



Public Lands Foundation Position Statement Great American Outdoors Act

Executive Summary

The *Great American Outdoors Act* (Act),¹ enacted on August 4, 2020, established the National Parks and Public Land Legacy Restoration Fund (Fund) to support deferred maintenance projects on federal lands administered by the National Park Service, Forest Service, U. S. Fish & Wildlife Service, Bureau of Land Management (BLM), and the Bureau of Indian Education. The Act also made funding for the Land and Water Conservation Fund (LWCF) permanent.

To meet the goals of the Act, BLM's deferred maintenance approach for addressing an estimated \$4 billion backlog suffers primarily due to insufficient financial and staffing resources while facing an increasing public demand for federal facilities.

PLF's primary position focuses in three areas key to establishing a long-term, sustainable commitment and strategy:

1. Increasing the timeframe for implementing the Act by a minimum of five years or, more preferably, making the annual funding commitment permanent;
2. Increasing the agency's labor force while utilizing the skills and expertise available from non-governmental organizations to meet mandates of the Act; and,
3. Prioritizing use of LWCF revenues to first address agency LWCF commitments before pursuing new partnerships and/or acquisitions.

Background

The Act was a bi-partisan effort² establishing the Fund to address the increasing deferred maintenance backlog of projects on federal lands and providing permanent funding for the LWCF.

For Fiscal Years (FY) 2021 through 2025, the Act identifies an amount equal to 50 percent of energy development revenues credited, covered, or deposited as miscellaneous receipts from oil, gas, coal, or alternative or renewable energy development on federal lands and waters shall be deposited into the Fund. Deposited amounts must not exceed \$1.9 billion for any fiscal year.

¹ Public Law 116-152 passed on August 4, 2020.

² There were 28 co-sponsors to H. R. 1957 (18 Democrats and 10 Republicans).

The Fund must be used for priority deferred maintenance projects in specified systems administered by:

- the National Park Service;
- the Forest Service;
- the U.S. Fish and Wildlife Service;
- the Bureau of Land Management (BLM); and,
- the Bureau of Indian Education.

The Act prohibits the use of revenues in the Fund to supplant discretionary funding available for annually recurring facility operations, maintenance, and construction needs.

The Government Accountability Office is required to report within five years after passage of the Act on the effect of the Fund in reducing the backlog of priority deferred maintenance projects for the specified agencies.

The Act's specific language and passage can be found at [H.R.1957 - 116th Congress \(2019-2020\): Great American Outdoors Act | Congress.gov | Library of Congress](#).

In FY 2021, the Department of the Interior identified 166 GAOA priority projects to be funded through the Fund. Of the 166 projects, 99 projects are located on public land administered by BLM in 13 states ranging from rebuilding parking lots, replacing aging road bridges, removing asbestos and lead materials, reconstructing water systems and dump stations to maintain public facilities, and repairing critical telecommunication structures and equipment.

Discussion

Evolving and increasing public demands on public land natural and mineral resources, recreational pursuits, and other uses, have required BLM to continually evolve and adapt its organizational structure, workforce, policies, and facilities during times of reorganization, decreasing budgets, increasing workloads, reductions in staffing, and the COVID-19 pandemic.

Deferred Maintenance Challenges

The ultimate success of improving the stewardship of constructed assets is measured by an agency's ability to direct its limited resources to high priority assets, sustain the long-term mission delivery capability of its asset portfolio, and achieve sustainability mandates. To ensure asset sustainment, annual and cyclic maintenance must be adequately funded for priority assets.

Insufficient Financial and Staffing Resources

Over the past 20 years, shrinking agency budgets and staffing, particularly within the areas of engineering, maintenance staffing (i.e., Force Account crews), and contracting, when combined with increasing demands for these services, has significantly reduced the agency's capacity to address its annual facility maintenance requirements or its capital investment deferred maintenance backlog.

Engineering staff are needed to plan, design, and oversee deferred maintenance projects while maintenance staff are needed to construct or implement projects on the ground. In addition, professional resource staffing is necessary to complete clearances and National Environmental Policy Act requirements. If projects cannot be accomplished internally using agency staff, contracts must be developed, awarded, and monitored which requires the time and oversight of agency contracting personnel. Competing demands for the time and attention of these staffs quickly overwhelms the existing capacity. As a result, important work such as reducing the deferred maintenance backlog is delayed, or in the worst-case scenario, does not get done.

Hiring and Retention of Qualified Employees

Hiring and retention of qualified employees in the fields of engineering and equipment operators has been extremely difficult, particularly in areas with high private sector mining or oil/gas activities (or other activities requiring engineering/construction skills). There are two primary reasons for this problem – salary differences and lack of career ladders within the agency.

