

Testimony of Matt Lee-Ashley
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Before the House Committee on Natural Resources, Subcommittee on Federal Lands
March 20, 2018

Thank you, Chairman McClintock and Ranking Member Hanabusa, for the opportunity to testify on H.R. 5210, the National Park Restoration Act and H.R. 2584, The National Park Service Legacy Act of 2017.

My name is Matt Lee-Ashley. I am a senior fellow at the Center for American Progress, where I focus on natural resources, conservation, and public lands policy. Previously, I served as deputy chief of staff and communications director for the U.S. Department of the Interior. I have also had the honor for working in the U.S. Senate for then-Senator Ken Salazar, on behalf of my home state of Colorado.

When Congress passed the Organic Act that established the National Park Service in 1916, it directed the agency “to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”¹

By its founding legislation, the National Park Service has a dual mission of protecting – unimpaired – the natural, cultural, and historic resources with which it is entrusted and helping Americans see and experience them. Conservation and enjoyment.

Today’s hearing, which focuses on strengthening our investments in our national parks and public lands, could not be more timely in light of the challenges we are experiencing in the stewardship of our natural and cultural resources and in protecting and expanding access to the great outdoors.

This Committee well knows the conservation challenges facing our national parks, wildlife, and cultural and historic resources. To list a few:

- We are losing our remaining wild places in the United States at an alarming rate. Between 2001 and 2011 in the West, we lost an average of one football field worth of natural area every two and a half minutes.²
- Our nation’s conservation policies have slowed, but not stopped, the decline of American wildlife populations. One in five American plant and animal species – nearly 1,300 total species – is at risk of extinction.³
- Tens of thousands of archaeological sites in the Southwest are largely unprotected and vulnerable to looting and vandalism.
- America’s Civil War battlefields – from Fredericksburg to Gettysburg – face ongoing risks from encroaching development.

¹ 64th Congress, 1st Session, “An Act to Establish a National Park Service, and for other Purposes,” enacted August 25, 1916, available at https://www.nps.gov/parkhistory/online_books/anps/anps_1i.htm.

² Center for American Progress, “The Disappearing West,” accessed March 17, 2018, available at <https://disappearingwest.org/>.

³ Matt Lee-Ashley and Nicole Gentile, “Confronting America’s Wildlife Extinction Crisis,” October, 2015, Center for American Progress, available at <https://www.americanprogress.org/issues/green/reports/2015/10/19/123085/confronting-americas-wildlife-extinction-crisis/>.

- Private development threatens parks and protected areas. Chaco Canyon, Zion National Park, Bears Ears National Monument, and Great Sand Dunes National Park in Colorado are all at risk of having drilling at their doorsteps. Just last week, the Bureau of Land Management sold an oil and gas lease near the Upper Missouri River Breaks National Monument in Montana for just \$866.
- Climate change is forcing dramatic changes to the landscape. Glaciers are disappearing in Glacier National Park. Joshua trees are dying in Joshua Tree National Park.⁴

Alongside the real and pressing conservation problems with which we are confronted, we are grappling with how to ensure that current and future generations of Americans have the opportunity to get outdoors and experience the natural, historic, and cultural wonders that belong to them. For example:

- A growing population needs more ways and more places to get outdoors. Case in point: our national parks welcomed nearly 331 million visitors in 2016 and 2017 – a record level of visitation.⁵ This is wonderful news, but unless we expand close-to-home recreation opportunities and protect other deserving places, we are going to see more and more crowding and pressure on our park system.
- We need to be doing more to engage all Americans – from all backgrounds and all walks of life – in our public lands. For the National Park Service, that means protecting places that help tell the story of all Americans. A recent Center for Progress analysis found that only a small portion of national park sites has a focus on communities of color and traditionally underrepresented communities. Only nine of more than 400 national park units, for example, have a primary focus on the contributions of women to our history. Only three have a primary focus on Asian-American history.⁶
- As a result of checkerboard land ownership patterns in some areas of the country, too many public lands are not actually publicly accessible. According to one study, more than 4 million acres of public lands in the West – an area nearly twice the size of Yellowstone National Park – are off limits to the public because visitors would have to cross private land or because there are no legal entry points.⁷
- Finally, to welcome visitors to our public lands, we need to invest in the physical infrastructure that visitors need and want, including roads, bathrooms, and campgrounds. But we also need to support the rangers, law enforcement personnel, scientists, and other professionals who help take care of the resources and who protect public safety.

