

Testimony of
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To examine deferred maintenance needs and potential solutions on federal lands
administered by the Department of the Interior and the USDA Forest Service

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Chairman Murkowski, Ranking Member Manchin, and members of the Committee, thank you for inviting me to testify today about this critical issue.

I serve as president and chief executive officer of the Public Lands Alliance (PLA), which was established more than 40 years ago to connect, strengthen, and represent the nonprofit partners of America's public lands. PLA [member organizations](#) are operational partners of parks, forests, refuges, conservation lands, and lakes with an on-the-ground presence in every U.S. state and territory. In total, PLA members contribute more than \$250 million annually to our public lands through their philanthropic grants, programs and services. By enhancing the visitor experience, PLA members create jobs in gateway communities and encourage national and international tourism.

On America's public lands, it is impossible to separate infrastructure from the work of nonprofit partners. Whether it is operating a residential learning center, a retail store, or guided hike program, partners rely on public lands infrastructure to conduct their business and offer their programs. At the same time, friends groups, cooperating associations, conservation corps, and trail groups have also historically provided funding, volunteers, and staff to construct visitor centers, restore historic structures, maintain trails, and install interpretive wayside exhibits. As key users and creators of public lands infrastructure, nonprofit partners know that a major investment from Congress is absolutely necessary to dramatically reduce the deferred maintenance backlog.

PLA commends this Committee, the House Committee on Natural Resources, and the Administration for its focus on rebuilding public lands infrastructure, especially those assets that have fallen into disrepair after years of neglect. PLA applauds Senators Alexander, King, Portman and Warner for their leadership on S.500, the Restore Our Parks Act. PLA strongly endorses this legislation and H.R. 1225, the Restore our Parks and Public Lands Act.

In my testimony, I encourage the Committee to:

- Establish a dedicated, reliable, and sizeable funding source for the National Park Service, USDA Forest Service, Fish and Wildlife Service, and Bureau of Land Management that reduces the existing federal public lands maintenance backlog by at least 50%.
- Incentivize philanthropy and nonprofit support for critical deferred maintenance projects.
- Expand the authority and capacity of land management agencies to partner with nonprofit organizations to successfully implement the deferred maintenance projects.

THE DEFERRED MAINTENANCE PROBLEM

Deferred maintenance is an overall drag on the public lands visitor experience as facilities become worn or less reliable, placing visitor safety at risk. With approximately \$20 billion in deferred maintenance needs across the Department of the Interior and U.S.D.A. Forest Service, the problems are both numerous and diverse, impact historic and natural park resources, visitors, and nonprofit partners:

