

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

May 17, 2022

The Honorable Debra Haaland
Secretary
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

The Honorable Thomas J. Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, D.C. 20250

Dear Secretary Haaland and Secretary Vilsack,

In March of this year, the Department of the Interior (DOI) Office of Inspector General (OIG) found DOI lacked a strategy to maximize the impact of the Great American Outdoors Act (GAOA; P.L. 116-152) and failed to implement best management practices for deferred maintenance projects.¹ The absence of cohesive plans and best management practices places DOI at risk of failing to adequately resolve its backlog of deferred maintenance projects.² In light of these findings, DOI's fiscal year (FY) 2023 National Parks and Public Land Legacy Restoration Fund (Legacy Restoration Fund) project list³ raises questions about DOI's prioritization of projects. The OIG's concerns highlight the need not only for greater transparency and oversight in DOI's decision-making process, its selection of Legacy Restoration Fund projects, and the Department's monitoring of project progress, but also for greater transparency and oversight of the processes utilized by the U.S. Department of Agriculture.

The GAOA established the Legacy Restoration Fund, providing up to \$9.5 billion over five years, to both DOI and the U.S. Forest Service (USFS), to address deferred maintenance projects on our nation's federal lands.⁴ When President Trump signed GAOA into law, a majority of park infrastructure was at least 60 years old, buildings throughout the National Park System were deteriorating, and more than 21,000 miles of trails needed repair.⁵ To address the significant, nearly \$12 billion deferred maintenance backlog within the National Park Service (NPS) in particular, GAOA dedicated 70 percent of Legacy Restoration Funds to the agency.⁶

¹ U.S. DEP'T OF THE INTERIOR, OFFICE OF THE INSPECTOR GENERAL, 2021-CR-031, THE U.S. DEP'T OF THE INTERIOR NEEDS A STRATEGY TO COORDINATE IMPLEMENTATION OF THE GREAT AMERICAN OUTDOORS ACT (Mar. 23, 2022) at 3-4.

² *Id.*

³ U.S. DEP'T OF THE INTERIOR, FISCAL YEAR 2023 THE INTERIOR BUDGET IN BRIEF, (Apr. 2022), at C-1, *available at* <https://doi.gov/sites/doi.gov/files/fy2023-bib-entire-book-508.pdf>.

⁴ U.S. DEP'T OF THE INTERIOR, GREAT AMERICAN OUTDOORS ACT, *About the Legacy Restoration Fund*, <https://www.doi.gov/gaoa/about> (last visited Apr. 20, 2022).

⁵ Hannah Downey, *The Great American Outdoors Act, Explained*, PERC, Aug. 4, 2020, <https://www.perc.org/2020/08/04/the-great-american-outdoors-act-explained/>.

⁶ *Supra* note 4.

Despite the intention of GAOA to address real deferred maintenance needs, portions of funds are dedicated to administrative costs and contingency funds. Alarmingly, more than 30 percent of FY 2023 NPS Legacy Restoration Funds are dedicated to overhead costs, rather than obligated to specific projects.⁷ While not as staggering, the 17 percent of the FY 2023 U.S. Fish and Wildlife Service (FWS) Legacy Restoration Funds,⁸ 14 percent of FY 2023 Bureau of Land Management (BLM) Legacy Restoration Funds,⁹ and 13 percent of FY 2023 USFS Legacy Restoration Funds¹⁰ allocations to overhead costs also raise concern. Additionally, \$2 million of FY 2023 FWS Legacy Restoration Funds is dedicated to salaries for a “supplemental conservation workforce” rather than specific projects.¹¹ Without further detail, questions arise as to whether the FWS will utilize these funds to support initiatives, like the Civilian Climate Corps, without Congressional authorization.

