

**Prepared Statement of
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Environment”**

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Introduction

Chairman McClintock, Ranking Member Tsongas, members of the subcommittee, thank you for the opportunity to appear before you today to provide testimony on the impacts of federal land acquisition. My name is Shawn Regan and I am a research fellow at the Property and Environment Research Center (PERC), a nonprofit institute located in Bozeman, Montana, where I have studied issues related to public land management.

My testimony will focus on the Land and Water Conservation Fund (LWCF), the federal government’s primary land acquisition program. Created in 1964, the LWCF devotes up to \$900 million each year for the acquisition of lands for conservation and recreational purposes. Under its current authorization, LWCF funds are limited to land acquisition and cannot be used for the care and maintenance of existing federal lands. The LWCF is set to expire later this year, and several proposals before Congress seek to permanently reauthorize and fully fund the program in its present form.

In short, I will argue today that Congress should reform the LWCF to address the critical unfunded needs that exist on lands currently administered by the federal government. In particular, Congress should require that the LWCF be used to reduce the massive backlog of deferred maintenance projects on existing federal lands before it can be used to acquire new federal lands.

Our federal lands already face billions of dollars in critical deferred maintenance projects. The National Park Service alone, for example, faces a backlog of \$11.5 billion in deferred maintenance projects. These unfunded projects include deteriorating facilities, leaky waste water systems, and deficient roads, bridges, and trails. With the total federal estate now at more than 635 million acres, and the extent of the unmet management needs on those lands, spending

hundreds of millions of dollars each year through the LWCF to acquire new lands is simply irresponsible. Instead, Congress should prioritize the maintenance and care of the land and facilities that federal agencies already own over further land acquisitions.

My testimony draws on my research at PERC, as well as on my experience as a former backcountry ranger for the National Park Service. As a former park ranger, I understand first-hand how important many of these deferred maintenance projects are for the proper stewardship of our federal lands. The backlog of road repairs, waste water treatment, facility upgrades, and other critical infrastructure projects negatively affects visitor experiences as well as the natural and cultural resources on federal lands. As such, I will argue today that the reauthorization of the LWCF presents an opportunity for Congress to address many of the critical needs on existing federal lands and prevent further increases in the federal government's deferred maintenance backlog.

Overview of the Land and Water Conservation Fund

The Land and Water Conservation Fund is the federal government's principal source of funding for land acquisition. The fund is authorized at \$900 million each year, with most of the revenues derived from federal offshore oil and gas leasing in the Outer Continental Shelf. However, the LWCF must be appropriated annually by Congress, and it has rarely been fully appropriated at its authorized level. Since the fund began in 1965, more than \$36 billion has been credited to the LWCF, but less than half of that amount (\$16.8 billion) has been appropriated by Congress.¹

The LWCF is split between a state-level matching grant program and a federal land acquisition program.² The state-level grant program, administered by the National Park Service, provides matching grants to states for outdoor recreation planning, land acquisitions, and recreation facility development. The majority of LWCF funding, however, has been devoted to federal land acquisition. My testimony focuses on this federal land acquisition portion of the LWCF program rather than the stateside grant program.

In total, Congress has appropriated \$10.4 billion through the LWCF for federal land acquisition purposes. These acquisitions have been made on behalf of four federal land agencies—the National Park Service (NPS), the U.S. Forest Service (USFS), the Bureau of Land Management (BLM), and the Fish and Wildlife Service (FWS). Of the four agencies, the NPS has received the most LWCF funding at \$4.4 billion (42% of the total LWCF federal land

¹ Carol Vincent Hardy. 2014. "Land and Water Conservation Fund: Overview, Funding History, and Issues." Congressional Research Service. RL33531. <http://nationalaglawcenter.org/wp-content/uploads/assets/crs/RL33531.pdf>

² Beginning in 1998, a small portion of LWCF funding has also gone toward other federal purposes than land acquisition. See Carol Vincent Hardy (2014). "Land and Water Conservation Fund: Overview, Funding History, and Issues." Congressional Research Service.

acquisition appropriations). The USFS has received \$2.8 billion (27%); the FWS, \$2.2 billion (21%); and the BLM, \$0.9 billion (8%).

As currently authorized, the federal portion of the LWCF allows the federal government to purchase additional lands, but it does not provide for the care and maintenance of existing federal lands. Throughout its 50-year history, the LWCF has contributed to a significant expansion of the federal estate, particularly in the West, and has created additional maintenance and operational liabilities on those lands without providing a means to address those needs. In FY2015, federal land agencies sought a combined total of 163 land acquisitions through the LWCF.

The LWCF is set to expire on September 30, 2015. Congress has an opportunity to reform the fund to address the significant management needs that exist on lands already under federal ownership.