- **Appalachian National Scenic Trail, WV (NPS):** Though officially part of the National Park Service, this 2,200 mile corridor has \$20 million in deferred maintenance needs found both on park land and Forest Service land, which comprises about 40% of the trail. Congress showed exemplary foresight in 1968 by making sure that volunteers had a management role in the Appalachian Trail. Volunteers are trained with the same skills as many career National Park Service employees. These volunteers commonly cross administrative lines, bringing their skills to bear in partnership with the US Forest Service and other agencies, but also come with a considerable return on investment as volunteers provide an outstanding amount of excellent work at a fraction of the cost of full-time federal employees.
- **Denali National Park and Preserve, AK (NPS):** Among the park's most pressing needs is maintenance on its roads and other transportation infrastructure, in particular the Denali Park Road. This 92 mile corridor is a key piece of the park's \$52 million backlog, stretching over high mountain passes and through broad river valleys. It is the only way to access the heart of the park, enabling shuttle buses to bring people to two visitor centers and various campgrounds. Most concerning is a slump in Polychrome Pass that rightly has administrators, in-holders, and the state worried. If there were a catastrophic failure on the road at this slump, there will be possible threats to human life, enormous challenges to tourism, and palpable impacts on partner programs like Denali Education Center's *Denali Discovery Camp* for 1st - 8th-graders, *Denali Backcountry Adventures* for 9th - 12th-graders, and *WILD about Denali* which reaches developmentally and physically challenged youth and adults.
- **Inyo National Forest, CA (USFS):** The Inyo Forest and its visitors relies on partners to manage changing weather conditions and insufficient funding. The trails around Mammoth Lakes on National Forest land are maintained by the Town of Mammoth Lakes and the Mammoth Lakes Trails and Public Access Foundation because only they have the staffing and financial resources to maintain these heavily used trails. Mono Basin Scenic Area Visitor Center's nearly 170 windows were not designed for more than 85 mph sheer winds. Some windows have shattered creating a safety issue for staff and the visiting public. The Eastern Sierra Interpretive Association has helped USFS replace several broken windows, but a total replacement is required. In the meantime, the visitor center is generally closed when winds exceed 50 mph.
- **Ottawa National Wildlife Refuge, OH (FWS).** Ottawa NWR is managed primarily for migratory and nesting bird habitat, requiring manipulation of the waters of Lake Erie. The refuge biologist and maintenance teams manage 57 water control structures, 46 culverts, 18 electric pump stations, 18 flap gates, 9 portable pumps, and 7 fish passage structures. As the Great Lakes water levels reach new highs, these structures installed between 1970 and 1990 should have been replaced long ago. Under the stress of the increased water and use, they are failing at the same time that refuge visitation is surging. Without the capacity to manage water, plant populations will be flooded. Fish will not have a place to spawn. Ducks will not have a place to

refuel during migration. And Ottawa's conservation legacy is placed in danger.

- **Organ Mountains-Desert Peaks National Monument, NM (BLM):** Ten miles east of Las Cruces, Dripping Springs Natural Area is home to rocky peaks, narrow canyons, open woodlands shelters, and its namesake "weeping walls." The visitor center, where visitation has quadrupled since 2009, is the main entrance to the monument. It also requires a new roof, new restrooms, and fog sealing of the road leading to it. Friends of Organ Mountains-Desert Peaks has rallied to provide trail maintenance and gardening support for the center, and is developing a docent program and education center in partnership with the BLM to handle increased visitors, but more federal investment is needed to repair these physical structures.

Such examples demonstrate the urgency of the issue across land management agencies, each of which faces challenges to resource management and the imperative to be accessible to visitors. There is little question that the National Park Service and the U.S.D.A. Forest Service have the largest deferred maintenance backlogs, yet the American people also value and regularly visit wildlife refuges, conservation lands, and other public lands. Visitors are rarely concerned with agency is managing the lands they wish to access, but they do want the lands and infrastructure maintained properly.

These examples also demonstrate both the power and limitations of partner support of deferred maintenance. There is a clear and urgent role for the private sector to assist the federal government to help find solutions, yet a substantial commitment by the Congress is non-negotiable if this problem will ever be appropriately addressed.

POTENTIAL SOLUTIONS

PLA respectfully suggests the Committee consider three interwoven approaches to tackling deferred maintenance on America's public lands.

1. A Dedicated, Reliable, And Sizeable Funding Source for Federal Public Lands

Whether it is a deteriorating road or bridge or a crumbling historic structure, neglected built assets on America's public lands can have a detrimental impact on the experience of visitors as well as the employees of land management agencies, nonprofit partners, concessioners and others whose jobs rely on them. Nonprofit partners are rarely able to assist with fixing roads – the primary source of deferred maintenance across federal public lands – or baseline assets like wastewater and sewer systems. Philanthropy is rightfully unavailable and inappropriate for these core federal government responsibilities. Recreation fees cannot make up the difference either.

PLA encourages the Committee to establish a dedicated, reliable, and sizeable funding source for the National Park Service, USDA Forest Service, Fish and Wildlife Service, and Bureau of Land Management that reduces the existing federal public lands maintenance backlog by at least 50%.

