



**National Trust for
Historic Preservation**
Save the past. Enrich the future.

**SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
366 DIRKSEN SENATE OFFICE BUILDING
BUSINESS MEETING TO CONSIDER PENDING LEGISLATION
OCTOBER 2, 2018
COMMENTS OF THE NATIONAL TRUST FOR HISTORIC PRESERVATION**

Chairman Murkowski, Ranking Member Cantwell and members of the Committee, I appreciate the opportunity to share the National Trust for Historic Preservation’s perspectives on legislation pending before the committee on October 2, 2018. My name is Pam Bowman and I am the Director of Public Lands Policy.

The National Trust for Historic Preservation is a privately-funded charitable, educational and nonprofit organization chartered by Congress in 1949 in order to “facilitate public participation in historic preservation” and to further the purposes of federal historic preservation laws.¹ The intent of Congress was for the National Trust “to mobilize and coordinate public interest, participation and resources in the preservation and interpretation of sites and buildings.”² With headquarters in Washington, D.C., nine field offices, 27 historic sites, more than one million members and supporters and a national network of partners in states, territories, and the District of Columbia, the National Trust works to save America’s historic places and advocates for historic preservation as a fundamental value in programs and policies at all levels of government.

We appreciate the Committee scheduling this markup of several pieces of legislation, although we confine our comments primarily to two pieces of legislation. The Restore Our Parks Act (S. 3172) would address the NPS maintenance backlog and thereby preserve the ability for Americans and visitors to enjoy and experience iconic historic resources and natural wonders on federal lands. The National Trust strongly endorses this bill, and the following comments supplement those we previously submitted to the full committee on April 17, 2018 and the national parks subcommittee on July 11, 2018.

The National Trust also strongly supports the Land and Water Conservation Authorization and Funding Act (S. 569), that would permanently reauthorize the LWCF program and provide reliable full funding. LWCF is a proven, effective, and flexible tool that plays a pivotal role in saving places with important cultural and historic significance.

We respectfully urge the committee to separately approve clean versions of both of these bills to help ensure their enactment this year.

¹ 54 U.S.C. §§ 312102(a), 320101.

² S. Rep. No. 1110, 81st Cong., 1st Sess. 4 (1949).

The Restore Our Parks Act (S. 3172)

The Need

The National Park System is one of our nation's best ideas – a network of 417 parks and sites that protect spectacular historic, cultural, and natural resources and tell the stories of remarkable people and events in our country's history. The National Park Service (NPS) is responsible for maintaining a system comprised of more than 84 million acres across all 50 states, the District of Columbia, and many U.S. territories.

The National Park System tells an incredible story at sites as diverse as Gettysburg National Military Park, the Statue of Liberty, Shenandoah National Park, the Martin Luther King Jr. National Historical Park, and Native American cultural sites like those at Chaco Culture National Historical Park and Mesa Verde National Park. National parks, and the historic and cultural sites they protect, are some of our nation's most popular attractions and were visited by over 330 million people last year. In 2015 alone, these millions of visits generated visitor spending of an estimated \$16.9 billion in nearby communities – spending that supported 295,300 jobs and provided a \$32 billion boost to the national economy.

The size and complexity of the NPS infrastructure and the importance of preserving our parks' invaluable resources represent a significant challenge. Unfortunately, after 100 years of operation and inconsistent public funding, the National Park System faces a deferred maintenance backlog estimated at \$11.6 billion, and according to FY 2017 data, 47% of the backlog is attributed to historic assets.³

Deferred maintenance in our national parks puts historic and cultural sites at risk of permanent damage or loss, and in the absence of funding, the condition of these assets will continue to deteriorate and become more expensive to repair and preserve in the future. Some of the National Park Service's most significant historic sites are at risk of falling into disrepair. For example, the Statue of Liberty National Monument in New York Harbor, which includes Ellis Island – an iconic symbol of American freedom and immigration – has repair needs of over \$160 million.

Legislative Solution

The NPS maintenance backlog of \$11.6 billion demonstrates that additional investments and new strategies are necessary if NPS is to meet its stewardship responsibilities. We applaud Senators Portman, Warner, Alexander, and King for their leadership and support for the legislation. We are also encouraged by the many statements of support by Secretary of the Interior Ryan Zinke, members of this committee, and others for reducing the maintenance backlog and prioritizing this issue as part of policy proposals to make investments in our nation's historic assets and infrastructure.