Unfunded Projects on Existing Federal Lands

The federal government owns more than 635 million acres, or roughly three out of every 10 acres in the United States. Much of this federal ownership is concentrated in western states, where nearly half of the land is under federal control. In some western states, the federal government owns a majority of the land in the state. For instance, the federal government controls 53% of Oregon, 62% of Alaska, 62% of Idaho, 67% of Utah, and 81% of Nevada.³

The extent of the maintenance and operational needs on existing federal lands is hardly trivial. In 2010, the Department of the Interior estimated that its total deferred maintenance backlog may be as high as \$20 billion.⁴ Last month, the National Park Service announced that its deferred maintenance backlog has reached a total of \$11.5 billion. The agency estimates that 90 percent of its roads are in "fair" to "poor" condition, dozens of bridges are "structurally deficient" and in need of reconstruction, and 6,700 miles of trails are in "poor" or "seriously deficient" condition.⁵

As the NPS prepares to celebrate its 100-year anniversary in 2016, this deferred maintenance backlog represents a glaring blemish in a system known for its "crown jewels" such as Yellowstone, Yosemite, and Grand Canyon. The NPS defines the deferred maintenance backlog as the cost of maintenance that is not performed when it should have been or was scheduled and which, therefore, is put off or delayed, most often due to funding constraints.

³ Gorte, Ross W., et al. 2012. "Federal Land Ownership: Overview and Data." Congressional Research Service. <http://fas.org/sgp/crs/misc/R42346.pdf>

⁴ Government Accountability Office. 2011. "Department of the Interior: Major Management Challenges." GAO-11-424T. <http://www.gao.gov/products/GAO-11-424T>

⁵ National Park Service. "Critical Maintenance Backlog." http://www.nps.gov/transportation/maintenance_backlog.html

Aging infrastructure and facilities, increased visitor use, and insufficient funding all contribute to the growth of the NPS backlog. Table 1 lists the deferred maintenance backlogs in several popular national parks as of September 2014.

Yellowstone	\$656,547,010
Yosemite	\$552,778,696
Grand Canyon	\$329,458,168
Rainier	\$298,372,137
Grand Teton	\$201,840,685
Glacier	\$178,517,042

Consider a few of these backlogged NPS projects: More than \$20 million is needed to fix the deteriorated condition of the waste water facilities in Yellowstone.⁷ As much as \$200 million is needed to fix busted water pipelines and ensure safe drinking water for visitors at Grand Canyon National Park.⁸ More than \$3 billion in high-priority road repairs are needed across the national park system.⁹ According to the latest NPS estimates, the backlog consists of \$1.8 billion in building repairs, \$62 million in campground maintenance, \$472 million in trail maintenance, \$255 million in waste water systems, and \$5.6 billion in unfunded transportation-related infrastructure needs.¹⁰

The continued expansion and acquisition of national park units has contributed to a steady growth in the NPS maintenance backlog. As the agency recently noted, “[N]ew legislation and executive orders have transferred to the NPS additional assets in poor condition compounding the NPS already limited capacity to provide stewardship to existing assets.”¹¹ Since 2005, more than a dozen additional parks with transportation assets were added to the national park system, in addition to land acquisitions funded by the LWCF. The agency

⁶ “NPS Deferred Maintenance by State and by Park.”

http://www.nps.gov/subjects/plandesignconstruct/upload/FY14-DM-by-State-and-Park_2015-03-13.pdf

⁷ “NPS Asset Inventory Summary - By Park.” <http://www.nps.gov/subjects/plandesignconstruct/upload/NPS-Asset-Inventory-Summary-By-Park-FY14-1.pdf>

⁸ Associated Press. May 21, 2014. “Water pipes top Grand Canyon’s maintenance list.”

http://www.eastvalleytribune.com/arizona/article_d28cc93e-e05a-11e3-925a-0019bb2963f4.html

⁹ Statement of Jonathan B. Jarvis, Director, National Park Service, Department of the Interior, Before the Senate Committee on Energy and Natural Resources, for an Oversight Hearing to Consider Supplemental Funding Options to Support the National Park Service’s Efforts to Address Deferred Maintenance and Operational Needs. July 25, 2013. http://www.energy.senate.gov/public/index.cfm/files/serve?File_id=6d4ed073-b1f5-42cf-a61a-122be71e67b9

¹⁰ “NPS Asset Inventory Summary”

<http://www.nps.gov/subjects/plandesignconstruct/upload/NPS-Asset-Inventory-Summary-FY14-1-2.pdf>

¹¹ National Park Service. 2014. “Deferred Maintenance Backlog.” Park Facility Management Division.

<http://www.nps.gov/transportation/pdfs/DeferredMaintenancePaper.pdf>

anticipates that the backlog will continue to grow as a result of additional land acquisitions combined with the unavoidable effects of inflation and asset deterioration.

