

Amendment 2483 — Require all federal land acquisition funds in the bill (one year) be used instead to help meet growing maintenance needs on existing federal lands.

- **This bill markedly increases funding for the federal government to expand its land holdings with the purchase of vast new areas of private land.**
- **Federal land ownership is vast and has been steadily increasing.**
- **Federal land management agencies are responsible for a large and aging number of structures.**
- **As the federal government has continued to consume more private land nationwide, federal agencies have increasingly been unable to maintain existing land holdings.**
- **The National Park Service, which receives the most money to buy *more* land in this bill, faces the largest maintenance backlog as well.**
- **The situation is not much better at the other land management agencies receiving funds to purchase new lands.**
- **The health and safety of visitors is seriously threatened by growing maintenance backlogs.**
- **Supporters of expanding the already dominant footprint of the federal government will point to the fact that Congress is appropriating funds from an account set up for activities like land purchases.**

As the federal government continues to aggressively purchase private lands across the nation, federal land management agencies in the Department of Interior are struggling to maintain lands and structures already owned by the federal government.

As a result, American treasures across the nation are crumbling, federal land managers are stretched to the breaking point, and the health and safety of visitors is threatened.

Just as taxpayers are forced to make difficult decision as their budgets are strained, this amendment will ensure (for one year at least) that the federal government takes care of its previous commitments to taxpayers, before adding to the growing burden.

The Coburn amendment will take all funds appropriated towards extensive new federal land purchases, and redirect those critical resources into taking care of the lands and structures we already own.

This bill markedly increases funding for the federal government to expand its land holdings with the purchase of vast new areas of private land.

This bill increases funds available for land acquisition from \$152 million in FY 2009, to \$263 million in FY 2010.

Specifically, the Senate bill includes: \$29 million for the Bureau of Land Management (BLM), \$83 million for the U.S. Fish and Wildlife Service (USFWS), \$69 million for the Forest Service (FS), and \$119 million for the National Park Service (NPS). BLM's land acquisition budget is doubled, and the NPS (also facing the largest maintenance backlog) receives the largest amount.

Federal land ownership is vast and has been steadily increasing.

As of 2007 (latest year that data is available), the federal government owned and estimated 653 million acres, or 29 percent of all land in the nation. The federal government now occupies 84 percent of the land in Nevada, 69 percent in Alaska, 57 percent in Utah, 53 percent in Oregon, and 50 percent in Idaho. One of every two acres in the western United States is now occupied by the federal government.¹

Though the General Services Administration has not reported on total federal land ownership since 2004, at that time, it estimated that the federal government owned more than 654 million acres, up 90 million acres since 1997.²

Over the past nine years (FY 2001-2009), Congress has appropriated \$2.04 billion to grow federal land holdings.³

Federal land management agencies are responsible for a large and aging number of structures.

That **National Park Service**, which has 391 units covering more than 80 million acres of land, has extensive infrastructure to maintain. This includes: 26,000 historic structures, 8,500 monuments, over 12,000 miles of trails, 1,200 water systems, 1,400 wastewater treatment plants, 11,500 miles of roads, and 1,700 bridges.⁴ In addition, the NPS maintains 28 National Memorials, 20 National Preserves, 24 National Battlefields, 18 National Recreation Areas, 74 National Monument Areas,

¹ Alexander, Kristina and Ross Gorte, Congressional Research Service: "Federal Land Ownership: Constitutional Authority and the History of Acquisition, Disposal, and Retention," December 7, 2007.

² General Service Administration: "Federal Real Property Report," Last accessed on September 17, 2009, http://www.gsa.gov/Portal/gsa/ep/contentView.do?contentType=GSA_BASIC&contentId=23962.

³ Vincent, Carol Hardy, Congressional Research Service: "Land and Water Conservation Fund," January 7, 2009.

⁴ Murphy, Donald, National Park Service, "Statement before Subcommittee on National Parks (Senate)" July 8, 2003, <http://www.nps.gov/legal/testimony/108th/maintenance.htm>.

and is responsible for 285 miles of Mexican border and 46 miles of the Canadian border. Finally, NPS sites receive over 270 million visits annually.⁵

The **Forest Service**, which controls 193 million acres (nearly 9 percent of land in the nation) at 298 units, maintains 155 National Forests, 20 National Grasslands, and 19 research units.⁶ It also has 600 ranger districts, and has nearly 200 million annual visits.⁷ It also manages 380,000 miles of road.⁸

