



THE SECRETARY OF THE INTERIOR
WASHINGTON

NOV 05 2015

The Honorable Rob Bishop
Chairman, Committee on Natural Resources
House of Representatives
Washington, DC 20510

Dear Mr. Chairman:

Thank you for your letter dated October 7, 2015, to Secretary Vilsack and me, concerning the Land and Water Conservation Fund (LWCF) and your interest in gathering more information about the LWCF, one of the Nation's most successful conservation laws. Your letter requests a substantial amount of historical data focusing on land acquisition, some of which is captured by the information and links cited in this letter. The Department will continue to work with the Committee to provide information in response to those requests. I appreciate the opportunity to share with you why this law matters and highlight some of its successes after 50 years of enriching America's great outdoors.

At the end of September 2015, Congress allowed the program's authorization to expire, breaking a compact to the American people of investing a portion of offshore oil and gas revenues back into our land and water – and leaving LWCF to face an uncertain future.

I look forward to working with Congress to reauthorize and fully fund the LWCF in order to honor our Nation's outdoor heritage and provide resources to Federal land managers, states, and local communities who want to invest in conservation, historic preservation, and recreation opportunities. Future generations deserve nothing less.

The LWCF has supported projects in every state and nearly every county in the United States. Looking at just one snapshot in time (Fiscal Years (FY) 2011 to 2014), the LWCF supported \$582 million in projects, including \$5.8 million in Utah and \$11.9 million in Subcommittee Chair Lummis' State of Wyoming. States like Montana and North Dakota are bolstering their outdoor economies and supporting continued sustainable ranching and timber operations through LWCF.

The innovative program enjoys widespread, bipartisan support across this Nation and at every level of government. For example, the National Governors Association formally called for reauthorization, stating that "any lapse would create budgetary uncertainties for states that rely on the LWCF to support recreation and conservation initiatives." Similarly, a bipartisan group of mayors from major cities said that reauthorizing and strengthening the LWCF is a "key step in ensuring that our cities and our Nation's economy are stronger than ever." In Congress, a bipartisan majority of your House and Senate colleagues called for a clean reauthorization of

LWCF. Overwhelmingly, the American public and the leaders who represent them are calling for swift reauthorization of this important program.

ECONOMIC BENEFITS

America's public lands play an important role in the health of our Nation's economy. In 2014, the Department of the Interior's (Department) activities contributed \$358 billion to the U.S. economy, supporting more than 2 million jobs across the country. Our national parks, national wildlife refuges, national monuments and other public lands managed by the Department hosted an estimated 423 million recreational visits in 2014 – up from 407 million in 2013 – and these visits alone supported \$42 billion in economic output and about 375,000 jobs nationwide. This year's report is paired with a web-based data visualization tool to see contributions by bureau, activity or state. This is available at: <https://irma.nps.gov/Stats/>. The Federal, state, and local lands and waters – that the LWCF strengthens – support an overall outdoor recreation economy that generates \$646 billion in consumer spending and over 6 million jobs in the United States according to the Outdoor Industry Association. An independent analysis of the return on the investment from LWCF for Federal land acquisition found that every \$1 invested returns \$4 in economic value for local communities. As Congress looks to invest in our Nation's economy, dollar-for-dollar one of the most effective Government programs we have.

One striking example of the program's economic benefits is in Colorado, where the State invested just over \$1 million from the LWCF to acquire land and compensate families whose lives were impacted by the devastating Big Thompson flood of 1976. The flood plains are now home to four new county parks – popular destinations for anglers, birdwatchers, and families – instead of vulnerable structures. When another major flood hit the area in 2013, Larimer County avoided an estimated \$16 million in property damages.

Another example is the 7,150 acre Trumbull Creek Watershed Forest project outside of Whitefish, Montana, where the U.S. Fish and Wildlife Service invested \$2 million in LWCF funds to help protect highly productive commercial forestland in the heart of the Northern Rockies Crown of the Continent region. The project enables the oldest family-owned wood products company in Montana to continue to thrive on their property, with 120 employees and supporting another 112 jobs through their timber operations and business. The project also protects the region's watershed and supports outdoor recreation and tourism industries by securing permanent public access for hunting, fishing, hiking, and mountain biking through almost 65 miles of logging roads and trails on the property. In addition, the U.S. Forest Service provided \$6.5 million in funding for this project through the Forest Legacy program.