The National Trust has worked closely with many stakeholders on a legislative solution that would provide dedicated funding to address the maintenance backlog. We strongly endorse the bipartisan Restore Our Parks Act (S. 3172), which enjoys the support of over a quarter of the U.S. Senate. Similarly, we also support the Restore Our Parks and Public Lands Act (H.R. 6510), which enjoys the support of over 180 bipartisan cosponsors and was favorably reported by the House Natural Resources Committee on September 13, 2018. We believe these bills make a substantial and meaningful investment in our national parks, and we are pleased the legislation provides dedicated funding financed by unobligated federal mineral revenues in such a way that

³ National Park Service data, FY2017

allocations to the Land and Water Conservation Fund and Historic Preservation Fund are not impacted. The National Trust is a strong supporter of both these programs and believes that both should receive the funding they have long been promised.

We appreciate the many months of collaborative and bipartisan efforts from members of Congress in the Senate and House on the many other legislative and policy proposals to address the NPS maintenance backlog, including Senators Warner and Portman and Representatives Hurd, Kilmer, Reichert, and Hanabusa for their work on the National Park Service Legacy Act. The leadership and support for these proposals makes a significant contribution to the legislation being discussed today.

Given the extensive bicameral deliberations on pre-existing deferred maintenance legislation that provide the basis for the Restore Our Parks Act, as well as the broad bipartisan support and endorsement by over 215 House and Senate offices, we hope that the committee markup approves clean legislation that adheres as closely as possible to its original form.

Legislative Provisions

As this committee considers the Restore Our Parks Act to address deferred maintenance needs of the National Park Service, we endorse the following elements that in particular would successfully address these challenges:

Reliable and Dedicated Funding

A reliable, dedicated federal funding source distinct from annual appropriations is necessary to address the maintenance backlog, along with providing sufficient staffing capacity to ensure that we preserve historic sites, maintain buildings and infrastructure in safe condition, and keep our parks open and accessible. The Restore Our Parks Act provides such dedicated funding through receipts from onshore and offshore energy development, as well as renewables, that are not otherwise allocated to other purposes. This legislation would guarantee contributions towards reducing National Park Service deferred maintenance, with the potential of \$1.3 billion annually over the next five years. We believe any legislative solution should include reliable and dedicated funding and provide certainty for park units about the availability of funds for high priority projects.

Priorities for Maintenance Projects

The National Trust strongly supports a provision in the Restore Our Parks Act that provides funding parity between non-transportation and transportation-related maintenance needs of the National Park Service. This provision would ensure that funds are available for the preservation of historic structures and cultural artifacts. As noted above, 47% of the NPS backlog is for historic assets, which we believe deserve significant investments from any dedicated funding bill addressing NPS deferred maintenance.

Many of the large projects included in the NPS backlog are transportation-related and will require significant investments. For example, several of the road systems at Yellowstone National Park have an estimated maintenance cost of at least \$850 million⁴. With limited annual allocations to a dedicated fund for the maintenance backlog and additional funding for transportation projects available through the Highway Trust Fund, a provision to ensure funding parity would guarantee that the maintenance needs of historic and cultural assets are also responsibly addressed.

⁴ National Park Service, "Yellowstone National Park Road Reconstruction"
https://www.nps.gov/transportation/pdfs/Yellowstone_Roads_Reconstruction-022016.pdf; February 2016

The National Trust recognizes the need for the National Park Service to have reasonable flexibility to implement the legislation and tackle priority deferred maintenance projects over the five-year timeframe. We would also support legislative language that ensures parity between non-transportation and transportation-related maintenance needs over the life of the dedicated fund. Language that clearly demonstrates intent to ensure overall parity between these two types of deferred maintenance projects and an acknowledgement by this Committee of the importance of funding non-transportation related projects that address historic and cultural resources would help guarantee significant investments in our nation's heritage.