The **Bureau of Land Management**, which controls 256 million acres (11 percent of all land in the nation), maintains 12 state offices.⁹ In addition, BLM manages 700 million acres¹⁰ of subsurface mineral estate throughout the United States including some of the largest areas of traditional and renewable energy on the continent. It also is responsible for 57 million acres of commercial forests, manages 18,000 grazing permits on 160 million acres, and oversees a large and growing number of wild horses and burros. Overall, BLM maintains 200,000 miles of streams, 14,000 miles of rivers, 2.2 million acres of lakes, 500 boating access points, 55 National Back Country By Ways and records 53 million recreational visits annually.¹¹

The **U.S. Fish and Wildlife Service**, which controls 93 million acres, maintains 802 units, 548 National Wildlife Refuges, 205 Waterfowl Production Areas, and 7 regional offices.¹² In addition, USFWS maintains 69 National Fish Hatcheries, 64 Fishery Resource Offices, 78 ecological service field stations, and “thousands of small wetlands.”¹³ The Refuge Areas record 40 million visitors annually.¹⁴

As the federal government has continued to consume more private land nationwide, federal agencies have increasingly been unable to maintain existing land holdings.

⁵ National Park Service website, “About Us,” Last accessed on September 18, 2009, <http://www.nps.gov/aboutus/index.htm>

⁶ Gorte, Ross and Carol Hardy-Vincent, Congressional Research Service Report: “Federal Land Management Agencies,” February 9, 2009.

⁷ http://www.fs.fed.us/recreation/programs/nvum/nvum_national_summary_fy2007.pdf

⁸ http://www.fs.fed.us/eng/road_mgt/qanda.shtml.

⁹ Gorte, Ross and Carol Hardy-Vincent, Congressional Research Service Report: “Federal Land Management Agencies,” February 9, 2009.

¹⁰ Bureau of Land Management website, “About BLM,” Last accessed on September 18, 2009,

http://www.blm.gov/wo/st/en/info/About_BLM.html.

¹¹ Bureau of Land Management website, Factsheet, Last Accessed on September 18, 2009,

http://www.blm.gov/pgdata/etc/medialib/blm/wo/Communications_Directorate/general_publications/general.Par.75750.File.d at/TextBLMbro.pdf

¹² Gorte, Ross and Carol Hardy-Vincent, Congressional Research Service Report: “Federal Land Management Agencies,” February 9, 2009.

¹³ United States Fish and Wildlife Service website, “About the USFWS,” Last Accessed September 18, 2009,

http://www.fws.gov/help/about_us.html.

¹⁴ United States Fish and Wildlife Service website, “Agency Overview,” Last Accessed September 18, 2009,

<http://www.fws.gov/pdfs/AgencyOverviewTransition2009.pdf>.

In what the Government Accountability Office (GAO) describes as a “major management challenge,” analysts estimate that the Department of Interior faces a maintenance backlog of between \$13.2 billion and \$19.4 billion, up 60 percent since their 2003 estimate was released.¹⁵ This estimate only includes three of the four major federal land management agencies (excludes the Forest Service).

This includes as much as \$9 billion for roads, bridges, trails, and as much as \$3.6 billion for water infrastructure (includes dams).

GAO Investigators concluded: “Although Interior has made a concentrated effort to address its deferred maintenance backlog, the dollar estimate of the backlog has continued to escalate. The 2008 backlog estimate is more than 60 percent higher than the 2003 estimate of between \$8.1 billion and \$11.4 billion.”

The National Park Service, which receives the most money to buy *more* land in this bill, faces the largest maintenance backlog as well.

According to the Congressional Research Service, the **National Park Service** maintenance backlog reached \$9.6 billion in FY 2007, having more than doubled since FY 1999.¹⁶

Despite historic appropriation levels, a recent congressional inquiry revealed that the NPS maintenance backlog grew by \$400 million during a nine month period last year.¹⁷ The maintenance backlog now exceeds \$10 billion.

In a memo prepared by the Facility Management Division of the National Park Service the agency reveals that there at least 10 states where NPS maintenance backlogs exceed \$100 million. At least twenty states have facilities with deferred maintenance exceeding \$50 million¹⁸ (this excludes over \$4 billion in NPS road/bridge backlogs).

The total maintenance backlog at national parks is several states have skyrocketed. Sample: \$1.4 billion in California, \$268 million in Nevada, \$779 million in New York, \$303 million in Texas, and \$541 million in Wyoming.

The USS Arizona (where 1,117 American patriots lost their lives in the savage Pearl Harbor attack) now faces a maintenance backlog of \$33.4 million. “The visitor center at the USS Arizona Memorial in Hawaii is sinking and may cost as much as \$20

¹⁵ Nazzaro, Robin, Government Accountability Office: “Department of Interior, Major Management Challenges,” March 3, 2009,

¹⁶ Vincent, Carol Hardy, Congressional Research Service: National Park Management; August 15, 2008.

¹⁷ National Park Service: Excel Spreadsheet Prepared for Senator Tom Coburn, October 27, 2008.