OUTDOOR RECREATION AND ACCESS FOR SPORTSMEN

The LWCF is a major driver for outdoor recreation and access to sportsmen and hunters. From building urban parks, trails, and boat ramps, to protecting open space and providing access to important habitat, the LWCF is one of the best tools we have to enrich America's great outdoors for all Americans.

The Department committed 1.5 percent of LWCF in the FY 2016 budget request to support access for sportsmen. Tied to this effort is the conservation of open space through acquisitions and easements that keep habitat intact for elk, deer, and other game. These efforts not only help

ensure healthy populations thrive so that future generations can continue to hunt and fish, but also support the \$90 billion in economic contributions that hunting and fishing make to our U.S. economy every year.

One example where the LWCF could strengthen the outdoor recreation economy is near the Colorado Riverway Special Recreation Management Area located southeast of Moab, Utah. One of Utah's busiest recreation areas, the spectacular red rock scenery draws over 800,000 visitors annually, including 60,000 visitors who float the stretch of the Colorado River. As part of the FY 2016 Budget, the Bureau of Land Management (BLM) proposes to acquire about 1,280 acres to eliminate the immediate threat of development around the recreation area, which could have impacts on the watershed and the many local businesses that rely on a healthy river and healthy outdoor economy.

The North Platte River Special Recreation Management Area outside of Casper, Wyoming, is another example where the LWCF is helping support local interests and businesses. The North Platte River is considered a world class trout fishery, just minutes away from Casper's 50,000 residents. An intermingled land ownership pattern has stymied public access to the river, so local outdoor enthusiasts and area visitors turned to BLM to address the growing demand for river access. The BLM invested \$3.4 million of LWCF funds to secure 428 acres of public access along the North Platte, complementing state and local efforts such as the popular Platte River Parkway and public fishing access easements purchased by the Wyoming Game and Fish Department.

And in 2010, NPS protected forestland directly surrounding the Appalachian National Scenic Trail (AT) in northern New Hampshire, ensuring continued public access through historic side trails, as well as hunting and fishing. Working with a coalition of local leaders, state agencies, businesses, and communities, 4,777 acres in Success Township were added to the Mahoosuc Mountain Range section of the AT, and another 1,200 acres of bordering forestland in Shelburne are planned to be conserved as working forest under a conservation easement.

HISTORIC PRESERVATION

The LWCF provides critical funding to acquire inholdings that help preserve and protect the story of our Nation. The American Battlefield Protection Program, managed by the National Park Service (NPS), provides grants to governments, organizations, or groups working to protect historic sites or acquire Civil War battlefield lands in public-private partnerships. Since 1992 the American Battlefield Protection Program has awarded 513 Battlefield Planning Grants helping to protect more than 100 battlefields in 42 states.

Using funds through the LWCF, NPS was able to protect a key piece of land slated for development in the Kennesaw Mountain National Battlefield Park in Georgia. Acquisition of the 41 acre Hayes property, the last privately owned parcel in the park, allowed NPS to avoid having the developer bulldoze the battlefield that marked both the Union and Confederate lines during the Civil War battle. The acquisition also improved park management, saving law enforcement time and money as rangers can now easily access the park trails and more effectively monitor looting and poaching activities known to take place in the area.

Examples of acquisitions that preserve stories of America's history for future generations abound through the Federal landscape. In fact, NPS identified more than 1,900 tracts of privately owned land within national park boundaries that contain cultural or historic resources. A robust Federal LWCF is necessary for full and permanent protection of these national treasures.

IMPROVED LAND MANAGEMENT

When it is determined that acquisition is the best tool for land management, acquisitions almost exclusively focus on inholdings. During the past 5 years, over 99 percent of the Department's acquisitions were inholdings. By Agency policy, the U.S. Fish and Wildlife Service (FWS) and NPS are required to acquire parcels within in the boundaries of park or refuge units. The BLM's manual prioritizes acquisitions as inholdings.

Acquiring Federal public lands protects important natural and cultural resources and secures access for outdoor recreation, but it often delivers an additional financial benefit: cost savings for American taxpayers.

Proposed acquisitions at Alaska's Lake Clark National Park and Preserve would yield significant cost savings over time from reduced firefighting needs. The NPS's acquisition of native allotment tracts that are currently designated as high priority for firefighting purposes would reduce the need for firefighting resources in the area and would yield an estimated savings of \$60,000 per tract during each firefighting season.

