and water infrastructure?

**Response:** The Department's approximate fiscal year 2021 - 2023 funding allocations in each of the five categories requested are as follows:

Category	FY 2021	FY 2022	FY 2023
Employee Housing	\$ 69.0 million	\$ 9.75 million	\$ 3.6 million
Transportation	\$ 746.5 million	\$ 420.1 million	\$ 96.0 million
Trail Maintenance	\$ 3.4 million	\$ 28.2 million	\$ 0.9 million
Visitor Buildings	\$ 207.8 million	\$ 230.9 million	\$ 331.3 million
Water Infrastructure	\$ 175.8 million	\$ 356.0 million	\$ 414.9 million

Please note these are rough estimates. For some LRF projects, these categories are included in the scope of a larger investment that includes additional assets/categories. The numbers in the table above reflect the total project cost since LRF funding is allocated to the project, not to the individual assets or categories that comprise its scope.

**Question 14:** Ms. Estenoz, how many people are employed in the Great American Outdoors Act Program Management Office and does the management and salaries for that office come from the LWCF or the Legacy Restoration Fund?

**Response:** The Great American Outdoors Act Program Management Office (GAOA PMO), is responsible for the Department-wide oversight and coordination of the National Parks and Public Land Legacy Restoration Fund (LRF) and its operating costs are funded by the LRF. The GAOA PMO has six employees.

**Question 15:** Ms. Estenoz, please provide the latest dollar estimate, for each individual bureau, of outstanding maintenance backlog projects.

**Response:** The estimated deferred maintenance and repair (DM&R) for each of the following bureaus of the Department is:

- National Park Service - \$21.8 billion
- Bureau of Land Management - \$4.38 billion
- Bureau of Indian Affairs - \$1.62 billion
- U.S. Fish and Wildlife Service - \$1.76 billion
- U.S. Geological Survey - \$180 million
- U.S. Bureau of Reclamation - \$156 million

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All DM&R estimates are as of Sept. 30, 2021, with the exception of the NPS, whose estimate is as of Dec. 31, 2021. The NPS recently completed a multi-year effort to comprehensively review and reform the systems and processes used to manage its assets, including the methodology used to assess the condition of NPS facilities and generate the DM&R values used for reporting. The changes streamline the NPS' condition assessment process and provide a more comprehensive, consistent, and timely identification of condition deficiencies and estimate of the NPS portfolio repair needs.

**Question 16: Ms. Estenoz, what is the total amount in dollars that have been allocated for projects in Montana (including projects in Yellowstone National Park) under the Legacy Restoration Fund? Please provide breakdown by bureau.**

**Response:** All projects funded by the LRF are posted on the Department's website: [doi.gov/gaoa/projects](https://doi.gov/gaoa/projects). For fiscal years 2021 – 2022, the Department programmed more than \$387 million for LRF projects in the state of Montana, including Yellowstone National Park. The table below contains a breakdown by bureau, district/unit, and fiscal year.

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<b>BLM</b>		
<b>Eastern Montana District</b>		
FY21	Acton Road Gravel	\$ 250,000
FY21	Crooked Creek Road Repair Planning and Design	\$ 375,000
FY21	Eastern Montana Dakota District Fog Seal	\$ 250,000
FY21	Stellar Creek Road Repair	\$ 470,000
<b>North Central District</b>		
FY21	Grub Dam Rehabilitation	\$ 1,793,000
FY21	South Fork Dry Blood Creek Detention Dam Repair (Phase 1 of 2)	\$ 985,000
<b>Western Montana District</b>		
FY21	Axolotl Lakes Road Resurfacing	\$ 440,000
FY21	Beartooth Landing Dock	\$ 30,000
FY21	Big Hole Recreation Sites Maintenance and Restoration	\$ 833,000
FY21	Carbella Boat Ramp Repair	\$ 150,000
FY21	Monida Creek Dam #1 and #2 Repair	\$ 471,000
FY21	Moose Creek Road Resurfacing	\$ 450,000
FY21	Ruby Creek Road Chip Seal (Phase 2 of 2)	\$ 146,000
<b>Eastern Montana Dakotas, North Central, and Western Montana Districts</b>		
FY22	Montana / Dakotas Recreation, Roads, and Dam Repairs	\$ 6,140,000
<b>NPS</b>		
<b>Glacier National Park</b>		
FY21	Rehabilitate Final 9.3 miles of the Going-to-the-Sun Road & Replace Bridge Over McDonald Creek	\$ 22,811,630
FY22	Replace Headquarters Wastewater System	\$ 10,921,000
FY22	Replace Swiftcurrent Water Distribution System	\$ 15,726,000
<b>Yellowstone National Park</b>		
FY21	Lewis River Bridge	\$ 37,225,000
FY21	Old Faithful to West Thumb, 3R	\$ 50,170,000
FY21	Rehabilitate and Reconfigure the Historic Laurel Dormitory at Old Faithful	\$ 21,140,000
FY21	Rehabilitate Exteriors of Fort Yellowstone Structures	\$ 22,331,400
FY21	Rehabilitate and Improve Old Faithful Water Treatment System and Demolish Abandoned	
FY22	Wastewater Treatment Plant	\$ 20,112,000
FY22	Rehabilitate/Replace Canyon & Grant Village Wastewater Collection and Treatment Systems	\$ 52,588,000
FY22	Replace Mammoth Wastewater Collection System	\$ 9,327,000
FY22	Replace the Yellowstone River Bridge	\$ 71,200,000
<b>Grand Total</b>		<b>\$ 346,335,030</b>

**Question 17: Ms. Estenoz, is the criteria and methodology for project prioritization under the Legacy Restoration Fund the same for each bureau? If different, please provide an explanation of the differences.**

**Response:** Across the Department, each of the bureaus, NPS, FWS, BLM and BIE, selects projects with the potential to meet the Legacy Restoration Fund (LRF) goals of the Department:

- Improve the Department's financial health
  - Reduce deferred maintenance (high percentage of a project's net construction cost)
  - Support financial leveraging opportunities

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- Reduce annual operating costs
- Right-size the portfolio (i.e., asset divestiture and/or demolition)
- Maximize citizens served
  - Benefit a large number of visitors (which are often the facilities with the largest amount of deferred maintenance)
  - Improve accessibility for those with disabilities
  - Expand recreation opportunities and public access
  - Remediate the facilities in the poorest condition
- Protect those we serve
  - Improve/enhance public safety and student/workforce safety
  - Improve/enhance fire response/suppression capabilities
- Plan for the future
  - Repair and modernize facilities to support conservation, recreation, and education opportunities into the future
  - Avoid investments in assets that are no longer central to a bureau's mission

In selecting these projects, the bureaus also consider additional factors:

- Project readiness (i.e., ability to rapidly initiate work when funding is received)
- Projects that employ sustainable life-cycle asset management strategies and/or with the potential to attract outside investment/contributions
- Projects that support Presidential priorities including: job creation, youth/job corps, climate resiliency, underserved communities, clean energy, and conservation/resource threat protection

Within these goals, each bureau has established its own step-down, mission-focused criteria and internal guidelines for LRF project selection.

The NPS evaluates and prioritizes potential projects based on the following criteria:

- Critical assets at risk of failure
- Impact to life, health, safety, and the environment
- Percentage of net construction that would address deferred maintenance
- Accessibility
- Opportunity for demolition or disposal of facilities that are no longer needed

The NPS also considers a project's size/cost, readiness for obligation, and the park's plans for maintaining the restored facilities and infrastructure in an acceptable condition throughout their remaining lifecycles. While the LRF is the newest and largest source of deferred maintenance funding, the NPS balances its priorities across multiple discretionary, mandatory, and supplemental appropriations to ensure funding is distributed to meet the most critical needs across parks as conditions and funds availability changes.

The FWS evaluates and prioritizes its LRF investments based on their contribution to long-range plans and objectives, readiness for execution, and impact on reducing the maintenance backlog. In doing so,

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FWS adheres to the “National Wildlife Refuge System Deferred Maintenance and Transportation Allocation and Strategic Investment Strategy” which identifies the following areas of emphasis:

- Outdoor Recreation and Supporting Habitat Infrastructure
  - Investing in the highest public use field stations
  - Retaining, restoring, and enhancing sportsmen access and outdoor recreation
  - Leveraging deferred maintenance and Federal Lands Transportation Program investments with construction appropriations, grants, and partnerships for maximum impact
- Connecting with Communities
  - Strategically focusing on urban refuges and the top 10% most visited field stations supporting 80% of the public use, and more than one-third of the bureau’s maintenance backlog
- Building Consolidation, Co-location and Replacement
  - Completing proactive lifecycle investments to prevent deferred maintenance, resulting in maximizing the return on the American taxpayer’s investment

To maximize the impact of LRF funding, the BLM is prioritizing the following types of investments:

- Projects that will significantly reduce the maintenance backlog
- Repairs to assets that impact public safety
- Assets in need of repair at highly visited and high-use recreation sites
- Demolition/disposal of assets that are no longer needed to fulfill BLM’s mission
- Projects that complete proactive lifecycle investments to slow the growth of deferred maintenance backlog into the future

The BIE selects projects based on the project’s ability to improve the safety and overall condition of the education facility, reduce the maintenance backlog, protect critical resources, and provide an environment conducive to learning. BIE’s three focus areas for LRF investment are as follows:

- Replacement construction and improvements/repairs at facilities with the poorest condition.
- Demolishing unsafe and uninhabitable buildings to provide safer campus environments.
- Repairing staff quarters at priority school locations to improve the health and retention of school staff.

**Question 18:** Ms. Estenoz, if the Park Service continues its current trend of funding and project selection, about what percentage of the existing total deferred maintenance backlog will be completed during the five-year life of the fund?

**Response:** For fiscal years 2021 and 2022, the Department has funded 230 projects for a total investment of more than \$3.2 billion from the Legacy Restoration Fund to address critical deferred maintenance projects and improve transportation and recreation infrastructure on national parks, national wildlife

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refuges and recreation areas, and at Bureau of Indian Education schools. Collectively, these investments are expected to retire more than \$2.4 billion of deferred maintenance at project completion.

NPS facility project funding sources are directed toward reducing the large and growing backlog, in addition to funding scheduled annual maintenance needs and improvements required to meet visitor capacity demand, allow assets to operate more efficiently, and address code compliance including accessibility and life safety.

The LRF will reduce deferred maintenance on portions of the NPS asset portfolio, however the total backlog may continue to grow if there is a gap in the funding provided for annual maintenance needs. This year-over-year gap between the maintenance funding available and the estimate requirements leads to Service-wide portfolio deterioration.

**Question 19: Ms. Estenoz, the Montana Conservation Corps has partnered with the Forest Service on numerous projects which has resulted in cost savings for the program as well as invaluable experiences for young adults in Montana. How can the Park Service better work with communities, local companies and conservation corps to save money, build jobs, and help communities?**

**Response:** The Great American Outdoors Act is historic legislation that brings a significant investment in America's parks, public lands, and communities. GAOA funding will allow the Department to create new partnerships and expand existing ones, create jobs, enhance recreation opportunities, and improve access to public lands for local communities.

One of the ways that the NPS is working with the Service and Conservation Corps, veterans, volunteers, and other partners is through our Maintenance Action Teams (MATs). The MATs will pair its seasoned NPS facility-related staff, who have knowledge in project delivery and the building trades, with the next generation of facility managers, building trades workers, and craftspeople through MAT cross-training experiences. These teams will focus on small and medium sized park units, which are often the least-well positioned to have a full maintenance staff that includes various trades and disciplines to fully scope, design, and execute facility projects. The MATs will complete rehabilitation and preservation projects with the support of Service and Conservation Corps, Veterans, volunteers, and other partners in an environment that will simultaneously encourage networking across the NPS while sharing knowledge through project execution and on-the-job training opportunities.

**Question 20: Ms. Estenoz, the Fish and Wildlife Service is sometimes restricted in what landscapes LWCF dollars can be spent. With the guaranteed funding realized by the Great American Outdoors Act, should we consider removing these restrictions or expanding eligible conservation areas to provide more opportunities for conservation in Montana?**

**Response:** Although GAOA provided mandatory monies for the LWCF, the FWS must still responsibly manage and strategically grow the National Wildlife Refuge System. The FWS uses science-based decision making to direct this growth, in close coordination with local communities, businesses, landowners, non-governmental organizations, Tribes, local governments, and other interested parties to

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identify management boundaries. In Montana, the National Wildlife Refuge System has a focus on keeping working lands working while achieving its conservation goals. There are sufficient flexibilities within its authorities to provide for conservation opportunities.

**Question 21:** Ms. Estenoz, can you please breakdown how much funding has been allocated to the top 20 most visited parks versus the remaining 415 sites under the National Park Service?

**Response:** The table below reflects FY21 and FY22 funding allocations made from the Great American Outdoors Act for Land Acquisition funding and the Legacy Restoration Fund, for the top 20 most visited parks and all other remaining parks.

Park Name	LWCF Land Acquisition	LRF**
National Mall & Memorial Parks	\$0	\$10,190
Blue Ridge Parkway	\$2,500	\$218,437
Great Smoky Mountains NP	\$0	\$59,070
Golden Gate NRA	\$20	\$45,358
Gateway NRA	\$0	\$47,581
Lake Mead NRA	\$1,150	\$31,468
George Washington Memorial Parkway	\$0	\$207,800
Natchez Trace Parkway, Natchez Trace NST, Brices Cross Roads NBS, Tupelo NB	\$0	\$61,246
Zion NP	\$1,950	\$11,253
Chesapeake & Ohio Canal NHP	\$465	\$22,811
Gulf Islands NS	\$0	\$0
Yellowstone NP	\$0	\$216,846
Delaware Water Gap NRA	\$0	\$21,518
Grand Canyon NP	\$0	\$60,679
Rocky Mountain NP	\$0	\$31,976
Cape Cod NS	\$725	\$12,572
Acadia NP	\$995	\$34,496
Grand Teton NP	\$7,000	\$51,366
Cape Hatteras Group - Cape Hatteras NS, Fort Raleigh NHS, Wright Brothers NMem	\$0	\$0
Chattahoochee River NRA	\$1,500	\$0
All Else*	\$118,448	\$1,243,626

\*All else includes: (1) project funding at park units not among FY 2021's top 20 most visited parks and (2) LRF indirect costs, contingency, planning, compliance, and central project management

\*\*LRF data as of June 6, 2022.

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**Question 22:** Ms. Estenoz, there are some states like California and Mississippi that have received over \$100 million and other states like Idaho and South Dakota that have received \$0 from the Park Service. How does your methodology take into consideration previous funding locations?

**Response:** In the 18 months since establishment of the Legacy Restoration Fund, the Department has programed more than \$4.8 billion of funding (for FY 2021-23) for high priority deferred maintenance projects, spanning all 50 states, the District of Columbia, Puerto Rico, and the US Virgin Islands.

With respect to the NPS, maintenance and repair needs vary significantly by park. The LRF is one of several funding sources available to tackle facility projects in the national parks. Projects might include preventative maintenance, replacement of parts, systems, or components, alterations, or capital improvements.

As with all NPS investments, priority was given to projects that protect the safety of NPS visitors, partners, employees, and the natural and cultural resources the bureau safeguards. NPS also considered whether the project would address a significant amount of deferred maintenance, the business case for the investment, and ensuring that restored facilities and infrastructure could be maintained in acceptable condition throughout their respective life cycles. Project size is certainly a consideration when selecting GAOA LRF projects, but smaller projects are not eliminated from LRF funding consideration purely because of their size. LRF is one of the main funding source for extra-large projects.

**Question 23:** Ms. Estenoz, the Great American Outdoors Act authorizes the Secretary to accept “public cash or in-kind donations” to reduce the deferred maintenance backlog and foster public-private partnerships. What is the total amount of public donations the secretary has received for the Legacy Restoration Fund?

**Response:** Executing the LRF in a manner that maximizes the reduction of bureau maintenance and repair backlogs is the Department’s highest priority. The Department routinely briefs stakeholders and partner organizations, including the National Park Foundation and the National Park Friends Alliance, on LRF program status to help raise awareness and generate ideas for additional partnering and fund-raising opportunities. One example of how LRF funding is being financially leveraged is at Independence National Historical Park in Pennsylvania, where the NPS plans to rehabilitate for public visitation the interior and exterior of the First Bank of the United States, and the philanthropic partner of Independence National Historical Park, the Independence Historical Trust, is supporting the project’s design and construction documents, at an estimated value of \$3 million.

**Question 24:** Ms. Estenoz, are donations solicited under the Great American Outdoors Act earmarked for specific projects?

**Response:** If requested by the donor or solicited for a specific purpose, donations accepted under GAOA LRF can be allocated to specific projects.

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**Question 25:** Ms. Estenoz, in what ways has the Department advocated for, encouraged, or solicited donations for the Legacy Restoration Fund?

**Response:** Since the enactment of GAOA in August 2020, the Department and its bureaus have hosted more than 40 formal meetings, presentations, discussions, and listening sessions with external stakeholder groups, attended by more than 2,000 participants, including federal, state and local philanthropic and non-governmental organization partners such as the National Park Foundation and the National Park Friends Alliance. By actively engaging these organizations, the Department anticipates future support in the form of contributions/donations and project advancement opportunities.

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**Questions from Senator Hirono**

**Question 1:** One of my priorities is to see workforce development programs such as Service and Conservation Corps carry out some of the projects funded by the Legacy Restoration Fund. I understand that Corps partners have been engaged on U.S. Forest Service projects. However, the National Park Service is still standing up their Maintenance Action Teams, or MATs, which aren't expected to conduct partner outreach until FY23.

Why has it taken DOI so long to get to a place where they can engage these partners on projects? Since the department will not be engaging these partners until year 3 of a 5-year fund, should we expect heavy engagement going forward? Will the Department provide some indication on which MATs projects funded by the Legacy Restoration Fund are eligible for partner engagement in future budget requests? What resources do you need from Congress to help in this area?

**Response:** Maintenance Action Teams (MATs) are a cost-effective method to address deferred maintenance while strengthening capacities within the NPS workforce. The MAT teams pair seasoned facility-related staff with knowledge in project delivery and the building trades with the next generation of facility managers, building trades workers, and craftspeople. Focusing primarily on small and medium sized park units, the MATs complete projects with the support of Service and Conservation Corps, veterans, volunteers, and other partners, sharing knowledge through project execution and on-the-job training opportunities. The NPS intends to expand the MAT program each year, gradually building a strong and successful program that maximizes our ability to reach parks, communities, and partners throughout all NPS units. We have already partnered with students in NPS DOI Region 1 on these types of programs, and will continue to build this program.

**Question 2:** With bills that require agencies to get large amounts of funding out the door, like the Great American Outdoors Act, I understand that staffing issues often arise.

Does DOI have the resources and hiring authority necessary to get staff set up to administer projects funded by this bill? If not, how can Congress help?

**Response:** The Great American Outdoors Act combines a financial commitment to conservation and recreation for future generations with a significant investment in the facilities needed to carry out the Department's important mission, including the care and maintenance of America's national treasures. To implement this legislation, the Department must ensure that it has sufficient staffing to successfully carry out the project management needs of the Legacy Restoration Fund (LRF) and the land acquisition and grant programs of the LWCF. The Department is committed to this goal and has made significant progress in staffing since the enactment of the GAOA.