⁴ Diana Madson, "Climate change threatens California's iconic 'Dr. Seuss' trees," Yale Climate Connections, August 31, 2017, available at <https://www.yaledimateconnections.org/2017/08/drought-threatens-joshua-trees/>; U.S. Geological Survey, "Retreat of Glaciers in Glacier National Park," accessed March 17, 2018, available at https://www.usgs.gov/centers/norock/science/retreat-glaciers-glacier-national-park?qt-science_center_objects=0#qt-science_center_objects.

⁵ U.S. Department of the Interior, "Secretary Zinke Announces Record Visitation in America's National Parks," March 10, 2017, available at <https://www.doi.gov/pressreleases/secretary-zinke-announces-record-visitation-americas-national-parks>; National Park Service, "National Park Service Visitor Use Statistics," accessed March 17, 2018, available at: [https://irma.nps.gov/Stats/SSRSReports/National%20Reports/Annual%20Summary%20Report%20\(1904%20-%20Last%20Calendar%20Year](https://irma.nps.gov/Stats/SSRSReports/National%20Reports/Annual%20Summary%20Report%20(1904%20-%20Last%20Calendar%20Year).

⁶ Jenny Rowland, "Parks for All," Center for American Progress, August, 2016, available at: <https://cdn.americanprogress.org/wp-content/uploads/2016/08/22093415/CentennialAgenda-report1.pdf>.

⁷ Center for Western Priorities, "Landlocked: Measuring Public Land Access in the West," November, 2013, available at <http://westernpriorities.org/2013/11/25/new-report-landlocked-measuring-public-land-access-in-the-west/>.

Maintenance Projects in the National Parks

The two bills that the committee is discussing today aim to address just one element of the many challenges I mentioned: how to invest in and care for the physical, human-built infrastructure in our national parks.

To be sure, this is a vital public policy priority, but, with the right approach and investments, it is a manageable problem.

First, it is important to clarify the scale and scope of the problem we are trying to solve. The National Park Service reports that it has more than \$11 billion in “deferred maintenance” needs.⁸ That staggering number has rightly caused widespread concern. Congress, however, should scrutinize this number carefully to understand the highest and most pressing needs and tailor solutions accordingly. Maintenance of roads, tunnels, and parking lots accounts for roughly half of that figure; the U.S. Department of Transportation and their federal highway programs therefore play a critical role in addressing the backlog.⁹

A Center for American Progress review of the Park Service’s “deferred maintenance” database also found \$389 million in projects on concessionaire-operated facilities in the parks. These are privately run, for-profit enterprises; these companies, not U.S. taxpayers, should be paying for the upkeep of the facilities they are using.

Further, our review of the Park Service’s database found that only \$3.5 billion—less than 30 percent—of the National Park Service’s \$11.9 billion maintenance backlog is labeled as “critical systems deferred maintenance.” Of that, only \$1.3 billion—or about 10 percent of the total backlog—is serious enough for the agency to consider it a priority for necessary maintenance.¹⁰ To be sure, \$1.3 billion is a large number, but this understanding of the truly high priority maintenance needs should inform Congress’ budgetary decisions.

Second, the maintenance needs in our national parks should be assessed in the context of the maintenance needs on other public lands as well—in our national forests, wildlife refuges, and national conservation lands. Yes, national parks are remarkable places. But so many of our children’s first experiences in the outdoors are at a campground in a national forest, visiting a national wildlife refuge on a school trip, or going fishing in one of the BLM’s national conservation areas.

The maintenance challenges at these other agencies are just as pressing as in the national parks. In 2016, the U.S. Forest Service estimated that it had \$5.49 billion in maintenance needs, while the U.S. Fish and Wildlife Service estimated \$1.4 billion and the BLM \$810 million.¹¹

These maintenance needs are significant, but they not insurmountable. We need a long-term investment in our parks and public lands that:

⁸ National Park Service, “NPS Deferred Maintenance Reports,” accessed March 17, 2018, available at: <https://www.nps.gov/subjects/plandesignconstruct/defermain.htm>.

⁹ Laura B. Comay, “The National Park Service’s Maintenance Backlog: Frequently Asked Questions,” Congressional Research Service, August 23, 2017, available at: <https://fas.org/sgp/crs/misc/R44924.pdf>.