This Committee last year acted to accomplish this goal for the National Park Service through the Restore Our Parks Act (ROPA). PLA asks the Committee to expand ROPA to not only include the Fish and Wildlife Service and Bureau of Land Management as its companion bill in the House of Representatives does, but to also include the U.S. Forest Service.

ROPA is funded through energy development revenues payable to the United States from oil, gas, coal, or alternative or renewable energy development on Federal land and water. PLA supports investing these monies in deferred maintenance projects on federal public lands. This basic premise is the underpinning of the Land and Water Conservation Fund, as well as \$50 million provided by the Helium Stewardship Act of 2013 to NPS deferred maintenance projects. Such funding is predictable, enabling land management agencies and partners to plan properly and responsibly for the design and construction of major projects.

2. Incentivize Philanthropy and Nonprofit Support for Critical Deferred Maintenance Projects

The term “deferred maintenance” may never inspire philanthropy or private support, but it has been proven that some projects - like the building of new hiking trails and the restoration of historically significant buildings - are.

PLA strongly recommends that the Committee incentivize philanthropy by including an opportunity to match federal funds to tackle high priority deferred maintenance projects.

Recent examples from the National Park Service Centennial Challenge Fund, a program authorized by the NPS Centennial Act of 2016, illustrate the enormous potential of matching funds:

- **Acadia National Park, ME (NPS):** A long running partnership at Acadia between the park and the nonprofit Friends of Acadia (FOA) has both helped keep the deferred maintenance number (approximately \$62 million) down by allowing regular maintenance of trails and carriage roads through FOA grants. Importantly, some deferred maintenance projects required a commitment from the federal government. For example, the restoration of the Deer Brook Trail was accomplished because the Centennial Challenge Fund incentivized an FOA donor to make a \$90,000 donation. The participation of the federal government was essential to that donor coming forward so generously.
- **Great Smoky Mountains National Park, TN/NC (NPS):** Look Rock Picnic Area closed in 2012 due to the failure of its water system. In 2018, the Friends of the Smokies provided \$76,000 to match an identical amount from the NPS Centennial Challenge Fund to enable the park to restore this site. This summer, the area will open again by utilizing newly installed vault toilets among other improvements. The water system improvements will be completed soon thereafter and the park can then fully reopen the comfort stations with running water at the Picnic Area. This is not the Friends first investment in park maintenance. Its Trails Forever Endowment has provided more than \$2.5 million over the last 10 years for comprehensive restoration of the Smokies most traveled trails.
- **Harper’s Ferry National Historical Park, WV (NPS):** The park has approximately \$9.7 million in deferred maintenance projects. the Lockwood House, built in 1846 for the U.S. Armory and later the first school for newly freed slaves in the Shenandoah Valley after the Civil War, has been closed to visitors because the crumbling building is not considered safe. The Harper’s Ferry Park Association helped the park secure a \$260,000 grant to leverage the NPS Centennial Challenge Fund and begin work on this important \$866,000 project.

Currently, ROPA does not offer any incentives for philanthropy, but merely authorizes the federal government “to accept public cash or in-kind donations” that will be used to tackle deferred

maintenance. PLA does not believe that private citizens will feel compelled to write such checks directly to the U.S. Treasury if there is no guarantee for when or how their donations will be used.

PLA suggests the Committee amend ROPA to authorize a minimum 1:1 matching opportunity to federal monies deposited in the National Park Service Legacy Restoration Fund, similar to the requirements of the NPS Centennial Challenge Fund. To ensure the most responsible use of these federal funds, PLA believes two restrictions must be placed on this opportunity:

1. Projects funded with matching donations will be tackled at the earliest possible date by the relevant land management agency.
2. Matching donations may only be used for those projects deemed the highest priority by the relevant land management agency.