Not only is the allocation of taxpayer funds to these bureaucratic costs concerning, but also the proportion of funding distributed to a limited number of projects near major metropolitan centers is equally troubling. Of the NPS’ 26 selected projects, the first, second, and fourth most expensive projects, which are all located in either Washington, D.C., or San Francisco, CA, accounted for over one-fifth of the total FY 2023 NPS Legacy Restoration Fund allocations.¹² In comparison, the 10 projects with the lowest requested amounts together accounted for just 6.4 percent of the FY 2023 NPS Legacy Restoration Fund allocations.¹³ The heavy concentration of funding to select urban projects alone raises questions about whether DOI is utilizing taxpayer funds to effectively address the greatest number of deferred maintenance projects across the country, or whether the agency is simply funneling money to multi-million-dollar projects in wealthy urban areas.

Although the details provided within the FY 2023 NPS Legacy Restoration Fund raise significant concerns, the vagueness of the FY 2023 USFS Legacy Restoration Fund project list presents separate challenges to evaluating how the USFS is managing up to \$285 million of taxpayer dollars.¹⁴ A lack of full project descriptions¹⁵ denies the public even basic levels of transparency regarding how USFS is utilizing funds.

The small percentage of funding dedicated to Maintenance Action Teams further calls into question DOI’s methodologies for distributing Legacy Restoration Fund dollars. Maintenance Action Teams were created to address deferred maintenance projects at small and

⁷ See *supra* note 3 at C-5, (31.67% of funds are dedicated to administrative costs, contingency funds, and FY 24 project planning and compliance).

⁸ *Id.* at C-3.

⁹ *Id.* at C-2.

¹⁰ See U.S. DEP’T OF AGRICULTURE, U.S. FOREST SERVICE, FISCAL YEAR 2023 BUDGET JUSTIFICATION, (Mar. 2022), at 203 – 210

¹¹ *Supra* note 3 at C-3.

¹² *Id.* at C-4.

¹³ *Id.* C-3 – C-5.

¹⁴ See U.S. DEP’T OF AGRICULTURE, U.S. FOREST SERVICE, *Great American Outdoors Act*, <https://www.fs.usda.gov/managing-land/gaoa> (last visited Apr. 26, 2022).

¹⁵ *Supra* note 10.

medium sized parks.¹⁶ The FY 2023 NPS Legacy Restoration Fund, however, only allocated 1.5 percent of its funding to supporting Maintenance Action Teams.¹⁷ While this is a slight improvement from FY 2022, which failed to support Maintenance Action Teams at all, it is still woefully insufficient to address the needs of smaller parks with deferred maintenance backlogs impacting visitor experiences.¹⁸ The small percentage of funding for these teams intended to impact numerous projects¹⁹ raises doubts about whether DOI is appropriately prioritizing the use of these funds.

Our concerns, however, are not limited to how your Departments allocate the Legacy Restoration Fund. Greater transparency is needed to determine whether your Departments are effectively managing the completion of projects, as well as to assess the overall reduction in the deferred maintenance backlog. Alarming, NPS released updated deferred maintenance statistics revealing the agency's backlog increased nearly \$10 billion over the past four years.²⁰ The Biden administration, however, has yet to publish a Deferred Maintenance Report for the USFS, BLM, or FWS. Without a current accounting of existing deferred maintenance projects, it is unknown if your Departments are allocating funds in a manner that significantly reduces the backlog of deferred maintenance projects, as Congress intended. Further, questions remain about the criteria your Departments have employed to select the size, geographic distribution, and funding amounts for specific projects.

Through the Legacy Restoration Fund, your Departments annually manage more than a billion dollars dedicated to reducing the deferred maintenance backlog on our federal lands. To ensure your Departments are effectively allocating funds to address the greatest number of projects with appropriate prioritization, and to assist with our oversight activities, please provide the following documents, as soon as possible, but no later than 5:00 p.m., May 31, 2022:

1. A document sufficient to describe a full accounting of all funds your Department distributed through the Legacy Restoration Fund, including, but not limited to, the total obligated funds, the total funds spent, and remaining costs for projects that already received partial funding, but may still be incomplete.