¹⁰ Nicole Gentile and Matt Lee-Ashley, “Yosemite for Sale,” Center for American Progress, February 10, 2017, available at: <https://www.americanprogress.org/issues/green/reports/2017/02/10/414907/yosemite-for-sale/>.

¹¹ Carol Hardy Vincent, “Deferred Maintenance of Federal Land Management Agencies: FY2007-FY2016 Estimates and Issues,” Congressional Research Service, April 25, 2017, available at: <https://fas.org/sgp/crs/misc/R43997.pdf>.

- Focuses on the highest priority maintenance needs in our national parks *and* at other land management agencies.
- Requires for-profit entities operating on national parks and public lands to pay for the maintenance costs associated with the facilities they are using. Taxpayers shouldn't be subsidizing corporate hotel chains in the national parks, for example.
- Provides stable and sustainable funding that can be counted on year after year.
- Improves the condition and stewardship of the resources that the agencies are responsible for conserving.
- Expands opportunities for all Americans to get outdoors, including through the protection of new parks and open spaces, and by working toward a more inclusive system of parks and public lands.

The Administration's "Public Lands Infrastructure Fund" Proposal

In his fiscal year 2019 budget request of Congress, the President has asked Congress to establish what it has labeled a "Public Lands Infrastructure Fund." The proposal would use federal energy and mineral revenues that are above current budget projections to help fund maintenance projects in the national parks.¹²

In testimony to Congress last week, Secretary of the Interior Ryan Zinke said the proposal would generate up to \$18 billion in funding for national parks and public lands. He stated that this would be the "largest investment in public lands infrastructure in our nation's history."¹³

This claim is not factually accurate. President Franklin D. Roosevelt's Civilian Conservation Corps employed more than 3 million Americans in restoring, protecting, and creating infrastructure for our parks, forests, and public lands. Adjusted for inflation to 2018 dollars, Congress invested \$58 billion in America's public lands through the CCC, far more than is promised through the Administration's proposal.¹⁴

The problems with the Public Lands Infrastructure Fund, however, are not merely rhetorical. The Administration put forward its proposal for maintenance projects in the parks while simultaneously proposing to slash the National Park Service's overall budget by 7 percent and the Interior Department as a whole by 16 percent. This would result in the elimination of up to 2,000 park rangers.¹⁵ America's most effective conservation program, the Land and Water Conservation Fund, would be effectively eliminated. And the Administration is proposing to increase visitor fees at national parks, which would price many families out.

¹² U.S. Department of the Interior, "FY2019 Interior Budget in Brief," February, 2018, available at: https://edit.doi.gov/sites/doi.gov/files/uploads/fy2019_bib_dh025.pdf.

¹³ Natasha Geiling, "Here's What Ryan Zinke's public lands infrastructure investment actually means," *Climate Progress*, March 14, 2018, available at: <https://thinkprogress.org/zinke-public-lands-infrastructure-explainer-16d7502102fe/>.

¹⁴ Nicole Gentile and Jenny Rowland, "Zinke's Cynical Plan to Make America's Parks Dependent on Mining and Drilling," Center for American Progress, March 16, 2018, available at: <https://www.americanprogress.org/issues/green/news/2018/03/16/448029/zinkes-cynical-plan-make-americas-national-parks-dependent-mining-drilling/>.

¹⁵ U.S. Department of the Interior, "Budget Justifications and Performance Information, Fiscal Year 2019: National Park Service," Exhibit E, February, 2018, available at: https://www.doi.gov/sites/doi.gov/files/uploads/fy2019_nps_budget_justification.pdf.

Furthermore, the financing mechanism for the Administration’s “Public Lands Infrastructure Fund” is highly speculative and, unfortunately, in conflict with the conservation mission of the National Park Service. The problem, simply put is this: in order for park bathrooms to get fixed, the federal government would have to start collecting a lot more money from oil, gas, and mining companies.

