

Congress of the United States
Washington, DC 20515

February 10, 2021

Honorable Scott de la Vega
Acting Secretary
United States Department of the Interior
1849 C Street NW
Washington D.C. 20240

Dear Acting Secretary de la Vega:

As longstanding bipartisan supporters of conservation, we fought for and celebrated passage of full, permanent funding for the Land Water Conservation Fund (LWCF), America's premier conservation and outdoor recreation program when the Great American Outdoors Act (GAOA, P.L. 116-152) was enacted into law last August. Since then, we have remained engaged in implementation of GAOA through development and enactment of a FY21 spending plan for LWCF in the Interior Appropriations bill. We write today to request that the Department immediately reverse recent actions by former Secretary of the Interior Bernhardt on LWCF that are inconsistent with statute and contradict Congress's express intent.

Last fall, after submitting FY21 LWCF allocations and project lists to Congress that missed legislated deadlines and ignored other requirements in law, the Department of Interior released Secretarial Order 3388, which placed a litany of new restrictions on Interior agencies and their use of LWCF funds. These include (but are not limited to) state and local jurisdictions being given veto power over federal public land projects, limiting the private property rights of landowners; arbitrary geographic requirements regarding federal land acquisition funding, regardless of need/willing sellers in those or other areas; near-total prohibition on further conservation and expansion of outdoor recreation within National Monuments, National Conservation Areas, Wild and Scenic Rivers, and National Scenic and Historic Trails administered by the Bureau of Land Management; and limitation of NPS and FWS projects to those *within existing boundaries as of November 9, 2020*, blocking all conservation in newly-designated park and refuge areas.

Further harmful changes and restrictions were included in the re-written LWCF Stateside Manual on the very last day of the previous Administration. In addition, the Secretary also announced on January 19th, against Congress' express intent in the FY20 and FY21 appropriations acts, that he would unilaterally end the Outdoor Recreation Legacy Partnership program (ORLP) and divert all of its legislated funding to other, unauthorized uses. Together these actions represent an end-run around Congress and a last-minute attempt to put roadblocks in the path of the successful and collaborative locally driven LWCF process. Many of these unnecessary, unauthorized, and counterproductive changes have been proposed before and rejected by Congress on multiple occasions.

Fortunately, the final FY21 appropriations bill included the full list of priority projects for each federal agency and the Forest Legacy Program, sent to Congress per the requirements of the FY20 Interior Appropriations bill in May 2020, as well as a balanced allocation of LWCF funds between federal agency projects and state grants as required by the Dingell Act. While this legislation sets out a positive spending plan for LWCF funds in FY21 under the new Administration, Secretarial Order 3388 remains in force. Its guidance to federal agency staff, and state and local partners, continues to be damaging to conservation and recreation access projects across the country, bringing hardship to landowners and limiting opportunities to protect places that otherwise will be lost forever. Overturning the SO and all its ill-advised, changes to the program is of the utmost urgency.

In order to reverse these actions and proceed with successful implementation of the first year of mandatory LWCF funding, we urge that you:

- Immediately revoke DOI’s Secretarial Order 3388 in its entirety to reverse the provisions in the order as stated above;
- Repeal the last-minute changes to the LWCF Stateside Manual, immediately reinstating the prior version while working with stakeholders in a publicly transparent process to update the Manual consistent with good policy and the express intent of the legislation; and
- Demonstrate the Department’s commitment to environmental justice and its legislated obligations by:
 - Overturning DOI’s unlawful last-minute decision to end the Outdoor Recreation Legacy Partnership program; and
 - Issuing a new ORLP Notice of Funding Opportunity adhering to the program’s intended purposes.

Appreciating your and the administration’s strong commitment to conservation, LWCF, and the law, we also look forward to seeing the Department’s recommended LWCF full-funding priorities for FY22. We hope and expect your submission to Congress will be more complete, thoughtful, and timely than that of the last administration, and that it will follow the letter and the spirit of the law by providing no less than 40 percent of total LWCF annual deposits for federal agency land conservation, with a similar minimum for the collective suite of state and local grants programs under LWCF, and the remaining 20 percent fully allocated among federal and state LWCF programs based on particular FY22 needs.

Thank you for your attention to the above requests. We look forward to working with you to ensure the successful implementation of LWCF under the Great American Outdoors Act and other statutes.