STATESIDE

The stateside LWCF program provided over 40,000 grants since 1965 to states and tribal governments for acquisition, development, and planning of outdoor recreation opportunities in the United States. The \$4.1 billion in grants, which matched provide \$8.2 billion to support purchase and protection of 3 million acres of recreation lands and over 29,000 projects to develop basic recreation facilities in every state and territory of the Nation. Seventy-five percent of the total funds obligated went to locally sponsored projects to provide close-to-home recreation opportunities that are readily accessible to America's youth, adults, senior citizens, and the physically or mentally challenged.

For example, the City of Sunbright, Tennessee, used \$12,060 in LWCF funds to expand recreation facilities at their only public park. Through a combination of community volunteer support and Federal funding, the park was enhanced with a new basketball court, new playground equipment, and a volleyball court. The city's mayor noted: "There is simply no way that Sunbright could have improved this park without LWCF. With only two industries in our very rural community, we get limited revenue from our tax base." He estimates that up to 600 people visit the park every day.

The Ohio Department of Natural Resources received the largest single-site state LWCF grant to conserve North Bass Island in Ottawa County. The \$6 million LWCF grant was used to acquire over 350 acres on the last large, undeveloped island on Lake Erie. Recreation development on the island will include campgrounds, picnic areas, swimming, boating and fishing facilities, trails, and access for hunting.

GUIDING POLICY

The LWCF is comprised of numerous programs to support conservation and outdoor recreation outcomes, including conservation easements, grants to states and localities, and partnerships that leverage funds to achieve durable conservation, improved recreational access, historic preservation, and economic development.

Contrary to your concern that new land acquisition is the sole focus of the Administration, land acquisition is just one of several tools in the LWCF toolbox. The Department targets this tool, in conjunction with land exchanges, disposition, and the now expired Federal Lands Facilities Transaction Act (FLTFA), to help to right-size the Federal estate, consolidate checkerboard ownership, and conserve areas rich in ecological diversity. I agree that bills like the Small Tracts Act mentioned in your letter provide additional tools for local land managers to ensure the greatest recreation, conservation, and economic outcomes for this and future generations. This Administration supports the responsible use of these programs, as is evidenced by the fact that the Federal estate actually decreased by 18 million acres since 1990, according to the Congressional Research Service.

For over 30 years, through both Republican and Democratic administrations, the Department applied the same policy regarding the implementation of the LWCF. On May 7, 1982, the Department published in the *Federal Register* (47 FR 19784) its policy for use of the Federal portion of the LWCF, requiring that agencies, to the extent consistent with statutory authorities:

- Identify what lands or interests in land need to be in Federal ownership to achieve unit management purposes consistent with public objectives for the unit;
- Use to the maximum extent practical, cost-effective alternatives to direct Federal purchase of privately-owned lands and, when acquisition is necessary, acquire or retain only the minimum interests necessary to meet management objectives; and
- Cooperate with landowners, other Federal agencies, state and local governments, and the private sector to manage land for public use or protect it for resource conservation.

This approach is enshrined in the agency manuals as well. In the case of FWS, their policy is to acquire inholdings within approved acquisition boundaries from willing sellers only, and FWS has not condemned land – except at the request of a landowner to clear title – in more than 30 years. As a result, FWS ownership patterns within a refuge’s approved acquisition boundary often reflect past willing sellers.

The FWS Manual states, “Basic Service policy is to acquire land only when other means, such as zoning or regulation, of achieving program goals and objectives are not appropriate, available, or effective. When lands are to be acquired, the minimum interest necessary to reach management objectives is to be acquired or retained. If fee title is required, full consideration will be given to extended use reservations, exchanges, or other alternatives that will lessen impact on the owner and the community...” The manual goes on to say, “Service policy is to adopt habitat protection measures and strategies that involve acquiring the minimum possible interest or rights in lands and waters. The objective is to leave as large a proportion of these rights as possible in private ownership and still meet the defined resource objectives....” Pursuant to this policy, during

FY 2014, FWS purchased 4,849 fee acres and 27,872 easement acres with the LWCF, making easements the largest focus of FWS's LWCF funding.

Our other land management agencies are carrying out this same approach of balancing acquisition with their other conservation tools. The NPS pursues, subject to the availability of funds appropriated for the acquisition of inholdings, an opportunity-purchase program by acquiring interests in inholdings offered for sale by landowners. The FWS, USFS, and BLM also maintain partnerships with Federal, state, local, and private landowners to conserve lands for future generations. For example, The Forest Legacy Program (FLP), a federally-funded LWCF program in partnership with states, supports state efforts to protect environmentally sensitive forest lands. Designed to encourage the protection of privately owned forest lands and keep them in sustainable production, FLP is an entirely voluntary program. As previously mentioned, the American Battlefield Protection Program and the stateside LWCF funding program use a number of tools to protect lands in a variety of ownership patterns.