¹⁸ Summary Provided to Congressional Research Service: NPS Asset Management Challenge, December 11, 2007.

million to repair—a cost that exceeds the entire annual budget for the seven national park sites in the state.”¹⁹

The Gettysburg National Battlefield, site of the 51,000 American casualties, now faces \$29.4 million backlog.

Perhaps the greatest symbol of our nation, Statue of Liberty Park faces a \$196.9 million maintenance backlog.²⁰

Grand Canyon National Park faces a backlog of \$299.2 million.²¹

In Montana, Glacier National Park faces a staggering maintenance backlog of \$400 million, including the stabilization of historic structures.²² A former NPS official described the park as “bankrupt.”²³

A leading parks advocacy group places the Petrified Forest National Park among the most ten most endangered parks in America²⁴.

The situation is not much better at the other land management agencies receiving funds to purchase new lands.

The Forest Service maintenance backlog now stands at \$5.1 billion, according to the Congressional Research Service.²⁵ However, some experts estimate that the FS backlog on roads maintenance alone stands at \$10 billion.²⁶ The FS acknowledges that it is only able to maintain 36 percent of its roads to standard.²⁷

The US Fish and Wildlife Service’s National Wildlife Refuge System faces a backlog of \$3.5 billion (2007). According to one Refuge expert, “Across the Refuge System, refuge visitors often show up to find roads and visitor centers closed, observation

¹⁹ National Parks Conservation Association; “Overwhelming Backlogs, Maintenance Needs;” last accessed on February 3, 2009; http://www.npca.org/what_we_do/visitor_experience/backlog/maintenance.html.

²⁰ National Park Service: Excel Spreadsheet Prepared for Senator Tom Coburn, October 27, 2008.

²¹ National Park Service: Excel Spreadsheet Prepared for Senator Tom Coburn, October 27, 2008.

²² National Parks Conservation Association: “Overwhelming Backlog,” Last accessed on March 13, 2009, http://www.npca.org/what_we_do/visitor_experience/backlog/maintenance.html.

²³ Jamison, Michael, The Missoulian: “Visits, and bills, rise - Funding cuts, more tourists strain infrastructure,” <http://www.missoula.com/news/node/1721>.

²⁴ National Parks Conservation Association: “Group Names Annual List of America's Ten Most Endangered National Parks,” April 4, 2001, http://www.npca.org/media_center/press_releases/2001/page-27598999.html.

²⁵ Vincent, Carol Hardy, Congressional Research Service: “Interior, Environment and Related Agencies FY 2010 Appropriations,” <http://apps.crs.gov/products/r/pdf/R40685.pdf>.

²⁶ Wild West Institute website, “Green Jobs Needed in Rural Areas, Too,” Last Accessed on September 18, 2009, http://www.democracyinaction.org/dia/organizations/WildWest/blog/comments.jsp?blog_entry_KEY=23296&t=

²⁷ Wildlands CPR website, “Can the Forest Service Rightsize the National Forest Road System,”

platforms and hiking trails in disrepair, and habitat restoration and school education programs eliminated.”²⁸

The Bureau of Land Management backlog, while the smallest, is estimated at nearly \$500 million.

The health and safety of visitors in seriously threatened by growing maintenance backlogs.

According to the Inspector General of the Department of the Interior, “Financial management has remained a top challenge for the department,” “[And] our work has documented decades of maintenance, health and safety issues that place [Interior] employees and the public at risk.”²⁹

The GAO notes: “The deterioration of facilities can impair public health and safety, reduce employees’ morale and productivity, and increase the need for costly major repairs or early replacement of structures and equipment.”

A recent report by the Coalition of National Park Service Retirees found, “widespread evidence of major problems that will be evident - including decreased safety for visitors, longer emergency response times, endangerment of protected resources, and dirtier and less well-maintained parks - and that the problems will only grow worse in the coming years.”³⁰

Historic examples of the impact on parks’ visitors have included:

At the Grand Canyon (2008), “The cross-canyon waterline is deteriorating so badly that it had 30-some leaks this year and is in danger of failing entirely.”³¹

At Yellowstone, “about 10,000 gallons of raw sewage leaked from a broken pipe and may have flowed into a trout-spawning stream in Yellowstone National Park.”³²

At Carlsbad Caverns, maintenance needs were so pressing at one point that sewer lines were actually leaking into the historic caves. Carlsbad superintendent

²⁸ Mudderman, Dennis, Board Member, Friends of Tamarac National Wildlife Refuge, “Testimony Before Senate Subcommittee on Interior, Environment and Related Agencies,” April 25, 2008.

refugeassociation.org/.../Friends%20Testimony/Friends%20of%20Tamarac%20NWR.doc

²⁹ Kendall, Mary, Acting Inspector General of the Department of the Interior: “Testimony before House Committee on Appropriations, Subcommittee on Interior,” March 3, 2009.