Sincerely,

Jared Golden
Member of Congress

Brian Fitzpatrick
Member of Congress

Raúl M. Grijalva
Member of Congress

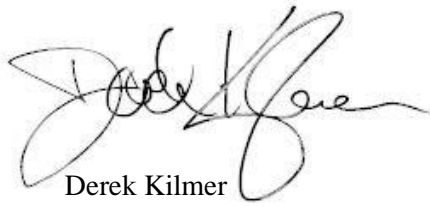
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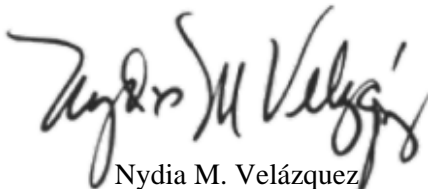
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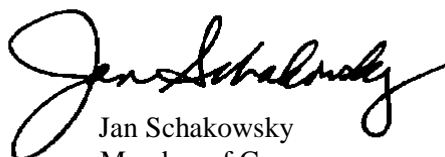
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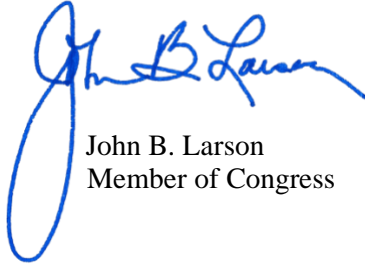
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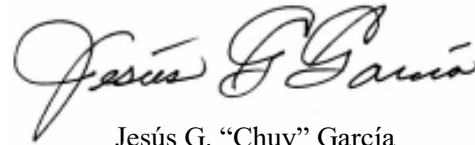
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Member of Congress



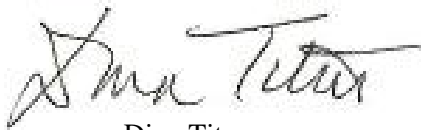
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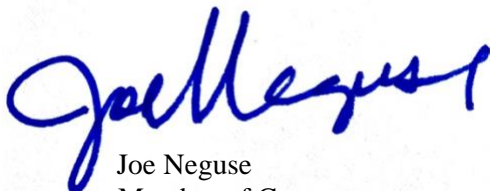
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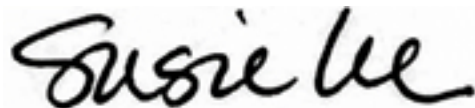
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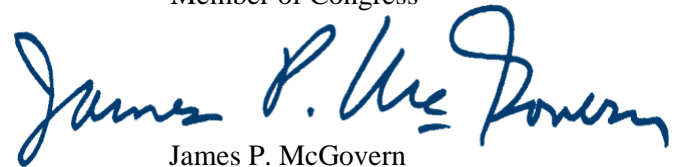
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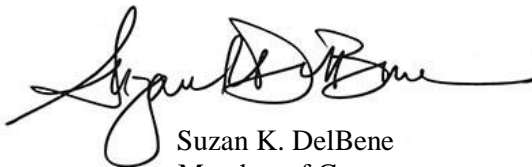
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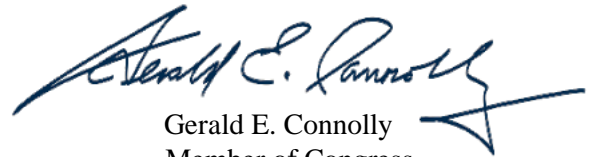
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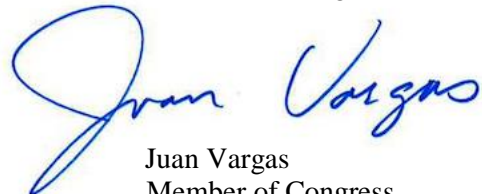
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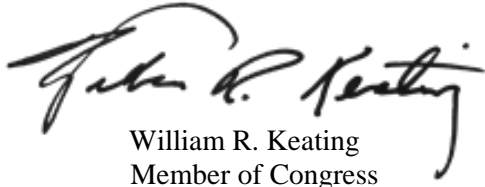
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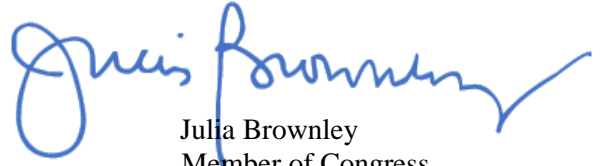
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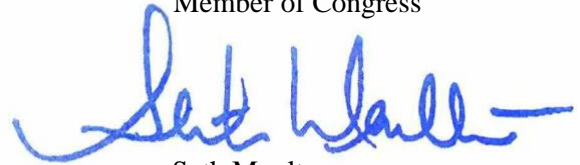
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