With respect to the LRF, the Department has filled many positions using term authority. Given that many LRF projects will extend beyond traditional term authority limits, the Department is working with OPM to expand the positions included in their proposed ten-year term rule to include those vital to support LRF. Such positions include 800-series (architecture and engineering) and "wage grade" positions. The

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ability to hire ten-year term positions will help expand the size and quality of applicant pools and increase efficiency with reduced turnover and onboarding costs. Other hiring flexibilities such as special pay authority for hard to fill positions and the use of expedited service Schedule A appointments under 5 CFR 213.3102(i)(3) would be beneficial.

With respect to the LWCF, the Department anticipates an increased demand for appraisals for Federal land acquisition. The special pay rate approved by OPM on May 25, 2022, for appraisers in the GS-1171 Appraising series will be helpful in recruiting and retention. Additionally, Direct Hire Authority may be another tool to help facilitate onboarding of qualified appraisers interested in working on the Department's conservation projects.

**Question 3: Thus far, the only funding that Hawaii has received from the Legacy Restoration Fund has been to restore some sidewalks at Kalaupapa National Historic Park. While that is a very important project that I'm glad to see get completed, that pales in comparison to large projects like the \$123 M award to the Blue Ridge Parkway.**

**Can you discuss how the small projects are treated versus the larger projects? If the majority of funding is going to larger projects in the initial years, can we expect more smaller projects to be funded in later years?**

**Response:** Deferred maintenance and repair (DM&R) needs vary significantly by park. The LRF is supplemental to other facility project funding sources available, and NPS looks across all fund sources to determine which is the best fit for a specific maintenance project, taking into consideration each fund source's ceiling and the legislative restrictions on its use. For example, in Haleakala National Park, recreation fees collected pursuant to the Federal Lands Recreation Enhancement Act were used in FY 2021 to Repair the Kipahulu Halē Ku'ai Traditional Native Hawaiian Hale, and at Hawaii Volcanoes National Park, Federal Lands Transportation Funds (in partnership with the Federal Highway Administration) were used to realign Crater Rim Drive and construct new visitor center parking.

As with all NPS investments, LRF priority is given to projects that protect the safety of NPS visitors, partners, employees, and the natural and cultural resources the bureau safeguards. NPS also considers whether a project will address a significant amount of deferred maintenance, the business case for the investment, and whether the restored facilities and infrastructure can be maintained in acceptable condition throughout their respective life cycles. Project size is certainly a consideration when selecting GAOA LRF projects, but smaller projects are not eliminated from LRF funding consideration purely because of their size. However, LRF is generally the most viable NPS funding source for extra-large projects.

Additionally, NPS has proposed as part of its FY 2023 project list, the rehabilitation of an estimated 64 miles of perimeter exclusionary fencing to protect native ecosystems and watersheds from damage by large numbers of invasive non-native animals at Hawaii Volcanoes National Park, Haleakala National Park, and Kalaupapa National Historical Park.

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**Question 4: I know that NPS relies on each park to put forward deferred maintenance projects to be considered for funding. What is the process for Park Superintendents to submit projects for Legacy Restoration Funding? Do they submit their proposals at the same time they submit projects to be considered for line item construction funds from appropriations, or is it separate?**

**Do the smaller parks have staffing and resources to compete for Legacy Restoration Funding? Do you feel that all NPS superintendents are clear on the process for project selection and how they can get their projects in the pipeline for consideration?**

**Response:** To select deferred maintenance and repair (DM&R) projects park superintendents and their teams first identify condition deficiencies in their assets and develop projects to address those deficiencies. NPS regional resources support park superintendents in identifying the highest priority needs to operate and maintain assets. Those projects are then reviewed and prioritized across appropriate funding sources by subject matter experts and the regional investment review board.

Projects are then typically submitted through an annual NPS-wide comprehensive call to the NPS bureau investment review board for consideration of LRF funding. LRF funding is a good fit for projects that primarily address deferred maintenance, but where deferred maintenance is a smaller component of the overall project, the NPS utilizes other funding streams. Initially, due to the timing of enactment of the Great American Outdoors Act, formulation efforts were completed off-cycle from the typical budget formulation process, but timelines are expected to standardize in the later years of the program.

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**Questions from Chairman King**

**Question 1:** When Congress was considering the Great American Outdoors Act, members were able to see extensive project lists representing the diversity of assets in need of repairs. This included specific projects to repair trails, docks, visitor centers, historic buildings, and much more. The National Park Service deferred maintenance website used to publish park by park totals of deferred maintenance as well as a national total, but this information is no longer visible publicly. *Do NPS, BLM, and FWS plan to publicly share information about site-level deferred maintenance needs (i.e., projects identified, projects funded, estimated backlog addressed by project, site-level backlog, etc.) and total deferred maintenance backlog? If not, what are the factors limiting agency transparency about site-level needs and the full extent of deferred maintenance?*

**Response:** The Department's GAOA LRF project webpage, <https://doi.gov/gaoa/projects>, provides information on the Department's deferred maintenance and repair (DM&R) projects for the NPS, BLM and FWS, including project data sheets for each fiscal year. This information includes a description of the project work, the estimated cost, and the amount of deferred maintenance being addressed by the project.

Additionally, the bureaus have developed webpages with information specific to each bureau. The BLM GAOA webpage is located at <https://www.blm.gov/gaoa>. The NPS infrastructure webpage, with information including park level infrastructure data sheets, is located at <https://www.nps.gov/subjects/infrastructure/identifying-reporting-deferred-maintenance.htm#states>. And, the FWS provides its yearly deferred maintenance project lists to the FWS's acquisitions community for posting to public websites for notice of upcoming business opportunities. The Department is committed to transparency and to providing additional DM&R information in the future.

**Question 2:** *If annual appropriations do not keep up with the cost of recurring maintenance needs, the deferred maintenance backlog will continue to grow. What are the total annual maintenance needs of NPS, BLM, and FWS, and how do those compare to total annual maintenance appropriations? How much additional deferred maintenance is being generated annually at NPS, BLM, FWS because of insufficient annual maintenance appropriations?*

**Response:** The Department maintains a vast infrastructure portfolio, including roads, buildings, utility systems, and other structures and facilities, across its land managing bureaus. This asset portfolio includes both historic and non-historic properties many of which have unique upkeep requirements not comparable to maintenance required for more standard assets. There are many factors impacting our ability to get ahead of the maintenance lifecycle, including investments early in the asset lifecycle and the increasing cost of construction and materials.

In 2022, the GAOA LRF-funded bureaus received approximately \$1.8 billion of discretionary funding for their asset management programs in addition to the \$1.6 billion appropriated under GAOA. In addition to these funds, bureaus use a mix of other permanent appropriations, including fees collected under the Federal Lands Recreation Enhancement Act, and Title 23 funds for transportation assets, reauthorized

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most recently by the Bipartisan Infrastructure Law. The FY 2023 President's budget requests \$2.2 billion for discretionary-funded activities, a 19% increase.

As the Department implements its aggressive deferred maintenance effort, the Department is addressing overall asset management to improve portfolio management across the agency. To help slow the growth of the maintenance backlog and keep assets in good condition, the Department is taking steps to apply a lifecycle approach to manage its assets. This includes focusing efforts on preventative and recurring maintenance and selectively targeting assets for modernization and renewal investments. This approach will help ensure the highest priority asset management needs – preventive maintenance, repair, modernization, renewal, and even divesture – are targeted. We look forward to working with Congress to ensure the gains achieved by these investments are sustained.

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**Questions from Senator Lankford**

**Question 1:** While I have grave concerns about the continued push to expand the federal land base, I believe it is long overdue that we put some focus on working down the maintenance backlog on our existing properties.

1. Assistant Secretary Estenoz, with the new maintenance funding available to Interior, how much of the backlog will the agency be able to reduce over the next 5 years?
2. What would it take to reduce this backlog by 50% over the next 10 years?
3. Is Interior utilizing any other resources, such as private partnerships, to address the backlog?

**Response to 1-3:** In the 18 months since establishment of the Legacy Restoration Fund, the Department has programed more than \$4.8 billion of funding (for FY 2021-23) for high priority deferred maintenance projects, spanning all 50 states, the District of Columbia, Puerto Rico, and the US Virgin Islands. These projects are selected to maximize the reduction of bureau maintenance and repair backlogs. Given the volatility of the construction market, project cost estimates for project work are difficult to establish, as is an estimate of the total reduction that will be achieved over the term of the Legacy Restoration Fund. Similarly, forecasting the level of investment needed to reduce the Department's maintenance backlog by 50% over the next ten years is challenging. The Department is committed to address the backlog using the Legacy Restoration Fund and other resources, and is focused on leveraging infrastructure investments in a variety of ways, including, among others, leveraging park partnerships, expanding leasing opportunities, and utilizing complimentary funding streams.

**Question 2:** Sites like Yosemite, Yellowstone, and the Grand Canyon truly are our nation's crown jewels. But we need to be realistic about what it takes to maintain these resources, and what it will take to maintain new acquisitions.

1. In evaluating new acquisitions, does Interior consider deferred maintenance needs on the parcels?
  - o If not, do you believe this is something Interior and Congress should consider prior to acquisition?
2. Does it present financial challenges to Interior if the agency acquires properties that have existing deferred maintenance needs?

**Response to 1 and 2:** Before the NPS, or any Department bureau, acquires new lands, it considers the totality of the circumstances related to the specific property in question. The cost or savings presented by the estimated operations, administration, and maintenance of a property are reviewed and analyzed. Other factors considered may include whether the property is part of a new or an existing park, the budget and

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other available fund sources for that park, the historical or other significance of the property, whether the property contributes to the mission or operational capability of the park, and whether the facility can be determined to be eligible for divestiture. In any case, there is a cost associated with the divestiture, alteration, or maintenance of facilities acquired but that cost can vary greatly depending upon the purpose and facility investment plan identified.

**Question 3:** At various points throughout the past few decades, LWCF dollars have been provided for purposes other than acquisition. Assistant Secretary Estenoz, do you think we should consider using some of the nearly \$1b annually on other purposes like maintenance, should a serious deferred maintenance need arise?

**Response:** The Department is currently focused on effectively expending the \$3.2 billion of new funding provided by the Great American Outdoors Act Legacy Restoration Fund (LRF) in fiscal years 2021 and 2022, and believes the LRF will make significant progress in retiring large amounts of deferred maintenance and improving the condition of some of our nation's most treasured assets. It is critically important that we take care of the assets and resources managed by the bureaus.

At the same time, we must protect our Nation's lands and waters and ensure that Americans have access to the lands. The Land and Water Conservation Fund (LWCF) was established by Congress in 1964 to safeguard our natural areas, water resources and cultural heritage and to provide recreation opportunities to all Americans. The LWCF ensures that we are expanding public access to federal lands and supporting State and locally-led recreation and conservation initiatives.

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**Question from Senator Kelly**

**Question:** Please provide a status update and timeline for extending boat ramps at Glen Canyon National Recreation Area.

**Response:** The NPS is in the design phase for an estimated \$30 million worth of investments to relocate marina utilities at Bullfrog and the well at Wahweap to support visitor services, funded by the recent disaster supplemental appropriation. This builds on other recently completed work to permanently extend boat ramps at Wahweap and temporarily extend a ramp at Bullfrog, using a mix of other funding sources at a cost of approximately \$5 million.

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**Questions from Senator Hickenlooper**

**Question 1: Are the USFS and BLM seeing a growing reluctance from private landowners to sell property to the federal government because of the developing perception that federal appraisals are coming in significantly below what land can be sold for on the open market?**

**Response:** The BLM is not aware of any landowners choosing not to sell their property to the BLM due to a perception that federal appraisals may be significantly lower than what their property could be appraised for on the open market. The BLM works closely with willing sellers and third parties throughout the acquisition process and submits appraisal requests through the Department's Appraisal and Valuation Services Office. Appraisals completed for federal acquisitions follow specific requirements to ensure that just compensation for the federal acquisition of a property is offered to a landowner in accordance with federal law.

**Question 2: I have heard that despite permanent and full funding for LWCF, the number of proposed projects on the federal side of the program still outpace the amount of money for each year. What are the criteria you use to prioritize projects and how are you working with the appropriations committee on settling on priorities if not all projects can be funded each year?**

**Response:** The Department's federal land acquisition project lists are developed by each bureau, each using its own process for selection based on the bureau's specific management needs and statutory requirements, and then are reviewed and approved by the Department. Across the Department, certain project selection criteria are similar, including prioritizing land acquisitions that present a time-sensitive or unique acquisition opportunity, involve a willing seller, include regional and local support, promote recreation access, preserve threatened resources, and support mission requirements. Additionally, in accordance with the Administration's priorities, consideration is given to projects which benefit underserved or at-risk communities and strengthen the resilience of resources to climate change impacts.

**Question 3: Since 1965, 92 out of 41,999 LWCF grants were awarded to tribal nations. Given that collaboration with Native Tribes is a key priority for the Biden Administration, how has the administration been working to promote LWCF opportunities to Tribal communities and how can the Secretary better use her discretion to ensure that LWCF funds are available and equitably distributed to Tribal communities?**

**Response:** In 2021, the Department held two listening sessions with Tribes to understand their interest in and issues with LWCF programs, including State conservation grants. A variety of structural issues were raised about the LWCF State and Local Assistance Program. Some of these issues would require legislative action to resolve, such as the need to apply through the states and cost-sharing requirements. The Department is working to expand the NPS' operational capacity for LWCF programs through planned increases in staffing, which will allow for greater levels of technical assistance and resources to review and process new grant applications. This effort is ongoing.

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**Question 4:** I'm concerned about reports of understaffing in key offices at DOI that would be in charge of successfully and equitably distributing funds for both LWCF and the Parks Maintenance backlog. Do you have sufficient staff to ensure the success of these programs?

**Response:** Ensuring appropriate staffing throughout the Department to meet our mission goals is a critical priority for Secretary Haaland. Within the federal government, employee hiring is subject to a number of federal rules and regulations that, coupled with a strong employment market in the private sector, present challenges in the hiring of qualified employees. We are committed to working with Congress as we focus important resources on the dedicated career staff at the Department.

**Question 5:** The National Wildlife Refuge System is the only system of federal lands dedicated specifically to the conservation of wildlife and habitat. There are eight National Wildlife Refuges in Colorado alone. However, the National Wildlife Refuge System only receives 5 percent of the funding for deferred maintenance projects under the Great American Outdoors Act. Considering the Refuge System has a deferred maintenance backlog over \$1 billion, does the allocation provided under the GAOA allow the Fish and Wildlife Service to reduce the backlog in deferred maintenance? Has the Fish and Wildlife Service had to limit any of its visitor services programs due to an inability to address deferred maintenance (e.g., closing roads or visitor centers)?

**Response:** Periodically, the FWS has had to close bridges, roads, docks, and other assets due to emergent safety issues resulting from the postponement of preventative maintenance activities. Safety-related issues are top priorities for the FWS to mitigate, and the FWS dedicates funding to resolve the public safety issues that may arise. The Legacy Restoration Fund, authorized by the Great American Outdoors Act, represents a tremendous surge in capacity to slow the growth of the maintenance backlog for constructed assets of the FWS within the National Wildlife Refuge System.

**Question 6:** Underserved communities face numerous barriers to accessing public lands. LWCF state-side programs like the Outdoor Recreation Legacy Program offer support to create and revitalize local parks in neighborhoods that lack green space and outdoor recreation opportunities. Do you believe that codifying the ORLP program and offering more eligibility guidance through bills like the Outdoors for All Act would further bolster GAOA's impact?

**Response:** Consistent with the Administration's policies, the Department supports the development of outdoor recreation areas in underserved and disadvantaged areas lacking such resources, and supports the goal of providing express statutory authority for the important ORLP program. A consistent cycle of grant opportunities would encourage communities to invest the time and effort to participate. We continue to work with Congress to ensure legislation aligns with the current, successful ORLP program.

## Attachment Sen. Barrasso Q 13 SCORP Status

State	Time period	Expires	Approved Date	Status Comments
Alabama	2013-2018	2/28/20	5/28/14	Extended; updated plan has been submitted to NPS for review
Alaska	2016-2021	12/31/21	1/20/17	New plan in development; requested 1 year extension
American Samoa	2020-2024	12/31/24	10/9/19	
Arizona	2018-2022	12/31/22	12/29/17	
Arkansas	2019-2023	12/31/23	12/20/18	
California	2015-2020	12/31/20	7/7/15	Extended; updated plan has been submitted to NPS for review
Colorado	2019-2023	12/31/23	3/4/19	
Connecticut	2017-2022	12/31/22	1/11/18	
Delaware	2018-2023	9/30/23	3/6/19	
District of Columbia	2014-2019	3/30/20	10/31/14	Extended; updated plan has been submitted to NPS for review
Florida	2019-2023	7/30/23	9/6/19	
Georgia	2017-2021	11/30/21	12/8/16	Updated plan has been submitted to NPS for review
Guam	2020-2024	12/31/24	12/16/19	
Hawaii	2015-2020	8/31/21	8/24/15	Extended; updated plan has been submitted to NPS for review
Idaho	2018-2022	12/31/22	8/7/18	
Illinois	2015-2019	12/31/20	5/7/15	Extended; updated plan has been submitted to NPS for review
Indiana	2021-2025	12/31/25	2/19/20	
Iowa	2018-2023	12/31/23	2/19/19	
Kansas	2015-2020	12/31/20	5/7/15	Extended; updated plan has been submitted to NPS for review
Kentucky	2020-2024	10/31/24	12/3/19	
Louisiana	2014-2019	11/30/20	11/20/14	Extended; updated plan has been submitted to NPS for review
Maine	2020-2024	9/30/24	3/17/20	
Maryland	2019-2023	3/31/23	6/13/19	
Massachusetts	2017-2022	12/31/22	1/11/17	
Michigan	2018-2022	12/31/22	12/15/17	
Minnesota	2020-2024	12/31/24	2/4/20	
Mississippi	2019-2024	8/31/24	9/6/19	
Missouri	2018-2022	12/31/23	3/26/19	
Montana	2020-2024	12/31/24	12/18/19	
Nebraska	2016-2020	12/31/20	1/14/16	Lapsed. Updated plan has been submitted to NPS for review
Nevada	2016-2021	12/31/21	12/15/16	New plan in development; requested 6 month extension
New Hampshire	2019-2023	12/31/23	11/14/18	
New Jersey	2018-2022	12/31/22	3/6/19	
New Mexico	2016-2020	12/31/21	2/15/16	Extended; updated plan has been submitted to NPS for review
New York	2020-2024	9/30/24	10/8/19	
North Carolina	2020-2025	3/31/25	9/9/20	
North Dakota	2018-2022	12/31/22	5/22/18	
N. Mariana Islands	2005-2009			Lapsed. New plan has been submitted to NPS for review
Ohio	2018-2023	12/31/23	12/12/18	
Oklahoma	2018-2022	12/31/22	12/29/17	
Oregon	2019-2023	4/30/24	4/23/19	
Pennsylvania	2020-2024	6/30/24	7/27/20	
Puerto Rico	2014-2019	7/31/20	7/30/14	Extended then lapsed. New plan has been submitted to NPS for review
Rhode Island	2019-2024	9/30/24	11/5/19	
South Carolina	2019-2024	7/31/24	8/28/19	
South Dakota	2018-2022	12/31/22	1/3/18	
Tennessee	2015-2020	12/31/20	5/11/16	Lapsed. New plan in development

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State	Time period	Expires	Approved Date	Status Comments
Texas	2018-2022	12/31/22	1/16/18	New plan in development; requested 1 year extension
Utah	2019-2023	12/31/23	12/12/18	
Vermont	2019-2023	9/30/23	3/17/20	
Virgin Islands	2013-2018	4/30/19	4/16/14	Lapsed. Plan status unknown
Virginia	2019-2023	12/31/23	2/20/19	
Washington	2018-2022	12/31/22	11/7/17	
West Virginia	2015-2020	4/30/21	8/13/15	Extended; updated plan has been submitted to NPS for review
Wisconsin	2019-2023	12/31/23	6/7/19	
Wyoming	2019-2023	12/31/23	2/11/19	

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Questions for the Record Submitted to Mr. Christopher French and the Forest Service's Responses  
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**Questions from Ranking Member John Barrasso**

**Question 1:** What is the Forest Service's priority for maintaining existing infrastructure relative to acquisition of new assets?