³⁰ Coalition of National Park Service Retirees: “A Reality Check- What Visitors Will To America’s National Parks Will Experience During Summer 2006,” June 15, 2006, <http://www.npsretirees.org/cnpsr/reality-check-summer-survey>.

³¹ The Arizona Republic, Editorial: “A Chasm in Funding,” December 29, 2008, <http://www.azcentral.com/arizonarepublic/opinions/articles/2008/12/29/20081229mon1-29.html>.

³² New York Times: National Brief, June 9, 2001, <http://query.nytimes.com/gst/fullpage.html?res=9B03E2D9143EF93AA35755C0A9679C8B63>.

Benjamin said: “Believe me, if there's sewage dripping down into that cavern, people are not going to believe we're doing a good job.”³³

According to Representative Rob Bishop (UT), Dinosaur National Monument is largely inaccessible due to its overwhelming backlog: The center is designed “so a kid can go in there and actually see within the mountainside the fossils that are still there and see what scientists say is the beginning and be able to put them together. Unfortunately, no one has been able to access this building for the last 10 years because we don't have enough money to fix this building, which has been condemned.”³⁴

Supporters of expanding the already dominant footprint of the federal government will point to the fact that Congress is appropriating funds from an account set up for activities like land purchases.

The Land and Water Conservation Act of 1965 established the Land and Water Conservation Fund (LWCF), to be derived from leasing revenues on the Outer Continental Shelf, the sale of surplus lands, and the federal motorboat tax. Funds can only be appropriated by Congress and the LWCF has been used for a large variety of purposes.³⁵ Members of Congress have traditionally dedicated large portion for land acquisition, often earmarking the funds for specific land purchases.

The “Fund” is not a traditional “trust fund,” and according to the Congressional Research Service, “Unappropriated funds remain in the U.S. Treasury and can be spent for other federal activities.”

The LWCF was established “to help preserve, develop, and assure access to outdoor recreation resources” and to help strengthen the “health and vitality” of citizens.

The “health and vitality” of citizens is now threatened by a growing inability to maintain lands already purchased. With 1 out of every 3 acres nationwide now occupied by the federal government, and 1 out of 2 in the Western United States, the federal government has reached its limit.

The LWCF Act reads: “The purposes of this part are to assist in preserving, developing, and assuring accessibility to all citizens of the United States of America of present and future generations and visitors who are lawfully present within the boundaries of the United States of America such **quality** and quantity of outdoor recreation resources as may be available and are necessary and desirable for

³³ NATIONAL PARKS FAST FALLING INTO DISREPAIR: From aging facilities to overgrown trails, reaching the backcountry is getting harder. May 25, 2004 <http://www.csmonitor.com/2004/0525/p01s02-usgn.html>.

³⁴ Bishop, Representative Rob, Congressional Record, Page H 3284, March 11, 2009.

³⁵ <http://apps.crs.gov/products/rl/pdf/RL33531.pdf>.

individual active participation in such recreation and to strengthen the health and vitality of the citizens of the United States...”

Unfortunately, Congress has focused on “quantity” at the severe exclusion of “quality.”

The LWCF can and should be used to take care of maintenance needs on lands already purchased. According to the Congressional Research Service, “Since FY1998, the LWCF has been used for a broad array of other programs, including the maintenance needs of the four land management agencies, FS highway rehabilitation and maintenance, the Historic Preservation Fund, the Payments in Lieu of Taxes program, FS State and Private Forestry programs, FWS State and Tribal Wildlife Grants, and FWS Cooperative Endangered Species Grants.”³⁶

Taxpayers can no longer afford to pay for new federal land purchases, as they are similarly being asked to pay for (with largely borrowed money) an ever increasing maintenance backlog.

The time has come (at least for one year) to dedicate these funds to taking care of what we already own.

To do otherwise, threatens the health and safety of visitors, the investments already made by taxpayers, and the long term financial health of our nation.

The Coburn amendment is straightforward, and something most Americans would see as simple common sense.

For the next twelve months, Congress should set aside the political benefit that comes with land purchases and stop the bleeding of our national treasures. For one year, the federal government must take care of existing obligations to taxpayers, before it add to them.

Decisions like this are being made at dinner tables all around the nation. Replacing a leaky roof gets precedent over the new hot tub; and with our public lands, taking care of leaking sewer lines and dams in need of urgent repair must get precedent over buying up vast new areas of private lands to be placed under federal dominion.

³⁶ Vincent, Carol Hardy <http://apps.crs.gov/products/rl/pdf/RL33531.pdf>.