The first restriction accords a measure of respect to the project's donors, ensuring that their private funds will not be held indefinitely by the government. Putting their donations into action quickly also increases the potential for future gifts. The second restriction ensures that the land management agency, not the private sector, determines what projects are of most critical need. PLA does not believe a nonpriority project should snatch federal funds from a mission critical projects simply because of donor interest. Together, these restrictions incentivize private support and increase funds available to meet our deferred maintenance challenges.

NPS partners have grown a culture of philanthropy, which is one of many reasons Congress has seen fit to create matching fund programs like the Centennial Challenge. Opening this opportunity to BLM, FWS, and U.S.D.A. Forest Service may help inspire greater philanthropy in those agencies' partner communities, a long term shift that will pay many dividends in the future.

3. Expand the authority and capacity of land management agencies to partner with nonprofit organizations

Dramatically increasing funds available for deferred maintenance is critical to success, yet Congress must help to build the agency's capacities to responsibly manage these funds and complete the necessary projects. Expanding their authority to lean upon the expertise of nonprofit partners is essential to that effort. These critical issues include:

- ***Authorize new tools for nonprofit partners to manage federal lands construction projects***
Under current law, and as outlined in Chapter 7 of [NPS Director's Order #21 on Donations and Philanthropic Partnerships](#), if both the NPS and a nonprofit partner provide funds to a construction project, "either the partner donates funds to the NPS and the NPS manages the design and construction, or each party manages independent portions of the project with its own funds. A partner may not manage a project or a portion of a project funded by the NPS unless they have been awarded a contract in accordance with Federal Acquisition Regulation procedures."

In plainer terms, current law forbids nonprofit organizations from managing construction projects that mingle donated funds and land management agency funds. Once \$1 of federal funds is involved, the federal agency must take the lead. Yet many sophisticated nonprofit organizations like the Golden Gate National Parks Conservancy have proved themselves to be

equally, if not more, efficient and effective in construction projects, and could provide a greater return on investment to the American people.

PLA recommends Congress authorize land management agencies to permit nonprofit partner organizations to manage construction contracts that receive both federal and private funds. To ensure that the land management agency retains appropriate oversight and sufficient safeguards over the project, PLA suggests establishing a sole source contracting authority that land managers could use to award a contract to nonprofit organizations that donate more than 50% of a total project's costs. A substantial donation of the total project funds is key; the federal government can and should take the lead when the majority of funds come from taxpayers.

- ***Encourage the use of Conservation Service Corps***

According to The Corps Network, Service and Conservation Corps provide young adults and veterans the opportunity to serve their country, advance their education and obtain in-demand skills. Serving in crews and individual placements, Corpsmembers perform important conservation, recreation, infrastructure, wildfire, disaster response, and community development service projects on public lands – including deferred maintenance projects.

PLA is proud to have several conservation corps leaders within its membership, and encourages land management agencies to avail themselves of these cost-effective opportunities that have transformative impacts on their participants.

- ***Expand and expedite federal hiring for deferred maintenance needs***

A substantial influx of federal funding to combat deferred maintenance will require agency commitments to hire the project managers, technicians, designers, engineers, and laborers who will implement the projects. Hiring authorities and processes may need improvements to rapidly increase the agencies' human resource capacity.

In keeping with this concern, PLA urges the Committee to continue pressing for increased funding with appropriators for critical routine and cyclic maintenance funding. Agencies will need a gradual increase of base operating funds to scale up their maintenance, contracting, or other staff to efficiently put new investments to use. Once the deferred maintenance backlog has been dramatically reduced, Congress should look to taper, rather than eliminate, these operating funds. A return to the status quo in funding and human capital would ensure a future resurgence in the backlog.

CONCLUSION

PLA looks forward to working with the Committee and the sponsors of ROPA to continue fighting for a meaningful federal investment to dramatically reduce deferred maintenance. The nonprofit partners of America's public lands will continue to play a meaningful role in supporting their land management agencies efforts. New matching opportunities and authorities will only augment their capacity to partner. Thank you again for the invitation to testify.