**Response:** The Forest Service (FS) recognizes that well-maintained infrastructure promotes visitor health and safety, as well as visitor use and enjoyment. While the agency makes a significant effort to maintain existing infrastructure, the agency recognizes the need to balance its infrastructure based on local needs to maximize the benefits of National Forest System (NFS) lands. The Legacy Restoration Fund (LRF), authorized under the Great American Outdoors Act (GAOA), remains the agency's main source of funding for addressing its deferred maintenance backlog while other infrastructure funds are used for new construction and ongoing maintenance.

The agency has developed a National Asset Management Program (NAM) to prioritize capital infrastructure investment based on estimated benefits. The NAM allows the agency to determine where such investments will have the largest impact on the public, agency operations, and infrastructure deterioration.

**Question 2:** Within the Department of Transportation (DOT), the Federal Lands Transportation Program (FLTP) funds projects that improve access to federal lands on transportation facilities in the national Federal Lands transportation inventory, while the Federal Lands Access Program (FLAP) improves transportation facilities that provide access to, are adjacent to, or are located within Federal lands.

- a. How does the Forest Service coordinate with DOT to address the deferred maintenance backlog for transportation projects?

**Response:** Deferred maintenance is one aspect of agency selection of projects for FLTP funding, along with road and bridge condition, environmental analysis, long-range transportation planning, maintaining and enhancing access to NFS lands, and other mission-critical benefits a project might provide to the public. Proposed projects are developed by the Forest Service and then approved by DOT before funding is transferred and obligated.

- b. How does your agency ensure efforts are complimentary to DOT's efforts?

**Response:** DOT establishes goals in guidance issued to each of the federal land management agencies (FLMAs) for development of a fiscal year (FY) 2022-2026 FLTP investment strategy. These goals, as well as USDA goals, will be embedded in the Forest Service's FLTP investment strategy for FY 2022-2026 to help determine the best set of projects to fund each year. The FLTP investment strategy helps DOT and the FLMAs achieve shared objectives. The FLAP program, which is managed by DOT, provides for consultation with the FLMAs prior to finalizing the list of projects to ensure that the projects align with each of the FLMA's priorities.

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**Question 3:** What is the Forest Service's definition of deferred maintenance? Pursuant to that definition, what is the Forest Service's current deferred maintenance backlog?

**Response:** Deferred maintenance is maintenance that has not been performed as scheduled or as needed and has thus been postponed. The Forest Service last estimated its deferred maintenance backlog at \$6.3 billion at the end of FY 2021.

**Question 4:** Fiscal year 2018 was the last instance when an agency broke down deferred maintenance needs by individual land unit, when NPS provided park and state-specific deferred maintenance backlog estimates. Specific and up-to-date deferred maintenance estimates are necessary for Congress to provide proper oversight of GAOA implementation.

- a. Can the Forest Service publish and regularly update the monetary amount of deferred maintenance for each bureau, broken down by land unit or location?

**Response:** The Forest Service tracks deferred maintenance for all assets under its jurisdiction and can provide state-specific estimates for those assets, other than NFS roads and NFS trails. The Forest Service cannot provide data on deferred maintenance for NFS roads and NFS trails in each administrative unit or location in the NFS. The amount of deferred maintenance for NFS roads and NFS trails, which constitutes 60 percent of the agency's total deferred maintenance, is extrapolated from a statistical sample and therefore is valid only at the national level.

**Question 5:** Can you explain what leads to deferred maintenance within the Forest Service and why the deferred maintenance backlog grows over time?

**Response:** Deferred maintenance occurs if routine and preventive maintenance are not performed as scheduled or as needed and are thus postponed. The Forest Service is responsible for maintaining 370,000 miles of roads, 159,000 miles of trails, 13,400 bridges, 40,000 buildings, 1,500 communications sites, and over 1,700 dams. The current annual appropriation under the Capital Improvement and Maintenance Program is approximately \$140 million, and it has been flat for nearly a decade when adjusted for inflation and for the recent changes to the agency budget for agency operations and personnel costs. The Forest Service will achieve a significant degree of deferred maintenance backlog reduction with the additional resources provided by the GAOA and by the Bipartisan Infrastructure Law. However, a longer-term solution is needed to both keep up with the recurring maintenance needs of our infrastructure portfolio and to permanently reduce our deferred maintenance backlog to an acceptable level.

**Question 6:** How is the Forest Service prioritizing which projects to take on first? How are you interpreting and aggregating variables like quantity of users, cost of the project, diversity of recreational activities it provides, geographic location, or other aspects to choose which to embark on first?

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**Response:** The Forest Service uses a robust model that aggregates numerous metrics ascribing the benefits a project brings to the agency and the public. The metrics are weighted based on their relative importance to the agency and the priorities of each funding program. For the GAOA LRF, some of the highest priority attributes in project scoring include deferred maintenance reduction, recreation and public access, investments in underserved communities, and climate sustainability. The agency compares these benefits to a project's cost to ensure the maximum return on investment that a project portfolio can bring under a constrained budget.

**Question 7:** How can agencies and Congress ensure projects funded through GAOA are durable and resilient to long-term outdoor recreation use, or extreme weather events and other natural disasters, and will not just end up back on the maintenance backlog in the future?

**Response:** As the Forest Service addresses its deferred maintenance needs, it uses innovative technologies, best practices, and climate adaptation strategies focused on long-term infrastructure sustainability. High volume of visitors, extreme weather events, wildfire, and impacts from insect infestation are all taken into consideration as the agency addresses its deferred maintenance backlog.

**Questions from Senator Steve Daines**

**Question 1:** Mr. French, in the example of the 73 Ranch, a Bureau of Land Management LWCF project, the land trust used an appraiser recommended by the Bureau of Land Management and subsequently learned that the appraisal was not acceptable by the agency. Would the Forest Service consider working alongside the Department of the Interior to publish a list of qualified appraisers to ensure this does not happen in the future?

**Response:** The Forest Service is amenable to working with the U.S. Department of the Interior (DOI) to identify technical appraisal requirements that private contract appraisers must meet to be qualified to conduct federal appraisals. Additionally, the Forest Service is open to collaborating with DOI regarding the level of expertise needed by private contract appraisers depending on the scope of work of their assignments. Publishing a list of qualified appraisers could be anti-competitive, might not align with federal contracting regulations, and could be perceived as providing an unfair advantage to potential vendors on the list. In addition, an appraiser could be qualified for one assignment but not qualified for another. Given the variety of property types and appraisal specialties, it is important to evaluate potential appraisers case by case. Furthermore, since an appraiser must have geographic competency for each assignment, no single list could fully encompass the myriad local markets associated with federal projects.

**Question 2:** Mr. French, has the Forest Service identified anything in statute or regulation that affects the appraisal process's ability to be flexible and reflect changing market values?

**Response:** Existing statutes and regulations provide for valuation based on changes in the market. Existing Forest Service appraisal standards in Forest Service Manual 5410 and Forest Service Handbook

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5409.12 also allow for this flexibility and require that the appraisal consider changing market conditions in the valuation. If market conditions change between the date of appraisal and the acquisition, the agency has the ability under its existing process to address these market changes to reflect current market value.

**Question 3:** Mr. French, what is the average time it takes to complete an appraisal by the Forest Service and how does that compare to appraisals completed by other federal agencies and by non-governmental entities?

**Response:** The typical turnaround for a Forest Service appraisal is 60 to 120 days, depending on the complexity of the assignment. This timeframe is consistent with the average turnaround for other federal agencies of 75 to 120 days, depending on the complexity of the assignment. This does not include time related to the appraisal contacting process or post-appraisal review process. The Forest Service does not have data on appraisal turnaround times for non-governmental entities.

**Question 4:** Mr. French, how does the Forest Service's appraisal process differ from the Department of the Interior's process? Is there any reason these practices and processes are not standardized government-wide?

**Response:** The primary difference between the FS and DOI appraisal process is that DOI has a separate office responsible for conducting and reviewing appraisals, the Appraisal and Valuation Services Office, for all DOI bureaus. DOI is currently organized in a bureau-focused team structure where appraisals for each bureau are conducted by a team of appraisers assigned to support a particular bureau. The Forest Service has a Chief Appraiser in the Washington Office and appraisers embedded in each Forest Service region. Having a dedicated group of appraisers who are familiar with the agency's programs in each region allows for early, continuous, and effective coordination of appraisal projects. Forest Service appraisal requests are processed at the regional level, rather than at the bureau team level.

The Forest Service and DOI are subject to the same fair market value standard in federal statutes and the same federal appraisal standards, e.g., the Uniform Appraisal Standards for Federal Land Acquisitions, also known as the "Yellow Book"; the Uniform Standards of Professional Appraisal Practice; and the Uniform Relocation Assistance and Real Property Acquisition Policies Act. However, the Forest Service and DOI have each developed practices implementing these standards that best suit each of them based on their specific structure, organizational relationships, and funding.

**Question 5:** Mr. French, the Great American Outdoors Act provided a historic investment to upgrade and restore infrastructure on National Forest System land. Some have noted that this legislation did not, however, improve capacity at the agency which can hinder completing projects. What is the Forest Service currently doing to address staffing capacity? Specifically, what is the agency doing to streamline processes, expand public-private partnerships, and leverage contracting authorities and shared stewardship agreements with states to maximize the amount of work that is completed with these funds?

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**Response:** The Forest Service has filled approximately 200 temporary positions to implement GAOA, thereby increasing staffing in procurement, grants and agreements, engineering, and other program areas. The agency has emphasized outreach to cooperators, with 25 percent of FY 2021 projects including a cooperator contribution toward implementing the project. In addition, the Forest Service is working closely with the U.S. Small Business Administration nationally and locally—through the agency's geographically based procurement technical assistance centers that mentor small businesses in government contracting—to facilitate the procurement process for cooperators and contractors.

**Question 6:** Mr. French, what percentage of Great American Outdoors Act funding has gone towards administrative cost and/or the cost of completing environmental reviews?

**Response:** In FY 2021 and 2022, the agency requested and received 8% of GAOA funding for administrative costs related to implementing the statute. The cost of completing environmental reviews for shovel-ready GAOA projects was accounted for prior to the passage of GAOA. In many cases, the funding request for GAOA projects, regardless of whether they span one year or multiple years, includes the costs of environmental reviews. The funding for many Forest Service multi-year GAOA projects is spent on planning and design in the first year, including environmental reviews.

**Question 7:** Mr. French, how does the Forest Service intend to prioritize and distribute funding to states from the Good Neighbor Authority (GNA) funding provided in the Infrastructure Investment and Jobs Act? How will you weigh states' past GNA accomplishments when determining how to allocate these funds?

**Response:** The Infrastructure Investment and Jobs Act (IIJA) provides \$160 million in support of work accomplished through Good Neighbor Authority (GNA) agreements with states and agreements with Tribes under the Tribal Forest Protection Act (TFPA). The IIJA does not specify how those funds are to be allocated among states and Tribes. The Forest Service will undertake consultation with Tribes on the relevant IIJA provisions and will solicit Tribal government input on opportunities to work collaboratively through TFPA projects. In addition, the Forest Service is working through its Regional Foresters to identify additional opportunities to build on existing collaborations between the Forest Service and states using GNA. The Forest Service will seek to fund GNA and TFPA projects that reduce the risk of catastrophic wildfire, improve forest health, and provide benefits to states, Tribes, and the agency.

**Question 8:** Mr. French, what steps has the Forest Service taken to stand-up and begin utilizing the two new streamlining authorities Congress provided to the agency in the Infrastructure Investment and Jobs Act?

**Response:** The Forest Service is developing guidance on and encouraging the use of these new authorities. Last year, in cooperation with the Bureau of Land Management (BLM), the Forest Service drafted guidance on implementation of the fuels break categorical exclusion (CE) from documentation in an environmental assessment or environmental impact statement in section 40806 of the IIJA. The Forest Service is continuing to coordinate with the BLM to refine the guidance. To facilitate its use, the new CE

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has been incorporated into the Forest Service's planning database and has been shared widely within the agency. The emergency actions authority in section 40807 of the IIA requires the Forest Service to provide guidance on the authority to local field units. The agency has incorporated the authority into its planning database and is working with USDA to develop guidance and procedures for use of the authority. Once guidance to the field has been issued, the new authority will be available for use.

**Question 9:** Mr. French, if the Forest Service continues its current trend of funding and project selection, about what percentage of the existing total deferred maintenance backlog will be completed during the five-year life of the fund?

**Response:** Once all projects are completed at the end of the five-year period authorized by GAOA, the Forest Service expects approximately \$1.25 billion of deferred maintenance to have been completed through projects funded by the LRF.

**Question 10:** Mr. French, what is the total amount in dollars that have been allocated for projects in Montana under the Legacy Restoration Fund? Please also provide a breakdown of total dollars allocated for projects in each state.

**Response:** The amount of GAOA LRF funds allocated by the Forest Service in FY 2021 and 2022 for projects in Montana, as well as the amounts of GAOA LRF funds allocated for projects in all states, are displayed in the following tables.

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**FY 2021 Forest Service GAOA Legacy Restoration Project Funding by State**

State	# of Projects	FY 2021 Funding	State	# of Projects	FY 2021 Funding
AK	40	\$ 12,581,400	NH	3	\$ 625,000
AL	2	\$ 4,800,000	NM	9	\$ 5,554,442
AR	4	\$ 1,060,000	NV	6	\$ 1,345,220
AZ	28	\$ 18,754,065	OH	1	\$ 2,390,000
CA	95	\$ 33,109,407	OR	18	\$ 20,335,000
CA/NV	4	\$ 895,750	OR/ID	1	\$ 300,000
CO	54	\$ 19,473,633	OR/WA	5	\$ 8,095,000
CO/KS	2	\$ 1,264,000	PA	5	\$ 1,867,000
CO/WY	4	\$ 2,782,000	PR	2	\$ 2,100,000
FL	2	\$ 1,400,000	SC	3	\$ 1,100,000
GA	2	\$ 2,500,000	SD	8	\$ 1,081,000
ID	60	\$ 14,042,374	SD/NE	1	\$ 840,000
IL	2	\$ 815,000	TN	2	\$ 3,125,000
IN	3	\$ 759,750	TX	2	\$ 1,600,000
KY	3	\$ 12,400,000	UT	28	\$ 16,966,875
ME	1	\$ 733,820	VA	2	\$ 1,055,000
MI	15	\$ 5,387,615	VT	2	\$ 159,000
MN	5	\$ 673,643	VT/NY	1	\$ 125,300
MO	11	\$ 2,960,000	WA	6	\$ 11,119,707
MT	54	\$ 22,819,092	WI	11	\$ 2,872,000
NC	2	\$ 8,200,000	WV	9	\$ 1,152,000
ND	4	\$ 552,000	WY	31	\$ 7,756,000
NE	2	\$ 700,000	<b>TOTAL</b>	<b>556</b>	

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**FY 2022 Forest Service GAOA Legacy Restoration Project Funding by State**

State	# of Projects	FY 2022 Funding	State	# of Projects	FY 2022 Funding
AK	40	\$10,445,185	NC	10	\$3,060,000
AK, AZ, CA, ID, OR, PR, SC, WI	1	\$7,968,860	ND	3	\$397,000
AL	5	\$191,700	NE	2	\$350,000
AR	7	\$16,232,700	NE, SD	1	\$840,000
AZ	27	\$8,638,492	NH	2	\$702,000
CA	40	\$35,684,570	NM	16	\$11,090,311
CA, NV			NV	7	\$933,580
CA, OR, WA	1	\$2,600,000	NY, VT	1	\$231,375
CO	42	\$32,145,159	OH	1	\$140,000
CO, WY	2	\$440,000	OR	30	\$15,657,333
FL	2	\$195,000	OR, WA	4	\$1,895,000
GA	2	\$2,075,000	PA	4	\$7,625,074
ID	30	\$18,912,685	PR	3	\$946,266
ID, MT	3	\$1,656,207	SC	4	\$2,283,860
ID, OR	1	\$266,700	SD	8	\$1,461,900
ID, UT, WY	1	\$450,000	SD, WY	1	\$656,000
IL	5	\$2,391,000	TN	3	\$5,919,330
IN	3	\$320,000	TX	2	\$1,650,000
KY	3	\$1,059,970	UT	14	\$12,452,073
LA	1	\$80,000	VA	4	\$574,900
MI	8	\$2,338,000	VT	2	\$142,000
MN	3	\$477,584	WA	21	\$14,905,707
MO	2	\$3,960,000	WI	7	\$4,025,509
MS	2	\$240,509	WV	7	\$6,128,370
MT	54	\$14,470,730	WY	18	\$4,754,831
			<b>Total</b>	<b>461</b>	

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**Question 11:** Mr. French, please provide the latest dollar estimate of outstanding maintenance backlog projects. Please breakdown by state.

**Response:** The Forest Service has developed deferred maintenance projects that are collectively valued at over \$3 billion and that are ready to be funded. The funding by state is displayed in the table below:

AK	\$ 226,379,842	ND	\$ 2,140,000
AL	\$ 7,629,719	NE	\$ 3,357,827
AR	\$ 41,717,527	NH	\$ 42,423,959
AZ	\$ 194,035,627	NM	\$ 81,188,086
CA	\$ 506,092,664	NV	\$ 20,440,950
CO	\$ 187,674,349	NY	\$ 2,570,000
FL	\$ 25,966,173	OH	\$ 18,062,277
GA	\$ 24,991,037	OK	\$ 10,488,244
HI	\$ 988,025	OR	\$ 262,573,807
ID	\$ 247,668,062	PA	\$ 8,729,400
IL	\$ 24,886,367	PR	\$ 17,598,073
IN	\$ 5,083,643	SC	\$ 12,024,700
KS	\$ 280,000	SD	\$ 27,981,329
KY	\$ 26,324,000	TN	\$ 59,254,376
LA	\$ 15,406,060	TX	\$ 7,808,000
ME	\$ 2,266,620	UT	\$ 114,690,199
MI	\$ 87,346,534	VA	\$ 34,038,549
MN	\$ 51,647,783	VT	\$ 14,844,744
MO	\$ 23,462,595	WA	\$ 210,774,066
MS	\$ 20,728,225	WI	\$ 36,759,048
MT	\$ 203,534,367	WV	\$ 43,646,567
NC	\$ 92,855,108	WY	\$ 92,856,471

**Question 12:** Mr. French, can you please breakdown how much Legacy Restoration funding has been allocated for projects in the following categories: employee housing, transportation, trail maintenance, visitor buildings, and water infrastructure?