ADDITIONAL INFORMATION

Properties acquired with LWCF funds are publically reported in a number of locations. In the President's Budget submission to Congress, each agency submits a list of proposed acquisitions. Details of each project are located in the Greenbooks for BLM, FWS, NPS, and USFS with full page profiles of each acquisition including cost, acres, location, and the ecological, economic and cultural values the project conserves. These documents can be found at:

<https://www.doi.gov/bpp>. Congress authorizes these purchases and, in a continuing effort to provide user friendly data, you can find an interactive map of the properties the Department submitted for consideration to Congress for the 2016 Budget at:

https://www.doi.gov/sites/doi.opengov.ibmcloud.com/files/uploads/LWCF_BIB_map_FY2016.pdf.

In addition to the President's Budget and the Department-wide publications, you can find more detail on each year's acquisition data for specific agencies in their annual reports. For NPS, a national summary and park listing of acreages can be obtained by both calendar and fiscal year at: <http://waso-lwcf.nrc.nps.gov/public/index.cfm> & <https://irma.nps.gov/Stats/>. The FWS summarizes their properties in the *FWS Annual Report of Lands Statistical Data Tables*. This report includes various data tables summarizing the sources and locations of the FWS lands. In addition, the *FWS Annual Report of Lands* contains an illustrated report of all fiscal year acquisitions. The BLM also captures their acquisitions at:

http://www.blm.gov/wo/st/en/prog/more/lands/land_tenure/purchase.html.

SELECTION OF PROJECTS

The preponderance of acquisitions conducted by the Department's bureaus are generated through needs identified in local or regional planning processes such as Land Protection Plans, Resource Management Plans, and National Park Management Plans. The need for and benefits of each acquisition, including wildfire management, recreation and consolidation of inholdings, can be found as part of these plans which are developed with local knowledge and input and guide the acquisition and exchange strategies for each management area or unit. These plans, unlike a national checkerboard metric, take into account conservation easements on private property which abut Federal ownership.

An outgrowth of the locally developed plans are larger acquisition strategies where agencies can work together to protect contiguous units across diverse public and private ownerships, such as in the Crown of the Continent in Montana and the Florida Everglades. The work to protect larger landscapes for greater economic and ecological benefits enjoys broad local, regional, and national support. Demand for LWCF resources in places like the Crown of the Continent far outstrips the supply.

To highlight how acquisition is integrated into the planning process, FWS develops acquisition boundaries using an extensive planning process that includes meaningful opportunities for public input. With conservation partners and the public, FWS conducts a land protection study to identify high quality fish and wildlife habitats and determine whether those habitats should be conserved as a part of the National Wildlife Refuge System. Public review and comment is encouraged at key milestones, including local public scoping meetings, sharing of preliminary habitat conservation and various refuge boundary alternatives, and draft land protection plans and NEPA documents. The FWS's decision to establish a refuge or expand a refuge's boundary, as well as its decision about how to draw the refuge's boundary, reflects this input.

Finally, the Department follows standard procedures through the pre-acquisition process for lands acquired through the LWCF and uses a risk-based approach to determine when a full survey is required. For example at NPS, as part of the pre-acquisition process, surveys are conducted on parcels of land as defined in NPS Director's Order #25.

The BLM has developed internal guidance (publically available here: http://www.blm.gov/wo/st/en/info/regulations/Instruction_Memos_and_Bulletins/national_instruction/2011/IM_2011-122.html) that outlines when to survey. The FWS policy is to mark exterior boundaries of refuges as they are acquired and to perform surveys as required based on risk. The FWS Manual requires realty staff to, "acquire land with known boundaries and that is free of adverse property claims." All these policies assure that the Department is correctly verifying ownership, while managing overhead wisely.

Thank you again for your interest in the LWCF. I look forward to working with Congress to reauthorization and fully fund this important program which has successfully served to protect and conserve our Nation's economic, cultural, and ecological resources for the past 50 years.

If you have any additional questions, please contact Ms. Stephenne Harding at (202) 208-6174 or Stephenne_Harding@ios.doi.gov in my office.

Sincerely,



Sally Jewell