¹⁶ See U.S. DEP'T OF THE INTERIOR, GREAT AMERICAN OUTDOORS ACT (GAOA) – NAT'L PARKS AND PUBLIC LAND LEGACY RESTORATION FUND, *National Park Service – FY 23 Project List*, (Mar. 28, 2022) at 5 available at https://doi.gov/sites/doi.gov/files/doi-fy23-gaoa-dm-project-list-rev1-508_0.pdf.

¹⁷ See *supra* note 3 at C-5.

¹⁸ See NAT'L PARK SERVICE, INFRASTRUCTURE, *Nat'l Parks and Public Lands Legacy Restoration Fund*, <https://www.nps.gov/subjects/infrastructure/legacy-restoration-fund.htm> (last visited Apr. 20, 2022) (The Land Legacy Restoration Fund Fiscal Years 2021 and 22 Project Summary Table shows no funding for the Maintenance Action Team program in 2022).

¹⁹ *Id.* (In fiscal year 2021, the Maintenance Action Team program supported 80 unique maintenance activities in 59 parks).

²⁰ Compare NAT'L PARK SERVICE, NPS DEFERRED MAINTENANCE BY STATE AND PARK (Sept. 2018), available at https://www.nps.gov/subjects/infrastructure/upload/NPS-Deferred-Maintenance-FY18-State_and_Park_2018.pdf (In 2018 the total deferred maintenance backlog was \$11.9 billion) with NAT'L PARK SERVICE, INFRASTRUCTURE, *By the Numbers*, <https://www.nps.gov/subjects/infrastructure/deferred-maintenance.htm> (last visited May 10, 2022) (A current estimated backlog of \$21.8 billion).

2. A document sufficient to describe the factors your Department considers when selecting deferred maintenance projects to receive Legacy Restoration Fund allocations.
3. All documents and communications, including but not limited to, memoranda and emails, referring or relating to your Department's priority determination assigned to each selected deferred maintenance projects from January 20, 2021 to present.
4. A document sufficient to list all existing deferred maintenance projects with corresponding state and unit information, including, but not limited to, anticipated costs of repair, applicable FYs, and anticipated timeframes to complete the projects.
5. A document sufficient to describe how your Department monitors the progress of projects funded by the Legacy Restoration Fund, including but not limited to, timeliness of project completion, whether projects exceed their projected budgets, and policies that could make the implementation of GAOA more efficient.
6. A document sufficient to describe the proposed projects for Maintenance Action Teams for FY 2023.
7. A document sufficient to explain the increase in NPS deferred maintenance costs, including, but not limited to, the method of deferred maintenance cost calculation and an annual accounting of total deferred maintenance costs in FY 2018, 2019, 2020, 2021, and 2022.

Please contact the Oversight and Investigations Subcommittee Minority staff at HNRR.Oversight@mail.house.gov with any questions about this request and to coordinate the delivery of your response to room 1329 of the Longworth House Office Building.

An attachment contains additional instructions for responding to this request. Thank you for your prompt attention to this matter.

Sincerely,



Bruce Westerman
Ranking Member
Committee on Natural Resources



Blake Moore
Ranking Member
Subcommittee on Oversight
and Investigations

Secretary Haaland and Secretary Vilsack

May 17, 2022

Page 5



Russ Fulcher
Ranking Member
Subcommittee on National Parks,
Forests, and Public Lands



Cliff Bentz
Ranking Member
Subcommittee on Waters, Oceans,
and Wildlife

cc: The Honorable Raúl Grijalva, Chair, House Committee on Natural Resources
The Honorable Katie Porter, Chair, Subcommittee on Oversight and Investigations
The Honorable Joe Neguse, Chair, Subcommittee on National Parks, Forests, and Public
Lands
The Honorable Jared Huffman, Chair, Subcommittee on Waters, Oceans, and Wildlife

Enclosure