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**Response:** The table below displays GAOA funding for projects involving employee housing, transportation, trail maintenance, visitor buildings, and water infrastructure:

Category	FY 2021	FY 2022
Employee Housing	\$ 155,000	\$ 1,500,000
Transportation	\$ 97,000,000	\$ 70,173,000
Trail Maintenance	\$ 38,000,000	\$ 21,574,000
Visitor Centers	\$ 5,500,000	\$ 4,145,000
Water Systems	\$ 26,000,000	\$ 23,000,000

**Question 13:** Mr. French, does the Forest Service coordinate with the Department of the Interior when selecting projects for the Legacy Restoration Fund?

**Response:** The Forest Service and DOI's Program Management Office have a strong working relationship and ongoing communication and coordination on GAOA program development and execution. The processes that the Forest Service and DOI each employ to select GAOA projects are independent from one another, but best practices are shared and adapted to ensure the most effective approach.

**Question 14:** Mr. French, the Montana Conservation Corps has partnered with the Forest Service on numerous projects which has resulted in cost savings for the program as well as invaluable experiences for young adults in Montana. How can the Forest Service better work with communities, local companies, and conservation corps to save money, build jobs, and help communities?

**Response:** The Forest Service strongly values its work with local communities and is always seeking opportunities to work with more partners to maintain mutually beneficial relationships. With LRF funding, 54 projects were authorized in FY 2021 with the Youth Conservation Corps, Job Corps Civilian Conservation Centers, and HistoriCorps. To strengthen local outreach and build stronger partnerships through GAOA funding, each of the Forest Service regions has held at least two listening sessions with partners. Administrative units throughout the NFS have been engaging with local communities to solicit their interest, understand their priorities, and include them where possible in the selection and implementation of GAOA projects.

**Question 15:** Mr. French, the Great American Outdoors Act authorizes the Secretary to accept "public cash or in-kind donations" to reduce the deferred maintenance backlog and foster public-private partnerships. What is the total amount of public donations the Secretary has received for the Legacy Restoration Fund?

**Response:** To date, the Forest Service has not received cash donations to implement GAOA projects.

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**Question 16:** Mr. French, are donations solicited under the Great American Outdoors Act earmarked for specific projects?

**Response:** Donations are a gift to the agency and not solicited by federal employees. Donations can be given for specific projects or placed in a general fund. To date, the agency has not received donations of cash to implement GAOA projects. The agency has focused on enlisting partner contributions, both cash and in-kind, for GAOA projects through partnership agreements. As a result, in FY 2021, partners contributed over \$160 million to GAOA projects under more than 200 partnership agreements. These partnership agreements are not donations per se, but rather reflect contributions the agency and key partners contribute together to mutual interest, mutual benefit agreements to implement GAOA projects.

**Question 17:** Mr. French, in what ways has the Forest Service advocated for, encouraged, or solicited donations for the Legacy Restoration Fund?

**Response:** See the response to question 16.

**Question from Senator Mazie Hirono**

**Question 1:** With bills that require agencies to get large amounts of funding out the door, like the Great American Outdoors Act, I understand that staffing issues often arise.

Does the Forest Service have the resources and hiring authority necessary to get staff set up to administer projects funded by this bill? If not, how can Congress help?

**Response:** The Forest Service has filled approximately 200 temporary positions to implement GAOA, thereby increasing staffing in procurement, grants and agreements, engineering, and other program, areas. The IJA and other additional funding sources provide great opportunities to expand agency work but also require a robust non-fire workforce. That workforce has declined over the last 20 years due to increasingly severe fire seasons and recruiting challenges in key occupations. The agency appreciates Congress' desire to ensure the Forest Service has the requisite staffing. The agency is accelerating efforts to onboard hundreds of new employees to fill critical positions, including human resource specialists, procurement specialists, contracting officer representatives, engineers, planners, foresters, forestry technicians, and recreation management specialists. The Forest Service is utilizing all available authorities to hire new employees to handle the increased workload.

**Questions from Senator John Hoeven**

**Question:** As you know, grazing on Forest Service lands carries multiple benefits in the West, including economic benefits, fuel reduction, and carbon sequestration, among others. The Great American Outdoors Act (GAOA) allocates money for deferred maintenance projects on Forest Service lands and presents an opportunity to serve as an important tool for our grazers while providing a positive return to taxpayers.

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- In dollar amounts, exactly how much GAOA funding has been allocated for projects on the Dakota Prairie Grasslands to date?

**Response:** The following table displays the amount of GAOA funding allocated for projects in the Dakota Prairie Grasslands:

Unit ID	State	Congressional District	Project Name	Approved Funding Amount
0118	ND	At Large	Forest Road 1201 Reconditioning and Resurfacing	\$80,000
0118	ND	At Large	Reconditioning, Spot Surfacing, and Drainage Repairs on 7 Roads	\$82,000
0118	ND	At Large	Civilian Conservation Corps Campground Updates	\$350,000
0118	ND	At Large	Buffalo Gap Campground Maintenance and Improve Sanitation	\$40,000
0118	SD	At Large	Reconditioning, Spot Surfacing, and Drainage Repairs on 47 Roads	\$74,000
0118	SD	At Large	Forest Road 5733 Reconditioning and Drainage Repairs	\$25,000
0118	SD	At Large	Blacktail Trail Deferred Maintenance	\$50,000
0118	ND	At Large	Civilian Conservation Corps Campground Updates	\$300,000
0118	ND	At Large	Maah Daah Hey Trail Reroute and Trailhead	\$15,000
0118	ND	At Large	Reconditioning, Spot Surfacing, and Drainage Repairs On 7 Roads	\$82,000
0118	SD	At Large	Reconditioning, Spot Surfacing, and Drainage Repairs On 47 Roads	\$74,000
<b>Total approved Legacy Restoration Fund on the Dakota Prairie Grasslands</b>				<b>\$1,172,000</b>

- How much GAOA funding does the agency plan to allocate for projects on the Dakota Prairie Grasslands going forward?

**Response:** The agency reviews potential GAOA projects every year to ensure strategic investments across the NFS will deliver diverse benefits and wide-reaching effects. The list of proposed GAOA

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projects is submitted to Congress each year as part of the President's budget. The President's budget for FY 2023 proposes \$374,000 for GAOA projects in the Dakota Prairie Grasslands.

**Questions from Senator Angus S. King, Jr.**

**Question 1:** When Congress was considering the Great American Outdoors Act, members were able to see extensive project lists representing the diversity of assets in need of repairs. This included specific projects to repair trails, docks, visitor centers, historic buildings, and much more. Does the Forest Service plan to publicly share information about site-level deferred maintenance needs (i.e., projects identified, projects funded, estimated backlog addressed by project, site-level backlog, etc.) and total deferred maintenance backlog? If not, what are the factors limiting agency transparency about site-level needs and the full extent of deferred maintenance?

**Response:** The Forest Service is publicly sharing information about deferred maintenance addressed by specific GAOA projects via dynamic, publicly accessible maps and dashboards linked to agency databases that update as GAOA project data are entered. These maps and dashboards are available at this [site](#) and display the:

- Total number of funded GAOA projects.
- Amount of appropriated funds approved for each GAOA project.
- Estimated amount of deferred maintenance addressed by each GAOA project.

The total Forest Service deferred maintenance backlog will be included in the agency's annual report to Congress and will also be published on the agency's website. Deferred maintenance for assets other than NFS roads and NFS trails is tracked by site. The amount of deferred maintenance for NFS roads and NFS trails is extrapolated from a statistical sample and therefore is valid only at the national level. The agency is committed to transparently tracking and documenting deferred maintenance of all assets under its jurisdiction. Limiting factors include staffing and availability of technology that would expedite and simplify deferred maintenance tracking.

**Question 2:** If annual appropriations do not keep up with the cost of recurring maintenance needs, the deferred maintenance backlog will continue to grow. What are the total annual maintenance needs of the Forest Service, and how do those compare to total annual maintenance appropriations? How much additional deferred maintenance is being generated annually at the Forest Service because of insufficient annual maintenance appropriations?

**Response:** Recurring maintenance is maintenance needed to keep fixed assets in acceptable condition. Recurring maintenance includes preventive maintenance and scheduled maintenance. With an asset portfolio of 370,000 miles of roads, 159,000 miles of trails, 13,400 bridges, 40,000 buildings, 1,500 communications sites, and over 1,700 dams. The Forest Service's current annual appropriation under the Capital Improvement and Maintenance Program is approximately \$140 million, and it has been flat for nearly a decade when adjusted for inflation and for the recent changes to the agency budget for agency

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operations and personnel costs. The Forest Service will achieve a significant degree of deferred maintenance backlog reduction with the additional resources provided by the GAOA and by the Bipartisan Infrastructure law. The amount of the annual maintenance funding shortfall each year is not linear and depends on many factors, including asset types and uses. The cycle of maintenance funding below annual maintenance needs, inflation, and damage to infrastructure from lack of maintenance explain the deferred maintenance backlog growth over time. A longer-term solution is needed to permanently reduce our deferred maintenance backlog to an acceptable level.

**Question 3:** For the Forest Legacy Program, there have been instances of the Forest Service conducting appraisals and reviews, often over the objection of a state grant recipient. In my state, the Bureau of Parks and Lands is entirely qualified to conduct appraisals and reviews and I want to ensure FLP grantees are in the driver's seat for implementing a grant and successfully complying with the terms and timeline of a grant agreement. Are there instances of the FS conducting appraisals for FLP projects? If so, can you please provide a list of which grant agreements the FS has either contracted appraisals for and/or conducted the appraisal review?

**Response:** The decision as to whether to involve a federal review appraiser in a Forest Legacy project is based on a risk-based approach for determining whether to involve developed in response to a USDA Office of Inspector General audit (Report: 08601-56-SF, published: 04/20/2011), that examined FLP projects from 2008 to 2011. The risk-based approach was added to the Forest Legacy Program Implementation Guidelines in 2011 and was retained when the Guidelines were reissued in 2017. The factors considered in the risk-based approach include but are not limited to capacity, tenure, and experience of state staff; complexity of the transaction; the amount of the federal investment; and past performance as documented by quality assurance inspections.

Quality assurance inspections involve a cooperative process managed by the Forest Service to ensure that federal appraisal standards and program requirements are being met by State. These inspections are conducted approximately every 5 years where there have been at least two completed acquisitions. Quality assurance inspections were developed after a U.S. House of Representatives Surveys and Inspections report completed in 2002 raised concerns about the quality of state appraisals and concerns about not all appraisals being reviewed by a qualified review appraiser.

Over the 30-year history of the Forest Legacy Program, appraisals of more than 1,000 tracts have been completed. The Forest Service is not aware of appraisals of any tracts in the program being conducted by Forest Service appraisers. In recent years, when Forest Service or other federal agency staff were involved, they were only involved in performing the appraisal review. Many states request this assistance as a service. With GAOA funding, the Forest Service is increasing capacity by adding review appraiser positions to provide oversight and customer service to states.

**Question 4:** With respect to the Land and Water Conservation Fund, how is the Forest Service rising to the opportunity afforded by GAOA to expedite individual LWCF projects? Specifically, can you tell me

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what the Service is doing to improve the appraisal process, both in terms of expediting the time it takes to secure an agency-approved appraisal and in terms of establishing uniform national policies?

**Response:** Forest Service appraisers are involved early, usually from inception, in the transaction process. Working early and directly with Forest Service realty specialists, landowners, and third-party partners allows the agency to identify and address potential valuation issues before an appraisal is contracted and streamline the appraisal process. This upfront work helps in identifying the estate to be appraised, securing private contract appraisers, and determining the need for specialist reports on timber, minerals, and water rights. Additionally, through references, direct contacts, and professional associations, the Forest Service is continually increasing the pool of contract appraisers who are qualified geographically and technically to perform Forest Service appraisals, thereby enhancing competition, speed, and pricing in the agency's appraisal process. The Forest Service is also increasing capacity by hiring additional appraisers to address the anticipated increase in appraisals associated with implementation of GAOA. The agency continues to explore opportunities to reduce timelines in areas that support the appraisal process, such as streamlining Forest Service contracting procedures.

Forest Service directives on appraisals are found in Forest Service Manual (FSM) 5410. These national directives were updated in 2017 and establish the minimum standards for valuations and appraiser qualifications and responsibilities. The directives incorporate federal appraisal standards, including the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards for Professional Appraisal Practice, as well as statutory and regulatory authorities and Forest Service directives governing real property transactions and statements of work for appraisals, found at 42 U.S.C. 4601 *et seq.*; 49 CFR Part 24; FSM 2700, 5410, 6270, and 6300; and Forest Service Handbooks 2709.11, Chapter 30, 5409.12, and 6309.1.

**Questions from Senator John W. Hickenlooper**

**Question 1:** Are the USFS and BLM seeing a growing reluctance from private landowners to sell property to the federal government because of the developing perception that federal appraisals are coming in significantly below what land can be sold for on the open market?

**Response:** Federal law requires the Forest Service to offer private landowners market value for their property. If market conditions change from the date an appraisal was approved and the date an offer was made, the Forest Service is required by agency directives to update the appraisal to reflect market value. Landowners sometimes withdraw from projects at various times for various reasons beyond the control and sometimes beyond the awareness of the Forest Service. For example, a landowner may withdraw because the Forest Service cannot pay a purchase price higher than the price supported by an appraisal conducted in accordance with applicable federal standards, including the Uniform Appraisal Standards for Federal Land Acquisitions.

**Question 2:** I have heard that despite permanent and full funding for LWCF, the number of proposed projects on the federal side of the program still outpace the amount of money for each year. What are the

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criteria you use to prioritize projects and how are you working with the appropriations committee on settling on priorities if not all projects can be funded each year?

**Response:** All Forest Service Land and Water Conservation Fund acquisition projects are selected using a longstanding two-stage, merit-based competitive process. Projects are evaluated and prioritized first at the regional level and then at the national level using standard national criteria, including whether projects have local community support; provide recreation access; protect watersheds and mitigate climate change; and provide species habitat. The most heavily weighted criterion is recreation access. The selection criteria are publicly available and are published annually at <https://www.fs.fed.us/land/staff/LWCF>.

Forest Legacy Program projects are selected through a well-established, two-stage, merit-based competitive process at the state-level and then at the national-level. The state-level process ensures each project has local support and aligns with state priorities; the national-level process considers environmental and economic benefits, contributions to other conservation initiatives, and potential for conversion to non-forest uses. The selection criteria are publicly available and posted online at <https://www.fs.usda.gov/managing-land/private-land/forest-legacy/program>.

For many years, the amount of funding sought for proposed projects in the Forest Service Land Acquisition Program and the Forest Legacy Program has exceeded appropriations. In the first year of mandatory annual funding for the Land and Water Conservation Fund, FY 2021, funding for both programs increased. Land Acquisition Program funding increased from \$79 million in FY 2020 to \$124 million in FY 2021, and Forest Legacy Program funding increased from \$64 million in FY 2020 to \$94 million in FY 2021. Proposed projects in both programs continue to outpace appropriations. In FY 2022, the Land Acquisition Program received requests for \$211 million in projects, while the Forest Service received \$129 million in appropriations. In FY 2022, the Forest Legacy Program received applications totaling more than \$250 million compared to \$89 million in appropriations. For FY 2023, project proposals again exceeded \$250 million for the Forest Legacy Program, and proposed project proposals totaled \$286 million for the Land Acquisition Program. As directed in congressional reports for appropriations legislation for the last several years, the Forest Service has provided Congress with a primary project list for both programs totaling the previous year's appropriation and a supplemental project list for both programs that shows a total of 150% of the previous year's appropriation.

**Question 3:** In October, Senator Bennet and I sent a letter to the USFS about several conservation projects: the Colorado Peaks and Headquarters Recreation, Dunton Meadows Parcel, V Rock Property, and Cliff Lake property. Can you give provide an update on the status of those projects?

**Response:** All these projects were considered for funding during the FY 2023 budget process. The Colorado Peaks project is included on the primary GAOA project list with a proposed funding allocation of \$3.4 million. On the supplemental project list, Dunton Meadows and Cliff Lake are included on the supplemental GAOA project list with a proposed funding allocation of \$3.2 million and \$1.2 million, respectively. The V Rock property project is not proposed for FY 2023 funding. The full list of projects

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proposed for FY 2023 is included in the Forest Service's budget justification at [FS-FY23-Congressional-Budget-Justification.pdf \(usda.gov\)](#) on pages 211-12.



**Statement for the Record  
Michael B. Murray  
Chair of the Executive Council  
Coalition to Protect America's National Parks  
Subcommittee on National Parks  
Committee on Energy & Natural Resources  
Hearing to review the implementation of the Great American Outdoors Act**

**February 9, 2022**

Chairman Manchin, Ranking Member Barrasso, and members of the Subcommittee, I am Michael B. (Mike) Murray, Chair of the Executive Council Chair of the [Coalition to Protect America's National Parks \(Coalition\)](#). The Coalition is a non-profit organization composed of more than 2,100 retired, former and current employees of the National Park Service who collectively have over 40,000 years of experience managing and protecting our national parks. The Coalition studies, educates, speaks, and acts for the preservation of America's National Park System.

I am pleased to provide the views of the Coalition on the implementation of the Great American Outdoors Act through the National Parks and Public Lands Legacy Restoration Fund (LRF). We share the Subcommittee's interest in conserving America's greatest treasures, our national parks; and applaud Congress for passing this monumental bi-partisan legislation. The LRF provides the National Park Service with substantial funding, up to \$6.65 billion over the next 5 years, to address and reduce the agency's \$12+ billion deferred maintenance backlog. The backlog threatens both the preservation of natural and cultural resources in parks and the quality of the experiences enjoyed by millions of park visitors to our National Park System each year. The additional funding provided through the LRF will result in extraordinary improvements to park infrastructure, utilities, visitor services (for example: visitor centers) and other facilities that are critical to both resource protection as well as visitor enjoyment.

First, we commend the National Park Service for its well-organized and effective implementation of the LRF program in FY 2021 and FY 2022. The Service developed sound project prioritization criteria and have implemented a spending strategy that would ensure large, high-priority infrastructure projects would be addressed first. It has truly been incredible to read through the lists of park projects that have been assigned LRF funding during its first two years of implementation.

Moving forward with the remaining three years of the program, we encourage both the Subcommittee and the National Park Service to consider the following things:

1. From our many years of working for the agency, we know all too well that only the larger parks have professional project management staff, such as architects, engineers, and

environmental compliance personnel. Because of this, it makes sense that many of the first- and second-year projects have been focused in the larger national parks where adequate project management staff likely exists and where parks have the capability to have “shovel ready” projects ready or nearly ready to go.

However, moving forward it will be important for the National Park Service to create additional project management teams, such as in central offices, to provide the support needed for many other parks to benefit from the LRF program as well. Adequate staffing for design, engineering, compliance, contracting, and project management are critical to success. It takes time to hire new staff and even more time to do the planning and contracting required to complete high-priority projects efficiently. Existing hiring authorities clearly limit the agency’s ability to bring on additional professional staff in a timely manner, particularly when such staffing is funded by project funding.