We also believe that congressional appropriations providing sustained and robust funding levels for Repair and Rehabilitation, Cyclic Maintenance, and Line-Item Construction are needed to alleviate the maintenance backlog and ensure adequate preservation and protection of resources in our parks. After years of level funding or modest increases for both Repair and Rehabilitation and Cyclic Maintenance, we were pleased to see meaningful increases over the past three years so that, taken together, these accounts received about \$100 million more in FY18 than they did in FY15. Similarly, we are pleased to see the combined increase for these two accounts of \$40 million in the House Interior Appropriations bill and the more modest increase of \$15 million in the Senate Interior Appropriations bill. As Congress considers FY19 funding levels, we believe that additional investments in these key accounts will contribute to the successful preservation of historic sites and other resources in the National Park System.

Land and Water Conservation Fund Authorization and Funding Act (S. 569)

The National Trust strongly supports the Land and Water Conservation Fund (LWCF) and urges members of the Committee to advance this important legislation to permanently reauthorize the program and provide reliable full funding. LWCF is a proven, effective, and flexible tool for saving places with important cultural and historic significance.

Since its creation, LWCF has invested \$18.4 billion⁵ in conserving outdoor spaces for the American people to experience and enjoy. Along with its well-documented success in providing opportunities for hunting, fishing, hiking and other outdoor recreational activities, LWCF plays a pivotal role preserving our nation's historic places.

Through LWCF, the National Park Service, the Bureau of Land Management (BLM) and other federal agencies bring lands with significant historic and cultural values into public ownership and stewardship in perpetuity. LWCF has invested more than \$550 million to add specifically to our nation's historic and cultural parks managed by the National Park Service,⁶ and many millions more to add lands to our national parks and other public lands that tell diverse stories of our nation's history.

States and local governments also heavily rely on the LWCF to plan and secure lands for parks that allow people to experience history close to home. And the LWCF-funded American Battlefield Protection Program (ABPP) acquisition grants have provided more than \$56 million to states, local communities, and nonprofit partners to acquire threatened battlefield lands.⁷

⁵ "Land and Water Conservation Fund: Overview, Funding History, and Issues." Congressional Research Service RL33531. August 17, 2018.

⁶ According to data provided by the National Park Service for acres acquired through the LWCF in historical and cultural parks from 1965 to August 2016.

⁷ Battlefield Land Acquisition Grants Awards, FY 2011 – FY 2017: <https://www.nps.gov/abpp/grants/CWBLAGgrants.htm>.

These projects not only prevent development or loss due to incompatible uses, they also provide access for people to enjoy and learn from our shared public lands.

Many of America's most significant historic and cultural landscapes have been permanently protected through LWCF. Gettysburg National Military Park in Pennsylvania, Martin Luther King, Jr. National Historic Site in Atlanta, Brown v. Board of Education National Historic Site in Topeka, and Canyons of the Ancients National Monument in Colorado have all benefited significantly from LWCF. In Ohio, lands once slated for development and were instead conserved as part of the Hopewell Culture National Historical Park, which is among our nation's newest proposed World Heritage Sites. At Chancellorsville Battlefield in Virginia—which the National Trust named as one of America's 11 Most Endangered Historic Places in 1998—LWCF served as a lynchpin as preservationists, the National Park Service, local leaders, and developers found solutions to saving key portions of the Chancellorsville Battlefield while enhancing economic growth. These success stories exist in every state in the nation.

Importantly, LWCF does not use taxpayer funds. Each year \$900 million in federal revenue, primarily from offshore oil and gas leasing, is deposited into the LWCF within the U.S. Treasury, which Congress then appropriates for federal land acquisition, outdoor recreation grants to states, the ABPP, and a handful of other programs. Yet despite significant need, Congress has rarely appropriated the full amount for LWCF.

The work of preserving sites that tell the full American story is far from finished. We hope this committee will pass S. 569 and support permanent reauthorization and full funding for LWCF.

Conclusion

Thank you again for the opportunity to present the National Trust's perspectives on these bills, and we look forward to working with the committee, Administration, and other key stakeholders as these policy proposals continue to be considered. Our hope is that Congress can reach an agreement before the end of the year to provide dedicated funding for the NPS deferred maintenance backlog and capitalize on the broad bipartisan and public support for this critical issue, as well as provide permanent reauthorization and full funding for LWCF.