Historically, Federal Government benefits packages were sufficient to offset the salary (monetary) difference between private industry and the Federal Government, but over time, private industry has improved their benefits packages and has now become more attractive for potential employment.

Over time and through reorganizations, mid-level supervisory and specialist positions have been eliminated, creating poorly defined managerial and professional career ladders needed for employees to reach their ultimate career goal(s). Without such career ladders, employees are less likely to see a future with the Federal Government and often depart for higher salary private industry positions.

Passage of the GAOA, which requires five percent of the amounts deposited into the Fund be allocated to BLM, is a positive step toward building the agency's financial capacity to address its deferred maintenance backlog; however, money alone is not the answer. Having the appropriate labor capacity and expertise is essential for success.

Implementation Timeframe

The GAOA established a five-year time frame (FY 2021 – FY 2025) during which monies will be deposited into the Fund. Without a longer timeframe or permanent commitment of financial resources through the GAOA and/or other revenue sources, PLF believes it will be difficult for agencies, including BLM, to commit to increasing its permanent staffing to meet workload demands.

Effectively addressing BLM's deferred maintenance backlog, which is estimated to be \$4 billion, requires a long-term, sustainable commitment and strategy that focuses on meeting the agency's annual maintenance needs, while at the same time reducing and eventually eliminating its deferred maintenance backlog. Such a strategy requires BLM's current maintenance funding to be stabilized, or preferably increased, while using GAOA funding to address the backlog. Effectively addressing or eliminating the deferred maintenance backlog will require longer than the GAOA five-year funding timeframe.

Land and Water Conservation Program

The LWCF, a flagship conservation program funded through royalty payments from offshore oil and gas drilling in federal waters, was established in 1964 with an authorization level of \$900 million, but in most years, Congress has appropriated significantly less than that amount. The LWCF is especially important because it helps fund four main federal land programs of work (National Parks, National Forests, Fish and Wildlife, and BLM-administered public lands) and provides grants to state and local governments to acquire land for recreation and conservation.

The BLM has a backlog of commitments made through partnerships to acquire environmentally sensitive private inholdings and to acquire access to public lands blocked off by private lands.³ With a permanent funding source available, BLM should be able to move forward on fulfilling their partnership commitments.

Public Lands Foundation Position

1. The Public Lands Foundation fully supports the *Great American Outdoors Act*, and BLM's efforts to reduce its deferred maintenance backlog and implement LWCF projects. Providing opportunities for the American public and agency staff to access and safely use public lands and BLM facilities (e.g., offices, campgrounds, major access roads) should be a high priority.
2. The Public Lands Foundation recommends increasing the five-year time frame identified in §200402 (b) (1) of the *Great American Outdoors Act* to include at least an additional five years (through FY 2030) to allow federal agencies sufficient time to develop and implement long-term strategies for addressing their deferred maintenance backlog. In addition, the PLF would support making the annual revenue commitment permanent as was done in Section 3 of the *Great American Outdoors Act* for the Land and Water Conservation Fund.
3. The Public Lands Foundation encourages BLM to increase its engineering, Force Account, professional resource, and contracting personnel to meet increasing workload demands associated with the GAOA and the agency's annual maintenance needs. Without increasing the agency's labor capacity, PLF questions whether significant progress can be made in reducing the agency's deferred maintenance backlog.

To increase its labor capacity, PLF recommends:

- a. A minimum of five percent of GAOA funding received be allocated to increasing agency staffing levels related to implementation of the GAOA;
- b. Where appropriate, petition for "special pay scales" for qualified positions (e.g., Professional Engineers, equipment operators); and,

³ See PLF Public Access Issue Paper Position #5.

- c. Reestablish appropriate career ladders in appropriate fields that facilitate hiring and retention of employees.
4. The Public Lands Foundation encourages BLM to partner with non-governmental organizations whenever possible as a mechanism for augmenting the agency's labor capacity for achieving its *Great American Outdoors Act* and LWCF goals.
5. The Public Lands Foundation encourages BLM to prioritize use of LWCF funding to first meet commitments made with its partners to complete the process of transferring environmentally sensitive and critical access private inholdings into federal ownership before pursuing new partnerships and/or acquisitions.

References

<https://www.doi.gov/sites/doi.gov/files/doi-fy21-gaoa-dm-projects.pdf>

Attachment G - Department of the Interior Deferred Maintenance and Capital Improvement Planning Guidelines (FY 2016 – FY 2020)

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