We suggest the National Park Service may need legislation to create a special hiring authority tied to the LRF program that would enable the agency to hire the professional staff needed to efficiently plan, manage, and implement deferred maintenance projects for the vast majority of parks that do not have such project management capability. In principle, this would be very similar to the special hiring authority granted to the Department of Energy in Section 301 of Title III, Division J, of the Infrastructure Investment and Jobs Act of 2021, [P.L. 117-58](#).

2. While the special hiring authority described above would be very beneficial, we are also very supportive of the National Park Service’s use of Maintenance Action Teams (MATs) to help small and medium-sized park units take advantage of LRF funding. At many parks without project management staff, the MAT approach is the most practical way for the agency to implement multiple deferred maintenance projects at multiple parks across a wide geographic area. Projects suitable for implementation by these teams will inherently be relatively smaller projects in terms of dollar value. We encourage the agency to continue supporting these teams and expand their usage, as appropriate, in the remaining years of the LRF program.

3. Deferred maintenance of park housing units is a growing problem across the National Park Service. Of the Service’s 4,669 total housing units, there are 868 units in poor or obsolete condition. We are glad to see the agency assign LRF funds to several significant park housing projects in the FY 2021 and FY 2022 project lists; and we strongly encourage the agency to continue to use this funding to address employee housing needs. The inadequate supply and quality of employee housing has become an acute problem at a number of parks in recent years. For example, in parks located near small gateway communities or near resort areas with limited or unaffordable private-sector housing, the availability of park housing is often a key limiting factor in the number of seasonal employees a park can hire, which has a direct impact on the level of visitor services a park can provide. With park visitation increasing dramatically across the country, more park rangers and support staff are already urgently needed. Similarly, adequate park housing is needed to support the recruitment and retention of those employees. We encourage the National Park Service to continue to assign LRF funding to improve the condition and supply of park housing across the system.

In addition to creating the Legacy Restoration Fund, the Great American Outdoors Act also authorizes permanent funding of the [Land and Water Conservation Fund](#) at \$900 million

annually to improve recreational opportunities on public lands, protect watersheds and wildlife, and preserve ecosystem benefits for local communities. This funding presents a tremendous opportunity for federal agencies such as the National Park Service to address their respective land acquisition priorities. It also ensures continued federal support for various state and local grant programs, such as the American Battlefield Protection Program Battlefield Land Acquisition Grants and the State and Local Assistance Programs administered by the National Park Service.

A challenge affecting all Department of the Interior agencies' ability to respond to land acquisition opportunities in a timely manner relates to the Department of the Interior's Appraisal and Evaluation Services Office (AVSO). As the only office within the Department with delegated authority from the Secretary to conduct appraisals to determine fair market value, appraisals often require an extended length of time, which ends up being a significant bottleneck in the acquisition process. We understand that the National Park Service Lands Resources Program is working with the AVSO to discuss streamlining the process. Now that the Fund is permanently authorized, we strongly encourage both the Department and the Park Service to find a mutually agreeable solution that would enable timely completion of appraisals. Otherwise, the Service will be unable to respond in a timely manner when presented with important land acquisition opportunities.

In closing, we appreciate the opportunity to submit this statement on the Great American Outdoors Act and the Legacy Restoration Fund. We are grateful for the Subcommittee's support of the National Park System.



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**Testimony of Jono McKinney, President and CEO of Montana Conservation Corps**  
*Senate Energy and Natural Resources Subcommittee on National Parks*  
*Hearing on the Great American Outdoors Act*  
*February 9, 2022*

Chairman King, Ranking Member Daines, and Members of the Subcommittee,

My name is Jono McKinney and I am President and CEO of Montana Conservation Corps (MCC). Each year, MCC mobilizes over 500 young people on diverse conservation projects to improve public lands in the Northern Rockies and Plains. While serving on public lands, our corps members develop work and life skills and grow as leaders, stewards of the land, and engaged citizens.

On behalf of Montana Conservation Corps, the more than 140 member organizations of The Corps Network, and the over 20,000 young people annually engaged by the national network of service and conservation corps, thank you for the opportunity to submit testimony about the implementation of the Great American Outdoors Act.

On July 22, 2020, Congress passed the Great American Outdoors Act (GAOA). This was one of the most significant pieces of legislation to affect public lands in decades. This law is helping to restore America's lands and waters, and I'm pleased to report that in its first year, young Americans serving with numerous conservation corps programs were already rolling up their sleeves to deliver results for America.

When the GAOA became law, the network of over 140 service and conservation corps programs was ready to put thousands of young Americans to work by helping our federal, state, and local resource management agencies address the maintenance backlog. As I will detail later in my testimony, in the first year of the GAOA, Montana Conservation Corps improved hundreds of miles of recreational trails in Montana, Idaho and Wyoming. This service couldn't have been more timely. With the number of people seeking access to the outdoors growing exponentially during the COVID-19 pandemic, the improvements to trails and campgrounds contributed to the health and healing of our nation. Across the nation, other corps were also making similar contributions, and turning the promise of the GAOA into results.

Montana Conservation Corps has longstanding partnerships with all the federal agencies stewarding public lands in the Northern Rockies and Plains. Each year, we complete thousands of miles of trail work with the USDA Forest Service, National Park Service, Bureau of Land Management, US Fish and Wildlife Service, Bureau of Reclamation, State Parks and others. In addition to our prolific trail work, our corps members combat the spread of invasive species, reduce wildfire risks, enhance range lands, restore healthy watersheds, implement drought resiliency measures, and more.

The first year of GAOA (2021) was demonstrative of the capacity of conservation corps to help realize the goals of the GAOA. In partnership with the USDA Forest Service, Montana Conservation Corps participants completed 118 crew-weeks of work across the Rockies, resulting in improved access and safety on 276 miles of recreational trails, with over \$500,000 of



GAOA funds invested. This labor intensive work included clearing over 14,000 trees and blowdown blocking trails – often requiring the use of traditional crosscut hand saws for work in Wilderness Areas. These projects included addressing priority trail maintenance needs to protect access in the Bob Marshall Wilderness Complex, one of the gems of Montana’s outdoors recreation economy. On the Kootenai National Forest of Northwest Montana, corps members improved trails and recreation sites, including restoring rental fire lookouts that contribute to the local outdoor recreation economy for communities like Libby and Eureka.

Montana Conservation Corps crews also served on GAOA funded projects in Idaho and Wyoming. MCC has been a critical contributor to the Central Idaho Wilderness Trail Maintenance Priority Area (National Forest System Trails Stewardship Act of 2016), completing over 50 weeks of work on the Boise, Payette, and Salmon-Challis National Forests. From popular trails in the McCall and Stanley front country, to remote backcountry trails in the Frank Church Wilderness, MCC AmeriCorps members served all season to bring these important recreational resources up to USFS Standards. The same energy was put into efforts to repair highly eroded trails on the Shoshone National Forest in Wyoming, restoring access to the Wind River Range outside of communities like Lander and Riverton.

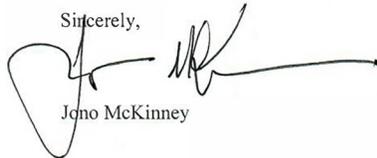
You will notice that the GAOA projects that I shared are all with the U.S. Forest Service. We want to continue and expand this productive partnership in coming years, and indeed, MCC already has over 200 weeks of scheduled projects for 2022. However, we want to expand this impact with other partners.

The MCC and my colleagues in the Service and Conservation Corps community would love to do more GAOA-funded projects with the Department of Interior. The Corps community has long-standing partnerships with Interior agencies, including the National Park Service and Bureau of Land Management, and we want to leverage these relationships to get more boots on the ground to improve these outdoor resources for the millions of Americans who visit our parks each year.

Mobilizing corps on GAOA funded projects also is an excellent way to support local communities. GAOA funded projects effectively mobilize local youth and stimulate local economies through our in-state based operations. These are not big yellow construction equipment projects being done by outside contractors that come and leave, but activities conducted by local organizations shopping with local businesses and providing jobs and training for local youth. While improving our great outdoors, GAOA projects help train the next generation of conservation stewards.

Thank you again for the chance to submit testimony. I hope the Subcommittee, the DOI and the USFS will help us continue to take advantage of opportunities that the Great American Outdoors Act is currently and could further provide to Service and Conservation Corps to develop the next generation of environmental and conservation stewards.

Sincerely,



Jono McKinney

**National Association of State Outdoor Recreation Liaison Officers (NASORLO)  
Statement for the Record**

**Senate Energy and Natural Resources Committee  
National Parks Subcommittee  
Hearing on the Great American Outdoors Act**

On behalf of the National Association of State Outdoor Recreation Liaison Officers (NASORLO), we thank you for holding a hearing to review implementation of the Great American Outdoors Act.

NASORLO was established in 1967 at the behest of the Department of the Interior to promote and support the Land and Water Conservation Fund (LWCF). We fully appreciate the obligations and expectations that come with increased funding for stateside projects and are committed to making the very most of this opportunity for the benefit of states and local project sponsors and the people who will benefit from these investments.

NASORLO and the states support LWCF because we are intimate with the benefits of the projects we administer and steward. The legacy of the LWCF is immense. The promise of its future is greater. LWCF has funded the acquisition and or development of state parks, municipal parks, rural parks, urban parks, active recreation areas, sport facilities, passive parks, and open spaces. The State and Local Assistance Program has supported access to outdoor recreation in communities in every county across the country, providing close to home outdoor recreation in every state and Congressional District. To date over 46,000 state and local projects totaling \$8 billion have been completed. Seventy-five percent of recent projects have funded infrastructure development, upgrades and new construction. These projects stimulate the local and state economy, support job creation, and promote improved health outcomes, important secondary benefits to the primary purpose of development and perpetual protection of lands for public outdoor recreation.

We were pleased to see in her opening statement that Assistant Secretary Estenoz said, "Investment made to LWCF to expand outdoor recreation and conservation of America's lands and waters is integral to President Biden's call to action **that we work together** to conserve, connect, and restore our lands and waters for the sake of our economy, our health and our well-being." We see implementation of LWCF as a true partnership and appreciate Assistant Secretary Estenoz's commitment to hearing recommendations from external partners as well as your committee's willingness to understand and act on our concerns.

As our members across the country implement the Great American Outdoors Act, we offer the following suggestions – a mix of legislative and administrative fixes – to enhance the LWCF program. We appreciate your consideration.

**Efficient Distribution of Funds**

For the Great American Outdoors Act to be successful, LWCF Stateside Assistance grants must be distributed to states in a timely fashion. Unfortunately, what we're seeing now is a backlog of funds to states inhibiting new GAOA funding from getting to state and local projects. Because NPS is still distributing FY2019 funds, states must allocate funding from specific grant years to projects thereby adding more bureaucratic hurdles and complicating forward-looking planning. Meanwhile, older funds are in jeopardy of expiration.

One solution to this backlog is restoring authority to regional NPS offices to make decisions. This will allow regional offices to approve grants in states where they are most knowledgeable. Eliminating the additional layer of review in the grant application process by directing final approval to the Washington Area Support Office will allow NPS to more efficiently allocate funding and keep pace with the increased rate of project submission.

**Clear Timelines and Process:**

We believe a clear timeline and streamlined processes will allow states and NPS to better facilitate LWCF funding.

As an example of changing processes, look to the 2020 process that states adhered to. In early 2020, NPS changed the process by which Section 106 was addressed. This added ninety days or more between project submission and possible approval, making it impossible for NPS to adhere to its own review and approval timeline. When states were then pursuing the December 2020 cycle to submit new projects and to process previously submitted applications, they were informed by regional offices that no new projects submitted in December would be acted on. Instead NPS was working through a backlog of previously submitted applications and ultimately did not open the December grant cycle. NPS did not provide guidance to the states about these issues in advance so states could then temper expectations for their project partners. Instead, critical program process information often trickles out to one state at a time from their program officer.

An easy way to address open and consistent communication should involve regular training for state liaisons. We would have benefited greatly from a training session from NPS last year when the LWCF Program Manual was updated. In January of 2021 NPS distributed the revised LWCF Program Manual, rescinding the changes made by the previous administration. This action did not simply revert to the previous manual, but instead was a fully revised edition that added new requirements. Later in January of 2021 NPS distributed a collection of new forms for states to use in the application and program management process. Among them was the Application and Revision Form to replace the Project Description Environmental Screening Form. This represented a major change in a key project related document. NASORLO members and states would have benefited greatly from NPS training or guidance before submitting applications. We are working with NPS now to institute trainings for state liaisons charged with submitting applications.

Additionally, NASORLO proposes establishing a National Park Service LWCF Advisory Committee, which would strengthen the partnership between federal and state entities charged with implementing the LWCF. This working group, comprised of states and NPS leadership, would be charged with reviewing and making determinations on how to improve program efficiency and effectiveness. The LWCF Advisory Committee should be empowered to identify program inefficiencies and make permanent structural program changes.

**Allow Administrative Expenses**

We have long supported allowing up to 10 percent annual apportionment to be used in supporting direct and indirect costs of state side program management. Unlike other federal programs that allow administrative cost-share with states, LWCF does not offer administrative funds to states despite perpetual stewardship obligations. With rediscovery of the outdoors over the last two years, there are increased inquiries about grant applications and growing submissions, all while state administrators

must steward existing projects across their state. Allowing for state administrative expenses within the LWCF program will increase capacity at the state level.

Both Outdoors For All Act and Parks, Jobs, and Equity Act increase administrative expenses to 10 percent for eligible entities. We were pleased to see this increased amount for state administrators included within ORLP and hope that this can expand to all LWCF programs.

#### **Summary**

The surge in recreational use over the past few years means that LWCF has never been more important. As an organization fully committed to efficient implementation of LWCF, NASORLO will continue to advocate for program improvements, and to seek improved relations with NPS staff who manage the program. We are open to brainstorming with the Senate Energy and Natural Resources Committee and National Park Service on areas where we believe can enhance the LWCF program and promise success of the Great American Outdoors Act. As mentioned above, these ideas include

- Restore authority back to regional NPS offices for grant approvals.
- Formal NPS training for LWCF state liaisons ahead of grant rounds.
- Legislation establishing a National Park Service LWCF Advisory Committee, which would strengthen the partnership between federal and state entities charged with implementing the LWCF. This working group, comprised of states and NPS leadership, would be charged with reviewing and making determinations on how to improve program efficiency and effectiveness.
- Allow up to 10% annual apportionment to be used in supporting direct and indirect costs of state side program management.

As Assistant Secretary Estenoz said, "We're taking a hard look at these concerns, and we look forward to working through these issues with you and our partners in the months and years ahead." These continued improvements will only improve the places we love and allow more communities to have access to treasured green spaces. We appreciate your consideration of this important issue. Please see NASORLO as a partner as we continue to work together to make the Great American Outdoors Act as successful as possible.



Will Shafroth  
President and CEO

February 10, 2022

Senator King  
Chairman  
Subcommittee on National Parks  
304 Dirksen  
Washington, D.C. 20510

Senator Daines  
Ranking Member  
Subcommittee on National Parks  
304 Dirksen  
Washington, D.C. 20510

Dear Chairman King and Ranking Member Daines,

On behalf of the National Park Foundation, its board members, and all who love America's most treasured spaces, the Foundation would like to thank the Subcommittee for holding the February 9<sup>th</sup> oversight hearing to review the implementation of the Great American Outdoors Act (GAOA).

As the Congressionally authorized park partner of the National Park Service, the National Park Foundation has been a proud champion of this historic legislation. Nearly two years after enactment, GAOA continues to affirm our shared commitment to caring for America's national parks and public lands.

Tackling our parks' long overdue maintenance needs has long been a shared priority of the National Park Service and the National Park Foundation. GAOA's Legacy Restoration Fund (LRF), provides a long overdue down payment towards this goal, particularly when taking into account other sources within the NPS, such as line-item construction, disaster, and infrastructure funding, allowing the Service to address critical maintenance and infrastructure needs years in the making.

During the first two years of the program, forty-six of fifty states, plus several territories, received funding from the LRF<sup>1</sup>. While this shows progress in distribution of the funds, the Foundation understands that there is more work to be done.

As implementation of GAOA continues, the National Park Foundation encourages Congress and the National Park Service to seek meaningful, collaborative opportunities with the entire park partner community. GAOA, as written, invites opportunities for public-private partnerships, and the park partner community is ready and waiting to share ideas ranging from project selection to leveraging funding to streamlining construction. The National Park Foundation welcomes the opportunity to help advance these conversations.

<sup>1</sup> <https://www.nps.gov/subjects/infrastructure/legacy-restoration-fund.htm>



Passage of GAOA allowed the Foundation to focus on what it does best – adding a margin of excellence for our parks that the National Park Service alone cannot provide. With increased federal investment to address our parks’ long overdue maintenance needs, the Foundation continues to focus its efforts on funding innovative projects that enhance the visitor experience and ensure our parks reach their highest potential.

This impact can already be seen on the National Mall at the Jefferson Memorial. One of the first GAOA projects underway worked to remove accumulated biofilm from the exterior marble surfaces of the Thomas Jefferson Memorial to restore its gleaming white appearance, as well as make necessary masonry repairs.

The National Park Foundation is proud to serve as a partner to the ongoing GAOA projects, with the Jefferson and Lincoln Monuments as primary examples. Over the last several years, the generous donors to the National Park Foundation have committed a combined \$43 million to these memorials. These funds will be used to improve the visitor experience through improved accessibility and exhibits at both. With a short walk over to either, you may notice scaffolding—a sign of great things to come. Again, NPF’s donors have allowed the scope of GAOA projects to expand far beyond their original plans, and bring America’s most treasured spaces to an even more elevated experience.

The enactment of the Great American Outdoors Act is a truly historic triumph for our national parks and all who cherish them. The legislation will continue to provide funding to repair and improve national park facilities, roads, water systems, trails, and other vital assets to create a world-class visitor experience for all our current and new visitors.

The National Park Foundation looks forward to ongoing collaboration with the National Park Service, the park partner community, and Congressional partners as implementation and extension or reauthorization of the LRF is considered. Working together—the National Park Service, the Foundation, local and national partners, and gateway communities—will be powerful in creating national parks befitting of a second century of service.

I look forward to answering any additional questions or concerns you may have.

Sincerely,



Will Shafroth  
President & CEO  
National Park Foundation



February 7, 2022

The Honorable Angus King, Chair  
The Honorable Steve Daines, Ranking Member  
Subcommittee on National Parks  
United States Senate  
Washington, DC 20510

Dear Senators King and Daines:

The national park concessions industry applauds the hearing you will hold on the Great American Outdoors Act. Our industry operates in more than one hundred national park units and in 2019 neared \$2 billion in sales of goods and services to park visitors ranging from lodging to food, transportation to guide services, equipment rentals to sales of food and souvenirs including Native American art and crafts. These revenues supported a workforce of 25,000 serving visitors in the parks. Our employees are a diverse group of people united by a passion for the special places administered by the National Park Service and committed to working as partners with the agency's employees. Our revenues also allow us to invest hundreds of millions of dollars annually in maintenance and in capital investments, spending which has protected much of the infrastructure in parks we operate from the deferred maintenance challenges in our parks.