The three scenarios under which the federal government could theoretically generate \$18 billion in additional revenues over the next 10 years from energy and mineral extraction on taxpayer-owned lands and waters are:

- A) If oil, coal, or natural gas prices rise dramatically;
- B) If federal agencies increase royalty rates, rents, and bonus bids it collects from energy extraction – or requires hardrock mining companies to pay more than zero dollars for mining taxpayer-owned resources; or
- C) If the Administration sells off mining and drilling rights in areas of America’s public lands and oceans that are currently considered too special to sacrifice, such as the Arctic National Wildlife Refuge, the Atlantic, Pacific, and Arctic coasts, on the doorstep of national monuments and national parks, and in national forest watersheds that supply drinking water to nearby communities.

Each of these scenarios is either unlikely or undesirable. Funding for America’s national parks should not be dependent on the price of oil and the decisions that the Organization of the Petroleum Exporting Countries (OPEC) makes. This Administration is also signaling its desire to reduce – not increase – royalty rates for energy extraction on federal lands and waters. And we are not a country that should have to drill a national wildlife refuge or mine a national monument to be able to fix some potholes in national park roads.

For these reasons, the Administration’s promise that “up to \$18 billion” would flow to the Public Lands Infrastructure Fund is unrealistic and in conflict with America’s conservation values.

H.R. 5210 and H.R. 2584

The National Park Restoration Act (H.R. 5210), in its current form, mirrors the Trump Administration’s “Public Lands Infrastructure Fund” and is therefore burdened by many of the same policy shortcomings.

The bill narrowly focuses on maintenance projects in the national parks and does not make needed investments in our national wildlife refuges, national forests, national monuments and other public lands. It would invest solely in the built infrastructure in the parks – roads, bathrooms, concessionaire facilities – but does not help the Park Service address the problems of inholdings, encroaching development, or threats to the natural resources it is protecting. In fact, it explicitly prohibits the National Park Service from using the funds to purchase land that might serve as a new trailhead or to save a former Civil War battlefield from being turned into a parking lot for a retail store.

Perhaps the biggest shortcoming of the current version of H.R. 5210 is that there is no guarantee that any money will flow to the fund. For the national parks to receive any benefit from this proposal, the federal government would have to collect more than \$7.8 billion in energy revenues in 2018 – a

threshold that rises steadily to \$9.4 billion by 2027. This is a speculative and uncertain approach to infrastructure investment. The condition of our national parks should under no circumstance be dependent on the price of oil, on whether or not we drill near the coasts of Florida or South Carolina, or whether we permit a new coal mine near a national monument.

The National Park Service Legacy Act of 2017, H.R. 2584, presents a more balanced and realistic approach. It would dedicate a portion of existing federal energy revenues to national park maintenance projects, thus providing clear, certain, and stable investments through 2047. Importantly, it also clarifies that the bill would not affect other existing commitments of energy revenues, including the share of energy revenues that goes to states, the Land and Water Conservation Fund, and the Historic Preservation Fund. Under the bill, between 2018 and 2026, \$1.35 billion would go to national park maintenance needs, which – along with sensible annual appropriations – would fund the agency’s highest priority projects.

Paired with significant investments in conservation through the Land and Water Conservation Fund, contributions from the Department of Transportation’s federal highway programs, appropriate franchise fees from private concessioners, and sustained and balanced investments in operations and maintenance of the U.S. Forest Service, BLM, and National Park Service, H.R. 2584 could help us lay a strong foundation for conservation and public lands stewardship for the next 50 years.

Conclusion

Congress was truly wise when it endowed the National Park Service with the twin missions of preserving America’s treasures and providing for their enjoyment. Over the past 102 years, the National Park Service has proven that these two missions are codependent. To successfully preserve Yellowstone National Park, the Cesar Chavez National Monument, or the Underground Railroad Network to Freedom sites, the American public must be able to see, know, and learn about these places. And for American families to have a rewarding experience when they visit, our public lands must be healthy, our wildlife must be abundant, and our parks should reflect the rich diversity of our history, geography, cultures, and peoples.

To be sure, we have periodically heard arguments for prioritizing public use over conservation in the national parks. These arguments, however, present a false choice. The maintenance needs in the national parks are no reason to eliminate or divert money from the Land and Water Conservation Fund, to stop conserving at-risk places, to slow the restoration of wildlife habitat, to price American families out of parks, or to undercut the rangers and professionals who care for these places. For more than a century – through two world wars, the Great Depression, and plenty of moments of national trial – our country has steadily made America’s best idea even better. We have done so by remaining faithful to Congress’ original vision that our national parks are to be enjoyed *and* conserved.

Thank you.