In addition to unfunded maintenance projects, federal land agencies also face operational constraints that prevent the agencies from adequately managing and protecting the lands under their control. For instance, in Forest Service Region 1, which includes my home state of Montana, budget cutbacks have recently created at least 15 law enforcement vacancies.¹² The Forest Service has been forced to cut full-time employees in non-fire programs by 35% over the last decade, and the agency expects further employment cuts in 2016. The result is a diminished capacity for the agency to appropriately monitor and protect national forests.

Given the current size of the federal estate, and the extent of the management needs on those lands, spending hundreds of millions of dollars annually through the LWCF to acquire new lands is irresponsible. These acquisitions exacerbate the problem by creating even more unfunded maintenance projects. They also forgo a steady source of funding that could help address these critical needs on existing federal lands.

Opportunities for Reform

Conservation, at its core, is about the care and maintenance of the land. As such, conservation implies a responsibility to maintain and adequately fund the lands already preserved in federal ownership for conservation and recreational purposes. There is evidence that Westerners value the care and maintenance of existing federal lands. The latest “Conservation in the West” survey, conducted by Colorado College, found that 95% of voters in the West believe that Congress should ensure that public land managers “have the resources they need to take care of public lands and provide services to visitors.”¹³ While the survey is commonly cited as evidence that conservation programs such as the LWCF are popular among Westerners, the latest survey suggests that properly maintaining and caring for existing federal lands is just as important to Western voters.

In today’s political climate, conservationists and lawmakers should acknowledge the tradeoffs that are inherent in appropriation decisions over conservation measures such as the LWCF. Funding that is allocated to land acquisition means less funding is available for other purposes such as deferred maintenance backlogs and critical operational needs on current federal lands. Simply arguing for more funding to address these needs is not a credible or practical policy solution. Rather, conservationists must recognize these tradeoffs and seek reforms that enable federal land agencies to meet these challenges.

¹² Chaney, Rob. 2014. “Forest Service law enforcement takes budget hit; Region 1 reviews 15 vacancies.” *Missoulian*. March 9. http://missoulian.com/news/local/forest-service-law-enforcement-takes-budget-hit-region-loses-jobs/article_898ca5cc-0117-5342-9808-153a05431cd1.html

¹³ The 2015 Conservation in the West Poll: A Survey of the Attitudes of Voters in Six Western States. <https://www.coloradocollege.edu/stateoftherockies/conservationinthewest/>

Reforming the LWCF to prioritize the critical maintenance backlog is a pragmatic solution to a longstanding policy problem that has faced federal land agencies: The care and maintenance of existing federal lands is an appropriations decision that often loses out to other political considerations. In particular, Congress is more likely to seek funding to acquire new federal lands than it is to provide funding for routine maintenance projects on existing federal lands. Moreover, presidents are also more likely to seek new federal land acquisitions or create new federal designations under their executive authority (as President Obama did in December with the creation of seven new units of the national park system) than they are to prioritize the maintenance of existing federal lands. These political considerations have contributed to the steady increase in the deferred maintenance backlog over the last several decades, despite claims by several recent administrations to begin addressing the issue.

Conclusion

The reauthorization of the LWCF presents an opportunity for Congress to address many of the critical unfunded needs on existing federal lands and prevent further increases in the deferred maintenance backlog on federal lands. It is important to note that the LWCF alone will not solve the funding challenges faced by federal land agencies today. The NPS estimates that it would have to spend nearly \$700 million each year on deferred maintenance projects just to hold the backlog steady at \$11.5 billion.¹⁴

Nonetheless, the LWCF can supplement other policy solutions that have been proposed to address the problem of unfunded critical maintenance projects on federal lands.¹⁵ Moreover, the amount of funding that could be derived from the LWCF for these purposes is significant. More than \$10 billion has been allocated from the LWCF for federal land acquisition, and even more funding would be available if the program were fully funded and appropriated each year. As Congress considers reauthorizing the LWCF, policymakers should seek to reform the program to provide a steady and reliable source of funding for the critical maintenance and operational needs on current federal lands before it can be used to acquire new federal lands.

Thank you again for the opportunity to appear before you today to present my views on this important subject. I hope my perspective has been helpful, and I am happy to answer any questions you might have.

¹⁴ Statement of Jonathan B. Jarvis, Director, National Park Service, Department of the Interior, Before the Senate Committee on Energy and Natural Resources, for an Oversight Hearing to Consider Supplemental Funding Options to Support the National Park Service's Efforts to Address Deferred Maintenance and Operational Needs. July 25, 2013. http://www.energy.senate.gov/public/index.cfm/files/serve?File_id=6d4ed073-b1f5-42cf-a61a-122be71e67b9

¹⁵ See, for example, Donald Leal and Holly Fretwell. 1997. "Back to the Future to Save Our Parks." *PERC Policy Series*. <http://www.perc.org/articles/back-future-save-our-parks-full>.