**Thank you!**

We are delighted to express sincere appreciation to the Subcommittee and its leadership for the vital role in crafting and enacting the Great American Outdoors Act. It is important and appropriate to applaud this hugely significant and important action and its bipartisan, visionary characteristics. All Americans will benefit from this new law and its needed protection of cherished and unifying national assets. The law is already proving beneficial for support of sustainable local and national economies. It supports the will of the American people who are, as Ken Burns told you in a hearing last May, "voting with their feet" during current stressful times and turning to our parks and other outdoor places. As the Bureau of Economic Analysis has reported with its Outdoor Recreation Satellite Account, the outdoor recreation economy has demonstrated markedly faster growth than the US economy overall in recent years until the scourge of COVID. And GAOA is an investment in our overall national health – encouraging healthy, outdoor lifestyles and proven reductions in healthcare costs of chronic illnesses associated with sedentary lifestyles.

**BRAVO to federal agencies for action on GAOA**

We also applaud the actions to implement GAOA by federal agencies including National Park Service (NPS) and the Forest Service (FS). Both have acted rapidly and strategically. We support the decisions of the NPS to focus on larger projects initially. This allows a focus for the agency and demonstration of the importance of GAOA to the public. We also applaud the embrace by NPS of Maintenance Action Teams (MATs) and on longer term support for MATs to bring the promise of GAOA to mid-sized and smaller units. We further support NPS' focus on projects with paths to sustainable maintenance. This includes projects which can maintain, increase, and generate revenue streams from entrance fees to

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February 8, 2022, Page Two

campground fees and more. And finally, we support projects which fix underlying systems like water and electricity, which are vital to visitor safety and enjoyment.

We also find much to praise at FS. This agency is also focusing on priority projects which bring benefits to the visiting public. Even more, we applaud its interest in using innovative means to leverage and speed up the use of GAOA funds, including through use of agreements with national and regional conservation corps. We underscore the examples offered in testimony to the GAOA hearing from the Montana Conservation Corps.

#### **Recommendations for the Subcommittee**

We invite the subcommittee to urge NPS consideration of the vital role of infrastructure assigned to concessioners, much of which was built with private funding, and which is maintained under provisions of concessions contracts. GAOA funds can be vital to supplement use of tools like Leasehold Surrender Interest (LSI), which is vital to sustaining a 125+ year tradition of private investment in public infrastructure in national parks. The structures we build are not concessioner-owned. While they meet needs identified by the agency as necessary and appropriate and are subject to agency approval, they remain federally owned infrastructure. It is clear to us that keeping concessioner-assigned infrastructure safe and world-class should include some use of GAOA funding, especially since much of this infrastructure serves general park visitors who do not generate revenues to concessioners.

We also believe that the Subcommittee should address the need for infrastructure beyond that now in place. Concessioner investment of private funds can and should be utilized to meet needs for infrastructure expansion and improvements which do not meet qualify for GAOA fund use. Visitor infrastructure has not expanded proportionate to national population increase for 50 years, and this challenge is at the heart of well-publicized crowding in some well-known park units during certain peak periods. It is time to supplement GAOA with a new master vision for hosting more great park visits utilizing more of the national park system and more of the calendar.

We also ask the Subcommittee to encourage NPS to embrace expanded use of agreements with conservation corps. There are hundreds of proven successes attributable to use of corps in parks, including many projects also involving concessioners. We are attaching information on one of the initial efforts, rescuing a historic stable in Shenandoah National Park. Like other examples across the nation, the stable project was completed on time, under budget and with important secondary benefits including workforce development opportunities for diverse youth and connections with "next generation" conservationists and park supporters.

We urge the Subcommittee to visit the sites of the corps successes, including at major national parks like Yellowstone, this summer.

#### **Good Communications Are Vital**

The impact of GAOA funding will be in evidence this summer and for years to come. The long-term benefits will be great and can be even greater with expanded communications using improved broadband access in and near parks and with strategic use of existing communications channels to park visitors, including those of concessioners and recreation.gov. These same channels will be vital to mitigating short term inconveniences associated with GAOA-tied projects and to create a sense of

NPHA Testimony on GAOA  
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excitement about the promise of GAOA to the future of our nation's national parks. We pledge our full support and assistance to these efforts.

**Extend the Dream**

It is appropriate and important to get underway now to extend GAOA beyond its initial 5 years. The initial years of GAOA will contribute dramatically to overcoming a tragic backlog of deferred maintenance in parks and other federal lands. GAOA is a justified and key plank in our national core conservation principle that a portion of the sale of public assets, like oil and gas from federally owned sites, should include investment of some of the receipts in permanent and long-term public assets. It is vital that one of the results of your hearing is a thoughtful extension of GAOA with appropriate guidance to the agencies charged with its implementation.

Thank you for your consideration of our views.

Sincerely,



Scott Socha

Chairman  
National Park Hospitality Association

Attachment: *First HOPE Crew Project Revitalizes 75-Year-Old Stable*

cc: Hon. Shannon Estenoz, Assistant Secretary for Fish and Wildlife and Parks  
Hon. Charles Sams, Director, National Park Service  
Members, NPHA Board of Directors



February 8, 2022

Dear Chairman King, Ranking Member Daines and Members of the Committee,

We, the members of the National Parks Second Century Action Coalition (Coalition)<sup>1</sup>, thank the Subcommittee on National Parks for hosting the important upcoming hearing on the Great American Outdoors Act. We commend the historic bipartisan support for this bill and are pleased to see great progress since enactment in ensuring the protection of and access to irreplaceable lands and local recreation opportunities through the Land and Water Conservation Fund (LWCF) and addressing priority repair projects in our national parks and other public lands through the National Parks and Public Land Legacy Restoration Fund (LRF).

The historic passage of the Great American Outdoors Act with broad bipartisan support illustrates the overarching appreciation for our national parks and other public lands and ability of members of Congress to come together to support our national parks' funding needs.

The National Parks Second Century Action Coalition focuses on the investments made to the National Park Service through the LRF, which is key to addressing the high priority deferred maintenance needs in our parks. A few examples of the national park projects underway or waiting for final approval include:

Cuyahoga Valley National Park: Project to restore 12 acres of unoccupied, residential land around the park to natural landscapes which will decrease potential hazards and increase recreation opportunities for park visitors.

Fort Smith National Historic Site: Project repairs and restores deteriorated plaster and ceilings and walls, floors and historic joists of the commissary building.

National Mall and Memorial Parks: Project to clean the dark biofilm that covered the white marble exterior of the Jefferson Memorial. Funding also fixed cracked stone that posed a danger to visitors.

Grand Teton National Park: Project to improve safety and visitor experiences along the Moose-Wilson road which includes rehabilitation of the Granite Entrance Station and repair of the Death Canyon access road.

Fort Pulaski National Monument: Project to improve energy efficiency and repair and restore porches on the historic cottage to their 1920s exterior appearance.

Blue Ridge Parkway: Project to replace the Laurel Fork Bridge built in 1939. The bridge currently poses a potential hazard during high wind events and has been estimated to only have four more years of service remaining.

Mammoth Cave National Park: Project to replace the Mammoth Cave Hotel roof that is 25 years old and overdue for repairs before damage incurs. The hotel was constructed in 1965 and provides year-round accommodations for park visitors.

Glacier National Park: Project that rehabilitates a portion of the Going-to-the-Sun Road, a critical roadway that provides an east-west link across the park and is the primary road used by park visitors to access and enjoy the park.

Grand Canyon National Park: Project replaces the deteriorated water line that serves more than 6 million visitors and nearby residents. This repair is overdue with an estimated pipeline break up to 30 times a year, requiring costly fixes and sometimes the closure of popular hiking and camping destinations.

Rocky Mountain National Park: Project to rehabilitate the antiquated waterline that serves the park's headquarters, public campgrounds, staff housing, and additional park facilities. This project has been much needed as the park's 50-year-old system was not able to adequately meet the water quality needs for visitors and staff.

The National Parks and Public Land Legacy Restoration Fund—coupled with the investments for road infrastructure projects through the Infrastructure Investment and Jobs Act—provides the National Park Service and other federal land management agencies the ability to invest in large infrastructure projects. As a result, other funding sources including appropriations, fees and the Centennial Challenge can focus on addressing more small and medium size infrastructure projects throughout the system. We encourage the National Park Service to more clearly highlight all the projects supported and accomplished through the variety of funding sources and as a result of the investments from the Great American Outdoors Act.

Again, the National Parks Second Century Action Coalition commends this important hearing as we are pleased with the projects underway and excited to see continued efforts to provide unforgettable experiences to park visitors. The Coalition is ready to work with Congress to secure additional funding to address the remainder of the deferred maintenance backlog and to ensure that both LRF and LWCF projects are strategic and effectively implemented.

Thank you for considering our views,

American Hiking Society  
 Appalachian Trail Conservancy  
 Atomic Heritage Foundation  
 Coalition to Protect America's National Parks  
 Evangelical Environmental Network  
 Friends of Hawai'i Volcanoes National Park  
 International Inbound Tour Association  
 League of Conservation Voters

National Park Hospitality Association  
National Parks Conservation Association  
National Park Partners  
National Tour Association  
Public Lands Alliance  
Rocky Mountain Conservancy  
Scenic America  
Southeast Tourism Society  
United States Tour Operators Association  
Washington's National Park Fund  
Western States Tourism Policy Council  
Wild Rivers Conservancy

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<sup>i</sup> 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.

# OUTDOOR ALLIANCE

February 7, 2022

Sen. Angus King  
Chair, Subcommittee on National Parks  
133 Hart Senate Office Building  
Washington, D.C. 20510

Sen. Steve Daines  
Ranking Member, Subcommittee on National Parks  
320 Hart Senate Office Building  
Washington, D.C. 20510

## **Re: February 9 National Parks Subcommittee Hearing on the Great American Outdoors Act**

On behalf of the human powered outdoor recreation community, thank you for holding the February 9 hearing on the implementation of the Great American Outdoors Act.

Outdoor Alliance is a coalition of ten member-based organizations representing the human powered outdoor recreation community. The coalition includes Access Fund, American Canoe Association, American Whitewater, International Mountain Bicycling Association, Winter Wildlands Alliance, The Mountaineers, the American Alpine Club, the Mazamas, Colorado Mountain Club, and Surfrider Foundation and represents the interests of the millions of Americans who climb, paddle, mountain bike, backcountry ski and snowshoe, and enjoy coastal recreation on our nation's public lands, waters, and snowscapes.

Outdoor Alliance and the outdoor recreation community strongly support the Great American Outdoors Act (GAOA), and we are grateful to the Senate for passing GAOA on a strong bipartisan basis. This law is already benefiting the millions of Americans who get outside each year, at a time when access to the outdoors is more important than ever. GAOA funding is beginning to flow into communities across the country, getting people back to work and contributing to local economies.

As advocates for the passage of GAOA, Outdoor Alliance is dedicated to ensuring that the law lives up to its full potential through on-the-ground successes. Many of



# OUTDOOR ALLIANCE

our member organizations work closely with the Forest Service and the National Park Service on recreation projects funded by the National Parks and Public Land Legacy Restoration Fund and have had an opportunity to experience the first fiscal year of funding. Based on our experience, we have the following suggestions for Congress and the agencies to improve implementation of this landmark law.

## **Invest in Agency Capacity to Administer GAOA Projects**

Primary among our concerns with GAOA implementation is that the federal land management agencies do not currently have adequate staff necessary to administer National Parks and Public Land Legacy Restoration Fund (Legacy Restoration Fund) deferred maintenance projects. While this seems to be an issue with both the National Park Service and the USDA Forest Service, in our experience this is especially a problem with the Forest Service. Due to years of underfunding, the Forest Service's lack of staff capacity has created a bottleneck to getting funds out the door and projects started on the ground. For example, the Custer Gallatin National Forest in Montana has been unable to award contracts to implement GAOA projects for which the forest received funding because the forest is short-staffed in contracting. A hollowed out career workforce has left the Forest Service struggling to compile project lists, issue bids, write contracts, consult with Tribes, and partner with nonprofit organizations.

A major reason for the difficulties in administering GAOA projects is the limitation on using GAOA funds to hire staff to plan, manage, and support these projects. While there are some examples of GAOA funds being used to hire term positions to manage projects, for the most part funds are not directed towards staffing. It is unreasonable to expect an already strapped agency to successfully implement millions of dollars in capital funding without additional administrative capacity. We encourage the agencies to allow term or temporary positions to be supported with GAOA funds in order to improve the delivery of successful GAOA deferred maintenance projects. When the time comes to consider reauthorizing GAOA, we also encourage Congress to clarify that GAOA funds can support necessary staffing.

Additionally, the pressure to quickly implement GAOA projects has taken away staff capacity to accomplish other important projects and tasks. For example, two forest health projects in Montana, the Bitterroot Front project on the Bitterroot National



# OUTDOOR ALLIANCE

Forest and the Wilkes Cherry project on the Lolo National Forest, have been held back due to staff capacity issues. These projects would reduce the risk for high severity wildfire, maintain and improve wildlife habitat, and improve recreation opportunities. Congress intended for GAOA funding to be additive to discretionary funding for annual operations, and agencies need the capacity to both implement GAOA and achieve other mission-critical projects.

The effects of a chronic lack of staff capacity are not unique to GAOA, however: staffing shortfalls is a major impediment to the agency's ability to keep up with current management demands, let alone proactively respond to climate impacts and changing use patterns. Since the 1990s, the Forest Service has had its funding and staff reduced across nearly every program, even as visitation has increased by more than 800,000 visits per year. We cannot expect the agency to continue to do more with less. Congress must invest in a substantial increase in the agency's annual discretionary appropriations in order to meet the challenges of our time.

## **Increase Public Engagement and Transparency**

Public engagement in GAOA project selection is essential to ensuring successful implementation of the law. Outdoor recreationists strongly supported the passage of GAOA and are eager to see the funding put to work improving their local trails, parks, and campgrounds. Unfortunately, the process for Legacy Restoration Fund project selection has been somewhat opaque. While we appreciate the Forest Service posting projects online for public review and comment, with limited staff capacity to administer GAOA at the regional level, the agency has not undergone an intensive engagement process with the public and stakeholders to determine what projects are selected. Moreover, the public comment periods have been short: for example, Forest Service Region 6 gave stakeholders just six days to comment on hundreds of potential Fiscal Year 2023 projects.

We encourage the National Park Service and the Forest Service to regularly update and consult with members of Congress, Tribes, stakeholders, underserved communities, and gateway communities on GAOA progress and project selection in order to generate goodwill and buy-in, as well as to help ensure the efficient allocation of limited resources. We also encourage robust public comment and engagement opportunities that are widely shared with the public.



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## Improve Project Prioritization Guidance

National Parks and forests across the country are experiencing a significant increase in visitation. This increased use is unlikely to subside following the Covid-19 pandemic. Given the urgency of responding to increased visitation, we encourage the Forest Service to prioritize projects that will address capacity issues and promote sustainable recreation. While many of the GAOA-funded projects in this past fiscal year do directly address recreation needs, unfortunately, we have seen projects such as vegetation treatment projects or bridges needed for timber sales that do not meet the intent of the law. Likewise, we have seen GAOA funds directed towards projects such as utility replacement or staff housing improvements, which, while needed, only tangentially benefit the visiting public. Such projects should instead be funded by other appropriate accounts, such as the agency's Capital Improvements and Maintenance budget. Focusing investments on projects that most benefit the recreating public will not only help achieve the Congressional intent of GAOA, but are urgently needed and time sensitive.

## Improve Partnerships

Turning project priority lists into actual trail and recreation facilities maintenance requires ongoing collaboration and partnership between the Forest Service or National Park Service and outside organizations. Many partner organizations conduct the planning for a fiscal year's recreation projects through annual meetings and regular contact.

Due to uncertainty around the appropriation of GAOA funding and lack of capacity, Forest Service staff are often unable to provide information on what projects may receive work in a given fiscal year. This lack of clarity affects planning for partner and nonprofit organizations that are eager to begin working on these projects.

Partners also indicate that these issues cause uncertainty in the hiring of seasonal staff. Without obligated funds, the investment in staff that may engage in these projects may not occur. In 2021, partner organizations have reported that GAOA deferred maintenance projects have helped to spur hiring for new trail crews, including important employment opportunities for BIPOC communities. Further investment in GAOA funding and added capacity will help to alleviate some of these issues, keep trail maintenance projects ongoing, and preserve staffing.



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## **Eliminate the Substantial Cash Match Requirement Towards Specific Projects**

We have heard from several project partner organizations that they are required to meet a “substantial cash match” requirement for specific Forest Service GAOA projects. This requirement is in addition to the more typical 20 percent match, which can be a combination of in-kind contributions and cash. Unfortunately, this onerous requirement is rendering some organizations unable to participate and limiting successful nonprofit-Forest Service partnerships. It is a fundamental difference to the established partnership approach, which is based on a more comprehensive definition of matching contributions and has led to many successful projects over several decades. Many of these projects are a “win-win” because nonprofit partners offer the availability, capacity, and expertise that the Forest Service often does not have.

It is our understanding that this policy guidance comes from the Washington Office and Region 6. We request that the Forest Service reexamine this policy, and we also encourage Congress to support legislative language to give each Unit or Region the authorization to use GAOA funding in ways that best ensure project completion, including but not limited to the ability to hire staff with technical expertise and capacity to carry these projects forward and allowances for alternative approaches to agreements and project administration that enhance flexibility to deliver on the intent of GAOA.

## **Ensure Timely Passage of Appropriations Bills**

While this issue is not unique to GAOA projects, the practice of passing continuing resolutions and delaying passage of the annual appropriations bills has slowed down and complicated implementation on the ground. GAOA funds cannot be obligated until appropriations bills are passed. When appropriations bills pass at the end of the calendar year or even mid-winter, projects cannot go under contract until late spring or early summer. With wildfire season starting earlier, this often means that construction or project work cannot happen during the summer season and may be delayed a year. We encourage Congress to pass appropriations in a timely manner or consider ways to grant the agencies the flexibility to proceed with contracts and partnership agreements.





# OUTDOOR ALLIANCE

- cc: Adam Cramer, Chief Executive Officer, Outdoor Alliance  
Chris Winter, Executive Director, Access Fund  
Beth Spilman, Executive Director, American Canoe Association  
Mark Singleton, Executive Director, American Whitewater  
Kent McNeill, CEO, International Mountain Bicycling Association  
Todd Walton, Executive Director, Winter Wildlands Alliance  
Tom Vogl, Chief Executive Officer, The Mountaineers  
Jamie Logan, Interim Director, American Alpine Club  
Kaleen Deatheridge, Interim Executive Director, the Mazamas  
Keegan Young, Executive Director, Colorado Mountain Club  
Chad Nelson, Chief Executive Officer, Surfrider Foundation





February 7, 2022

The Honorable Angus King  
Chair  
National Parks Subcommittee  
United States Senate  
304 Dirksen Senate Building  
Washington, DC 20510

The Honorable Steve Daines  
Ranking Member  
National Parks Subcommittee  
United States Senate  
304 Dirksen Senate Building  
Washington, DC 20510

Chair King and Ranking Member Daines,

On behalf of the Outdoor Recreation Roundtable and our 35 national association members, we would like to thank you for convening this important hearing on the implementation of the Great American Outdoors Act (GAOA). GAOA is a legacy piece of legislation with the power to transform outdoor recreation on our nation's public lands and waters, as well as expand outdoor access for all Americans for generations to come.

Outdoor Recreation Roundtable (ORR) is the nation's leading coalition of outdoor recreation entities representing more than 110,000 American outdoor businesses and the full spectrum of outdoor activities. According to the Bureau of Economic Analysis, the recreation industry generated \$689 billion in economic output, accounted for 1.8 percent of GDP, and 4.3 million American jobs in 2020, despite industry slowdowns and access restrictions caused by COVID-19. Prior to the pandemic, outdoor recreation was growing faster than the economy as a whole.

GAOA is one of the most important pieces of outdoor recreation legislation ever signed into law. The highest usage of public lands and waters is often recreation activities, and enabling these pursuits provides both public good and major return on investment for the American taxpayer. However, decades of underfunding have eroded the infrastructure that supports these activities. GAOA addresses this by fully funding the Land and Water Conservation Fund at \$900 million per year and establishing the Legacy Restoration Fund, which allocates billions of dollars to help address the maintenance backlog on public lands and waters. In a time when more Americans than ever rely on outdoor recreation to ensure their physical and mental health, and communities lean on public lands and waters for economic stability, it is critically important to ensure the success of both components of GAOA.

The Legacy Restoration Fund, if implemented appropriately, can solve for a majority of recreation backlog projects, ensuring improvements to docks, restrooms, campgrounds, trails, roads and more. These necessary improvements to important recreation-related facilities will make for a better system that is more accessible, more enjoyable and safer.

Additionally, full funding of the Land and Water Conservation Fund will positively impact millions of Americans in urban and rural communities. With this dedicated funding, we have the potential to ensure significant and long-lasting returns to the American public. In fact, a recent ORR survey which

called for outdoor recreation projects that would benefit from LWCF funding yielded over 200 submissions, from bike trails to campsites to road improvements and more.

We can guarantee the success of GAOA through funding that takes into account the unprecedented demand for outdoor recreation, updated and more streamlined processes, rural economic development and urban access, and a holistic view of the recreation experience when prioritizing projects. For example, fixing roads and trails is not effective if the facilities (such as campgrounds or trailheads) they lead to are in disrepair and do not offer a positive visitor experience.

We believe this return on investment requires a focus on three key areas:

#### **Planning**

In order to achieve and maintain public trust, federal agencies should have an open, transparent methodology that identifies and prioritizes recreation projects and addresses resource protection, visitor use and access, health and safety, and long-term financial sustainability. Planning should involve private recreation sector partners that can ensure infrastructure is not just being updated to today's standards but will also meet the needs of the next decade of recreation demand and technologies.

Planning also needs to consider projects that:

- Improve existing recreation public access
- Balance investments in revenue generating and non-revenue generating projects
- Manage visitation pressures
- Connect to adjacent, non-federal recreation areas
- Contribute to rural economic development
- Benefit underserved communities
- Mitigate future costs
- Help adapt to a changing climate
- Support public-private partnerships

Projects must also be planned and managed in such a way that they will not contribute to future maintenance backlogs in the future. We can ensure this by prioritizing recreation throughout the federal agencies, preventing funds being diverted from recreation projects, and increasing recreation appropriations from Congress. This is more important than ever as Americans rediscovered their love of the outdoors during the pandemic and many public lands and waters saw record visitation.

#### **Oversight and Coordination**

We believe that with proper oversight and coordination among agencies and the private sector, GAOA funding can diminish the recreation backlog, improve access, and grow sustainable economies for decades to come. To achieve this, agencies should provide centralized and transparent project management oversight to ensure consistency in GAOA fund deployment.

One suggestion for improvement involves the way GAOA projects are categorized in agency databases. At present, agency classification of projects is unspecific - the category "recreation

assets” is a catch-all for projects involving camping, day use, roads, and visitors’ centers. An additional layer of classification to define the recreation infrastructure that is being built will help the American public understand the real value of LWCF and also allow for portfolio-level analysis of how GAOA dollars are being allocated towards recreation projects.

Additionally, the public should have real-time access to current project lists and timelines, which could help spark private investments in those areas. Annual reporting of results should also be implemented through standardized project dashboards. Additionally, re-establishing the Federal Inter-Agency Council on Outdoor Recreation (FICOR), a version of which existed in both Obama and Trump administrations, would help agencies coordinate and standardize projects across jurisdictions.

#### **Contracting**

To achieve the best results, project contracting should be competitive, performance-based, and provide the greatest return possible for every dollar available. Contracts should also focus on specifications that include benefits such as reduction in operational costs, job sustainment & creation, sustainability, innovation, leverage of volunteers and community partners, such as Service and Conservation Corps, and more. Projects should recognize the need for additional contracting and management expertise to ensure consistency, thoroughness, and transparency.

To help achieve these outcomes, ORR is working closely with leadership at multiple agencies to ensure GAOA projects provide the greatest benefit to the greatest number of visitors as efficiently as possible, and we appreciate their time and dedication to this funding. Continued engagement and partnership with private industry is crucial to maintaining trust, efficiency, and transparency in GAOA implementation.

Outdoor recreation is a major part of the U.S. economy, and strategic implementation of GAOA can ensure this sector continues to grow and benefit communities and people across the country. ORR stands ready to work with the Subcommittee and agencies to ensure this legacy legislation has the impact we all intended.

Sincerely,

America Outdoors  
American Horse Council  
American Sportfishing Association  
American Trails  
Archery Trade Association  
Association of Outdoor Recreation and Education  
CHM Government Services  
Diving Equipment and Market Association  
Marine Retailers Association of the Americas  
Motorcycle Industry Council  
National Association of RV Parks and Campgrounds  
National Forest Recreation Association

National Marine Manufacturers Association  
National Park Hospitality Association  
National RV Dealers Association  
National Wild Turkey Federation  
Outdoor Industry Association  
Recreational Off-Highway Vehicle Association  
RV Industry Association  
Snowsports Industries America  
Specialty Equipment Market Association  
Specialty Vehicle Institute of American  
Sports & Fitness Industry Association  
The Corps Network



**Written Statement Submitted by The Pew Charitable Trusts  
to the Senate Energy and Natural Resources Subcommittee on National Parks  
For the record of the hearing held on February 9, 2022  
regarding the Great American Outdoors Act**

The Pew Charitable Trusts thanks the Senate Energy and Natural Resources Subcommittee on National Parks for holding a hearing on the implementation of the Great American Outdoors (GAO) Act, and we request that this written statement be included in the hearing record. Pew's Restore America's Parks project was established in late 2015 to conserve the natural and cultural assets of the National Park System by securing increased and dedicated funding for deferred maintenance.

**The National Park Service Repair Backlog**

The over a century-old National Park Service (NPS) maintains more than 400 significant natural and cultural sites in states and territories. Due to aging infrastructure, increasing visitation, and decades of inadequate funding, the agency hasn't been able to keep up with the pace of repairs. As a result, NPS has been challenged by a deferred maintenance backlog estimated to cost billions of dollars to fix.

**Deferred Maintenance Legislation and the Great American Outdoors Act**

For decades, the National Park System has had to cope with the deterioration of critical assets such as historic structures and cultural artifacts, trails and roads, ranger housing, campgrounds and visitor centers, water treatment systems, and electrical systems. Park units designated by Congress to protect our nation's most treasured resources and document our nation's evolving history, in some instances became outdated, rundown, and unsafe. In response, [3,000 groups](#)— including hundreds of local chambers of commerce and businesses, towns and counties, state legislatures, tourism societies, outdoor recreation interests, sportsmen organizations, engineering, infrastructure associations, preservation societies, scientists, and veterans' groups—called on Congress to take action and dedicate resources to fix our parks.

For many of these groups, the preservation of park treasures also has tremendous implications for their livelihoods. According to NPS data for 2020, the National Park System welcomed more than 237 million visitors who spent an estimated \$14.5 billion in local gateway communities; this spending generated 234,000 jobs and a cumulative national economic output of \$28.6 billion. In the years prior to the height of the COVID-19 pandemic, visitor spending was even higher. A factsheet highlighting the economic benefits of our park and public lands can be viewed [here](#).

In 2020, Congress finally responded to the public's cry to fix our parks. But the legislative journey began much earlier. In 2017, several significant legislative proposals to address NPS deferred maintenance were introduced and advanced within the U.S. Senate and the House of Representatives (see Attachment A for a timeline of the GAO Act). One of the most widely supported of these measures was the Restore Our Parks Act in the Senate, authored by the chair of this Subcommittee, Sen. King (I-ME), and Sens. Portman (R-OH), Warner (D-VA), and Alexander (R-TN). The last version of this legislation had 51 cosponsors and numerous hearings and markups occurred over two Congresses. In the House, the similarly bipartisan Restore our National Parks and Public Lands bill garnered 329 cosponsors and

underwent several hearings prior to final approval. The primary elements of these legislative proposals dedicated up to \$6.5 billion over five-years in non-taxpayer dollars, financed from mineral revenues from energy development on federal lands and waters, to priority park repairs and, in some versions, additional funds were dedicated to help address repair projects on other public lands and Bureau of Indian Education (BIE) schools.

In the Spring of 2020, a compromise was struck to combine existing Senate and House deferred maintenance legislation with language to provide funding for the Land and Water Conservation Fund (LWCF), a tool to protect habitat, access to public lands, and recreation resources for urban and rural communities for recreation facilities. The result was the GAO Act, one of the most bipartisan measures passed by Congress in recent years. Enacted into law in August 2020, the Act directs up to \$6.65 billion over five years (FY 2021 – FY 2025), to be held in the National Parks and Public Land Legacy Restoration Fund (LRF), for priority repairs within national parks. It also provides nearly \$3 billion for maintenance needs within national forests, national wildlife refuges, Bureau of Land Management lands, and BIE schools, and it fully funds the LWCF program each year, in perpetuity.

The GAO Act is the greatest investment in our national parks and public lands since the 1950s and reflects the importance of these places to our culture and history, healthy ecosystems, and communities that depend on them for their livelihoods. Now more than ever, the inherent and economic value of our public lands and waters is evident, as the outdoors have become a solace for many during the current pandemic.

#### **Implementation of the Great American Outdoors Act**

Pew praises NPS for its implementation of the GAO Act to date, given the shortage of agency staff, constraints to hiring and contracting, and the need to move quickly after passage of appropriations measures to move forward on congressionally approved lists of priority repair projects. Below we note successes to date and some recommendations for improvement.

#### Successes to Date

*Repair lists.* The NPS regularly reviews its assets and uses a non-political formula to assess repair needs. While not a perfect system, it is a sound approach, and it provides a baseline of resource needs, so the NPS did not have to start at square one in prioritizing assets after the GAO legislation was signed into law. Assessments occur at the individual park level, that information is shared with NPS regional offices, and from there data is passed on to NPS leadership, which makes final priority project determinations. Decisions are based on factors such as an asset's importance to the mission of the park unit, resource preservation, visitor experience and safety, and substitutability.

*Stakeholder Outreach.* The NPS has engaged in dozens of meetings with stakeholders. We appreciate this outreach and encourage the agency to continue providing updates to stakeholders, the public, and to key congressional committees and offices, through briefings, updated websites, factsheets, and status updates on repair projects. While input from stakeholders is critical, we do not feel that a public process to solicit input of prioritization of specific park repair projects is warranted and could lead to a popularity contest of park sites. The NPS staff have been monitoring park repair needs for years and are best able to gauge current maintenance priorities.

*Identifying and Programming Funds.* During the first two years of the LRF's establishment, NPS has identified 86 repair projects and has programmed funding for \$2.6 billion.

*Historic Assets.* Larger repair projects, such as road work, restoration of bridges, and updates to water treatment systems, are typically very expensive. A number of these large projects are being undertaken with GAO Act funds, as regular appropriations and Surface Transportation Act funding have not been adequate or have not provided the long-term funding certainty needed to take on these mega-projects, which often require multiple years to complete.

While the GAO Act is designed to address these larger types of projects, the law also is addressing funding for non-transportation projects, such as historic assets. These repairs may be smaller in nature and less costly, but they are equally important to restoration of our National Park System. The NPS has developed the Maintenance Action Teams (MAT) program to help NPS regions collaborate on infrastructure projects that are primarily historic repairs in cultural resource-based parks. Currently, FY2021 and FY2022 GAO funding is facilitating 80 MAT projects in 59 parks nationwide. These numbers are likely to increase when the FY2023 project list is released. MAT-led repair work can help maximize public-private partnerships with philanthropic entities and enable smaller parks that previously lacked funding and capacity to complete necessary repairs.

*Leveraging other resources.* The certainty of GAO Act funds allows NPS to plan for and undertake complicated, multi-year projects. As a result, the agency can more strategically use annual congressional appropriations and Surface Transportation Act funds to tackle long overdue repair needs.

#### Improvements Needed

Following enactment of the GAO Act, Pew sent a letter to the NPS acting director providing recommendations to ensure efficient and effective implementation of the GAO Act. Those recommendations can be viewed [here](#), and we recognize that some are already being put into practice. In addition, we are asking Congress and the Administration to consider the following actions to improve implementation of the GAO Act:

*Operational Issues.* To ensure NPS can implement GAO Act-funding repair projects as efficiently as possible, we recommend more flexibility in hiring processes. Formal authority allowing NPS to bring on term-limited labor would be invaluable, given agency staff shortages during this critical time of planning and implementing GAO Act-funded repairs. While the Act covers a five-year period, funds remain available until they are spent; for that reason, greater flexibility in determining the length of term appointments is warranted.

#### *Sustainability of Projects*

In prioritizing priority repairs, we encourage NPS to consider a park unit's plan to sustain a project over time, ensuring the highest rate of return for investments made under the Act. Such plans should reflect important matters such as: the climate resiliency of assets, energy efficiencies that have the potential to save tax-payer dollars, health and safety issues, and materials and technology that can significantly extend the life cycle of assets.

*Benchmarks of success.* It's imperative that the implementation of the GAO Act fulfill the intent of Congress, and the funds entrusted to NPS and other agencies be used as effectively as possible. We encourage NPS to develop accountability standards for implementation work, to regularly monitor progress and spending, and to develop benchmarks for success.

**Next Steps**

The GAO Act is not a cure-all for NPS' maintenance backlog. There always will be ongoing maintenance and repair needs that require continued investment. The GAO Act was intended to enable the Park Service to "catch up" on long overdue repairs, better leverage other funding sources, and prevent deferred maintenance from escalating at previous rates. To achieve this, we would recommend the following:

- *Congress must continue robust levels of annual appropriations.* This will enable NPS to undertake cyclic maintenance that will help avert larger repair issues and keep future maintenance costs down.
- *NPS must actively leverage other funding sources,* such as leasing and philanthropic donations.
- *Policy reforms should be considered and implemented to allow the NPS more flexibility to enter public-private and interagency partnerships, consider new sources of revenue, and explore new technologies to provide long-term cost-savings* (i.e., energy efficiencies, use of durable materials).  
The "[Protecting Our Parks](#)" report done by AECOM, issued in 2018 and commissioned by Pew, explores some of these strategies, with the goal to prevent an escalation of the maintenance backlog.

We thank Chairman King and Ranking Member Daines, and other members of this Subcommittee for their leadership on the GAO Act and your continued help to ensure its successful implementation.

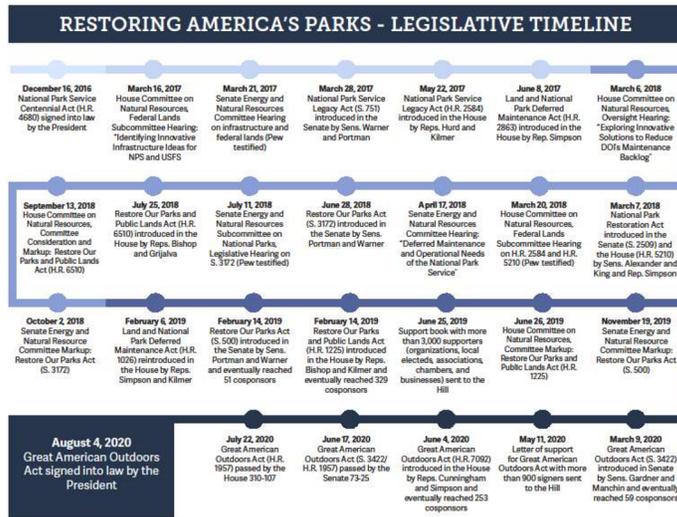
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Attachment A





**Senate Energy and Natural Resources Committee - National Parks Subcommittee**  
**Hearing on the Great American Outdoors Act**  
*February 9, 2022*

**Statement For the Record**  
**Submitted by Hannah Downey, Policy Director**  
**Property and Environment Research Center (PERC)**

**Main Points:**

- Great American Outdoors Act funding is helping address critical deferred maintenance needs in our national parks system.
- Federal land leadership should consider using the investment options for the National Parks and Public Lands Legacy Restoration Fund to maximize conservation funding flexibility beyond the program's current five-year authorization.
- Addressing overdue maintenance is vital, but the root of the problem is a lack of attention to routine maintenance.
- Looking ahead, energy revenues are unlikely to be a reliable source to fund conservation and recreation in the 21st century, and new alternatives including recreation fees and conservation leasing should be pursued.

**Introduction**

Chairman King, Ranking Member Daines, and members of the National Parks Subcommittee, thank you for the opportunity to submit this statement for the hearing record on the implementation of the Great American Outdoors Act. The Property and Environment Research Center (PERC), a conservation research institute based in Bozeman, Montana, has explored market-based solutions to improve stewardship of our public lands for over 40 years.<sup>1</sup> We have emphasized the need to address

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<sup>1</sup> PERC—the Property and Environment Research Center—is a nonprofit research institute located in Bozeman, Montana, dedicated to improving environmental quality through markets and property rights. PERC's staff and associated scholars conduct original research that applies market principles to resolving environmental problems.

deferred maintenance on our public lands and supported the adoption of the National Parks and Public Lands Legacy Restoration Fund through the Great American Outdoors Act.<sup>2</sup>

Two years after the passage of GAOA, Congress is right to review the implementation of the program and the benefits to our public lands. The Legacy Restoration Fund provides up to \$1.9 billion annually for deferred maintenance projects across federal land agencies for five years, and it is important to ensure those dollars are being spent effectively on the ground.

### **Progress on Deferred Maintenance**

Funding from the Legacy Restoration Fund has begun to provide resources for federal land managers to address critical deferred maintenance needs under their care. Deteriorating trails, faulty wastewater systems, and eroding shorelines threaten the environmental health of our shared lands and detract from the visitor experience. At its core, conservation means taking care of what we already own, and tackling these maintenance needs is essential to our conservation legacy.

In the first year of implementation, dollars went to projects such as replacing maintenance facilities in Acadia National Park, repairing bridges in Yellowstone National Park, replacing transmission lines in Yosemite National Park, and repairing seawalls in Gateway National Recreation Area.<sup>3</sup> To be sure, this funding source is not enough to address all of the deferred maintenance needs on federal lands, so federal land managers have to decide which projects are priorities. As NPS Deputy Director Shawn Bengé said, “[W]e’re focusing Legacy Restoration Fund investments on projects that would substantially reduce deferred maintenance in sizable parks with considerable infrastructure along with those projects that would benefit the greatest number of visitors.”<sup>4</sup> This approach helps ensure limited dollars go toward doing the most good for the parks system and visitors as a whole.

### **The Investment Option**

Dollars from the Legacy Restoration Fund alone will not immediately resolve the deferred maintenance backlog. With an estimate of nearly \$20 billion of deferred maintenance across all federal lands, \$9.5 billion over five years will not solve the problem.<sup>5</sup> While much of the agencies’ focus is on how to rapidly deploy these dollars on the ground, Congress and federal land leaders should not forget

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<sup>2</sup> See “[Restoring Our National Parks](#).” Holly Fretwell. Testimony before the U.S. Senate Committee on Energy and Natural Resources - Subcommittee on National Parks. July 11, 2018.

<sup>3</sup> [National Parks and Public Lands Legacy Restoration Fund](#). National Park Service.

<sup>4</sup> “[Repairs Are Underway From Largest Investment in National Parks in Over 60 Years](#).” PEW Charitable Trusts. May 28, 2021.

<sup>5</sup> “[Deferred Maintenance of Federal Land Management Agencies: FY2009-FY2018 Estimates and Issues](#).” Congressional Research Service Report R43997. April 30, 2019.

about the opportunity to invest Legacy Restoration Funds in an endowment-like fund to generate future returns.

Capitalizing on this investment opportunity, if and when land managers deem it appropriate, can provide a measure of flexibility to help address future maintenance needs. It would also mean that additional funding beyond annual appropriations would continue to be available for deferred maintenance beyond the five-year limit of the Great American Outdoors Act.

#### **Maintenance Needs: Deferred and Routine**

While the Great American Outdoors Act provides much-needed dedicated funding for public lands, solving foundational maintenance issues is the only way to assure a solid future for conservation and recreation on federal lands. While the Legacy Restoration Fund can be used over the next five years for deferred maintenance projects like fixing bridges or repairing wastewater facilities, those dollars cannot be used for day-to-day maintenance on park assets. Eventually, without routine maintenance, the repairs and investments being funded today will end up on another deferred maintenance list years down the road once Legacy Restoration Fund authorization has expired.

The challenge now is to ensure that the focus on deferred maintenance is coupled with a renewed interest in and commitment to routine maintenance. Congress and the Biden administration should not only ensure that the Great American Outdoors Act is implemented to address deferred maintenance but also ensure park superintendents and local land managers have the tools to conduct routine maintenance to protect these infrastructure investments.

One area for improvement relates to recreation fee revenues. Under the Federal Lands Recreation Enhancement Act, national parks and federal recreation sites that meet certain criteria are able to charge visitors nominal fees.<sup>6</sup> At least 80 percent of those fees remain at the site where they were collected to be spent without further appropriation, providing a flexible source of revenue for maintenance outside of base appropriations for local land managers. This fee authority, which is set to expire at the end of the current fiscal year, should be permanently authorized.

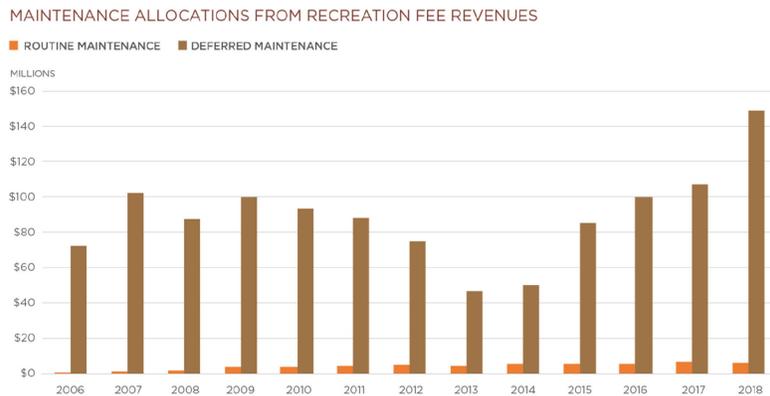
One drawback to the way the fee system is implemented is a central directive that limits how park staff can spend the revenues they collect. The National Park Service directs park superintendents to spend at least 55 percent of fee revenues on deferred maintenance, rather than allowing them to decide which on-the-ground needs to prioritize.<sup>7</sup> The internal directive means that while growth in fee revenues has generated more funding for overdue repairs, it has contributed much less to regular upkeep such as care

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<sup>6</sup> 16 U.S.C. § 6806 (2004).

<sup>7</sup> "[Fiscal Year 2022 Budget Justifications](#)," p. RecFee-2. National Park Service.

of visitor facilities, road work that can prevent long-term damage, or hiring permanent employees to conduct routine maintenance. Statute mandates that fee receipts must be used in ways that benefit visitors, but local managers have the best knowledge and context to decide how to accomplish that, whether by addressing deferred projects, performing routine maintenance, or otherwise. Agencies should defer to them when it comes to deciding how to spend fee revenues.



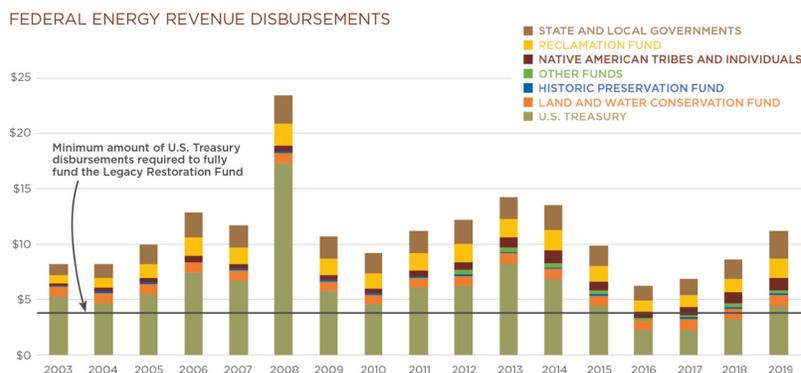
Making a dent in the deferred maintenance backlog through the Legacy Restoration Fund is certainly great progress, but if routine maintenance remains neglected, the fundamental problem will remain unresolved.

### Unreliable Energy Revenues and Innovative Funding Sources

All of the funding for the Great American Outdoors Act comes from energy development on federal lands and offshore waters. Indeed, federal energy revenues have long provided significant funding for conservation and recreation on public lands. Several factors, however, threaten the viability of relying on energy revenues to support such programs, demonstrating the need for alternative funding sources.

Many policymakers have called for an end to new oil and gas leasing on public lands and waters, which would create obvious challenges for the future of energy-funded conservation and recreation programs. In particular, recent calls to ban offshore oil and gas drilling—which generates roughly half of all federal energy revenues—could eventually threaten the future of the Land and Water Conservation Fund, which has been funded by offshore energy revenues for more than half a century. Banning new fossil fuel energy leases would not immediately decimate energy revenues, but once

existing leases expire, the effects on federal energy revenues would be significant. When it comes to offshore energy in particular, the National Ocean Industries Association estimates that if new offshore drilling were banned in 2022, it would reduce average offshore energy revenues by 61 percent by 2040, from \$7.0 billion to \$2.7 billion. If offshore revenues were to fall that drastically, then funding for the LWCF would be under threat.<sup>8</sup>



Those who oppose fossil fuel development might point to revenues from renewable energy as an attractive way to replace the oil and gas money. But while renewables are poised to grow federal revenues in coming decades, even optimistic projections do not have them rivaling current fossil fuel revenues anytime soon.<sup>9</sup>

Public land users are the most promising backers of public lands for the future. The growth of visitor revenues from recreation fees have already demonstrated how recreation user-based funding can provide resources to improve the recreation experience at federal sites. But approaches such as expanding land managers' ability to charge fees at more sites or increasing fees where appropriate could complement or perhaps eventually replace the energy-dependent funding used today. At the state level, hunters and anglers already finance the lion's share of wildlife conservation through purchases of hunting and fishing licenses and revenues from excise taxes on firearms, fishing tackle, boat fuel, and related gear. State fish and wildlife agencies use the revenues to increase outdoor recreation access, protect wildlife habitat, and fund similar purposes. And unlike the programs funded by energy

<sup>8</sup> See "[The Economic Impacts of the Gulf of Mexico Oil and Natural Gas Industry](#)," Energy & Industrial Advisory Partners, May 26, 2020.

<sup>9</sup> "[A Better Way to Fund Conservation and Recreation](#)," Tate Watkins and Jack Smith, *PERC Policy Brief*, November 2020.

revenues, there is no mandated annual cap on any of these user-generated funds, meaning growth in outdoor recreation translates into more funding for public land management.<sup>10</sup>

Another approach would be to allow conservation groups to bid on natural resource leases on federal lands. Technically, any U.S. citizen can bid on and hold leases for energy, grazing, or timber resources on public lands. But legal requirements often preclude environmentalists from participating in such markets. Federal and state rules typically require leaseholders to harvest, extract, or otherwise develop the resources, effectively shutting out of the bidding process those who want to conserve resources.<sup>11</sup> Allowing conservationists to put their money where their mouths are by bidding, rather than relying on lobbying and litigation, would generate revenue that could be put toward conservation and recreation.

The issues presented by the current model warrant innovative and creative ideas that would circumvent the short- and long-term concerns of relying on energy revenues. Policymakers should enlist the help of conservationists and recreationists to expand funding models that can support future public land stewardship.

### **Conclusion**

Addressing the deferred maintenance backlog is essential to the conservation of our federal lands, and the Great American Outdoors Act provides a much needed financial investment. The National Parks and Public Lands Legacy Restoration Fund empowers land managers to conduct some of the maintenance projects whose neglect has harmed the environment or detracted from the visitor experience for decades. As Congress reviews the implementation of the fund and what it means for the future of federal lands conservation, now is the time to consider the balance between one-time infrastructure investments and the routine maintenance funding required to protect those investments and care for a sustainable asset base. It also presents an opportunity to consider the wisdom of continuing to rely on energy revenues to support such programs and to examine creative alternative funding sources.

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<sup>10</sup> See "[How We Pay to Play: Funding Outdoor Recreation on Public Lands in the 21st Century](#)." Tate Watkins. *PERC Public Lands Report*. May 2019.

<sup>11</sup> See "[Allow 'Nonuse Rights' to Conserve Natural Resources](#)." Bryan Leonard, Shawn Regan, Christopher Costello, Suzi Kerr, Dominic P. Parker, Andrew J. Plantinga, James Salzman, V. Kerry Smith, Temple Stoellinger. *American Association for the Advancement of Science*. Vol. 373, Issue 6558, pp. 958-961.

**Written Testimony Submitted to the Senate Committee on Energy and Natural Resources  
National Parks Subcommittee  
in conjunction with the  
*The Great American Outdoors Act* hearing  
February 9, 2022  
by  
Kathleen Sgamma  
President, Western Energy Alliance**

Chairman King and Ranking Member Daines, thank you for allowing me to submit written testimony to be considered for the record.

Western Energy Alliance represents about 200 companies engaged in all aspects of environmentally responsible exploration and production of oil and natural gas in the West. Alliance members are independents, the majority of which are small businesses with an average of fourteen employees.

We are proud that the oil and natural gas industry almost exclusively provides the \$2.8 billion for conservation and infrastructure in national parks, wildlife refuges, and other public lands that the Great American Outdoors Act (GAOA) enabled. The two components of that \$2.8 billion are: 1) permanent funding for the Land and Water Conservation Fund at \$900 million annually, exclusively funded by offshore oil and natural gas revenues; and 2) the new National Park and Public Lands Legacy Restoration Fund, authorized to receive up to \$1.9 billion annually primarily from oil and natural gas leasing and production on public lands.

The Legacy Restoration Fund is funded by energy development on federal lands, taking 50% of revenues generated up to the \$1.9 billion maximum. The vast majority of that revenue comes from the oil and natural gas industry, which generated \$4 billion in onshore revenue in 2021, more than the 50% GAOA threshold. We encourage your witnesses at the hearing to acknowledge that the funds come from oil and natural gas companies, with a much smaller but still significant portion from coal companies.<sup>1</sup> We hope your witnesses do not gloss over that fact by just referring vaguely to “energy” revenues from public lands and that they recognize how the anti-oil-and-gas policies of this administration put that conservation funding at risk.

We thank Congress for passing the GAOA to address the \$20 billion infrastructure backlog in our national parks and public lands. We are pleased that a large portion of the revenues we generate from public lands are directed into conservation and maintenance of those public lands. By providing that funding, we provide a definitive solution to the maintenance backlog on national parks. By helping to improve park infrastructure, we provide the means to expand access to parks for all Americans, including disadvantaged communities.

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<sup>1</sup> [The Department of the Interior's Offices of Natural Resources Revenue \(ONRR\) reports](#) \$4.4 billion in onshore energy revenue in 2021, the breakdown of which is:

- Oil and natural gas \$4 billion, 91.3%
- Coal \$364 million, 8.2%
- Geothermal \$18 million 0.4%
- Wind \$5 million, 0.1%

On the other hand, outdoor retailers actively market their apparel and gear as a means for their customers to access parks and public lands. By advertising their gear alongside iconic landmarks in Yosemite and Arches National Parks, for example, they associate their brands with the landscapes that Americans cherish. They actively encourage customers to use their gear in national parks, which has the downside of contributing to the strain on national park resources.<sup>2</sup> Congress should consider enlisting the outdoor retailers to help provide the infrastructure necessary to accommodate the increased visitation they so actively encourage with their aggressive marketing and social media advocacy.



[Arches National Park used in Patagonia's Instagram feed](#)



The peaks of Yosemite National Park used in the [REI twitter feed](#).

A "backpack tax" has been proposed in the past, but has been fought by the outdoor retailers. Such a use tax for gear that will often be used on public lands would help to relieve the strain on certain parks that outdoor retailers have encouraged through their marketing. The outdoor retailers aggressively fight the tax, hiding behind the term "backpack" which is associated with schoolchildren as much as with

<sup>2</sup> ["Parks balance overcrowding, preservation," \*Our National Parks\*, May 5, 2010;](#) ["Long Lines, Packed Campsites And Busy Trails: Our Crowded National Parks," \*NPR\*, March 7, 2016;](#) ["National Parks Struggle With a Mounting Crisis: Too Many Visitors," \*New York Times\*, September 27, 2017;](#) ["Crisis in our national parks: how tourists are loving nature to death," \*The Guardian\*, November 20, 2018;](#) ["Utah Wanted All the Tourists. Then It Got Them," \*Outside Magazine\*, January 29, 2020;](#) ["After a year of pining, visitors are overcrowding national parks like Yellowstone and Yosemite," \*CBS News\*, June 18, 2021.](#)

those ascending Mount Denali. They provide the excuse that a backpack tax would increase the cost of their products, making their gear, and access to parks by association, prohibitive for disadvantaged communities. But anyone who's purchased a high-tech backpack from REI or a Patagonia jacket knows they have little in common with the needs of a schoolchild. Their objection has a simple solution: a price threshold to ensure the tax falls only on high-priced gear and apparel. For an industry that enjoys \$689 billion in consumer spending,<sup>3</sup> a very modest sales tax rate could raise significant funds to help address the infrastructure issues associated with high rates of visitation as well as increase access to all Americans.



**Osprey**  
Aether Plus 70 Pack - Men's

\$360.00

[Backpack currently available on REI.com](#)

To date, there is not much momentum in Congress for a such a backpack tax. The oil and natural gas industry has gladly taken on the task of providing the bulk of all conservation funding for decades. We pay royalties, leasing rents and bonuses, corporate taxes, severance taxes, property taxes, and permitting fees. Interior Secretary Deb Haaland has said many times that industries that benefit from public lands should pay a “[fair return](#)” to taxpayers. We agree with Secretary Haaland. For decades now, the oil and natural gas industry has provided billions to public lands. We invite the outdoor retailers to do their part, since they profit handsomely from their association with our public lands.



Patagonia advocacy using Canyonlands National Park as a backdrop.

<sup>3</sup> From the [Outdoor Industry Association website](#).



## SOCIETY FOR AMERICAN ARCHAEOLOGY

**Testimony of the Society for American Archaeology on the Implementation of the Great American Outdoors Act  
Before the Subcommittee on National Parks  
Senate Energy and Natural Resources Committee**

**February 9, 2022**

The Society for American Archaeology (SAA) is thankful for the opportunity to present the following testimony on the implementation of the Great American Outdoors Act (GAOA). We would like to take this opportunity to bring to the subcommittee's attention an important issue related to the GAOA—and other statutes—that will have a major impact on heritage resources preservation in the coming years.

The SAA is an international organization that, since its founding in 1934, has been dedicated to research about and interpretation and protection of the archaeological heritage of the Americas. With thousands of members, the SAA represents professional and avocational archaeologists, archaeology students in colleges and universities, and archaeologists working at tribal agencies, museums, government agencies, and the private sector. The SAA has members throughout the United States, as well as in many nations around the world.

Congress passed the National Historic Preservation Act (NHPA), the National Environmental Policy Act (NEPA), the Archaeological Resources Protection Act (ARPA), and the Native American Graves Protection and Repatriation Act (NAGPRA) to protect the nation's irreplaceable historic and cultural resources. For example, the NHPA and its Section 106 regulations require federal agencies to consider and consult on impacts of their actions and undertakings on historic properties—those included or eligible for inclusion in the National Register of Historic Places. The purpose of the review is to determine whether the project will harm historically significant resources. The U.S. states and territories in the United States—along with many federally recognized tribes—have State Historic Preservation Offices (SHPOs) and Tribal Historic Preservation Offices (THPOs). Section 106 requires federal agencies to consult with SHPOs/THPOs, as appropriate, on the effects of undertakings to historic properties.

Unfortunately, the fact is that there are not enough cultural resources professionals in either the public or private sector, including archaeologists, to carry out the compliance tasks needed to protect heritage resources. There are a number of reasons for this. The high cost of education, and the resulting debt burdens, is deterring many recent anthropology graduates from entering or remaining in the field for which they have trained. Another is the fact that federal hiring of full-time cultural resources employees has lagged well behind the growing size of agency missions. At present, there are approximately just 130 more federal archaeologists today than there were in

2004, in spite of the fact that the compliance workload has increased considerably. The situation in the private sector is equally problematic. According to one estimate, cultural resources management firms, which provide most of the information and recommendations necessary for the consultation process between federal agencies and SHPOs/THPOs, are experiencing a substantial national deficit of archaeologists with the needed education and training to manage and direct Section 106 investigations.

While funding has been set aside in the GAOA for federal land management agencies to hire additional cultural resources staff to respond to GAOA needs, including high-level project management, there is another problem. The delay in finalizing the FY 2022 appropriations legislation has made it impossible to hire sufficient cultural resources staff to meet compliance needs until mid-summer 2022, at best. As a result, GAOA and other project compliance will suffer.

As a result of continually underfunding cultural resources programs with respect to FTEs, agencies are increasingly unable to effectively meet GAOA and Section 106 mandates in a timely manner. The recent passage of the new infrastructure bill will place even greater pressure on the already-overburdened cultural resources sector, both public and private.

This is a brief overview of the stark reality facing our national historic and cultural preservation system. While the SAA and other groups will have more to say about this subject in the weeks and months ahead, we urge the subcommittee to begin considering possible remedies for the aspects of the situation that it can address; namely, to advance legislation that authorizes greater funding and staff to federal cultural resources programs.