

**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 19<sup>th</sup>, 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

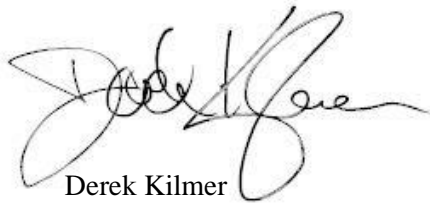
Mike Simpson  
Member of Congress

Jared Huffman  
Member of Congress

Steve Stivers  
Member of Congress

Tom O'Halleran  
Member of Congress

Jefferson Van Drew  
Member of Congress



Derek Kilmer  
Member of Congress



John Katko  
Member of Congress



Peter DeFazio  
Member of Congress



Fred Upton  
Member of Congress



Mike Doyle  
Member of Congress



Chris Smith  
Member of Congress



Chrissy Houlahan  
Member of Congress



Paul D. Tonko  
Member of Congress



Richard E. Neal  
Member of Congress



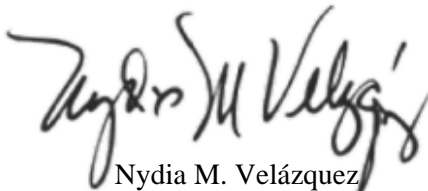
Peter Welch  
Member of Congress



Albio Sires  
Member of Congress



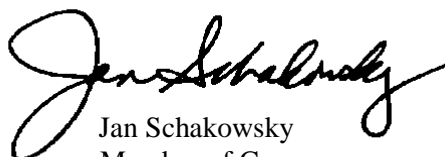
Tom Malinowski  
Member of Congress



Nydia M. Velázquez  
Member of Congress




Elaine G. Luria  
Member of Congress



Jan Schakowsky  
Member of Congress



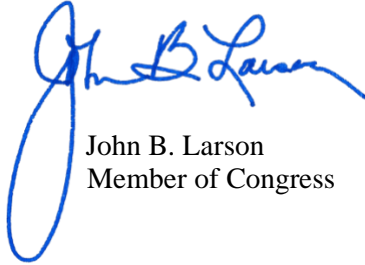
Eleanor Holmes Norton  
Member of Congress



Diana DeGette  
Member of Congress



Jackie Speier  
Member of Congress



John B. Larson  
Member of Congress



Jimmy Panetta  
Member of Congress

/s/

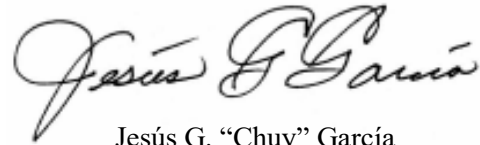
Daniel T. Kildee  
Member of Congress



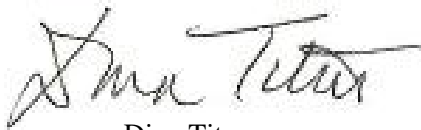
Sean Casten  
Member of Congress



Jamie Raskin  
Member of Congress



Jesús G. "Chuy" García  
Member of Congress



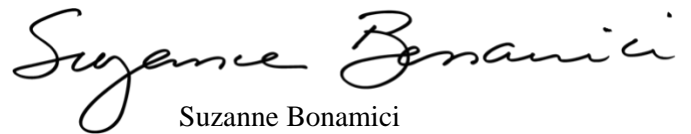
Dina Titus  
Member of Congress



Kurt Schrader  
Member of Congress



Alan Lowenthal  
Member of Congress



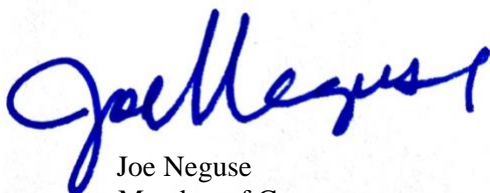
Suzanne Bonamici  
Member of Congress



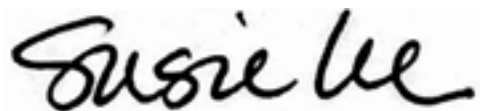
Katie Porter  
Member of Congress



Danny K. Davis  
Member of Congress



Joe Neguse  
Member of Congress

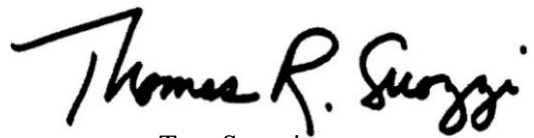


Susie Lee  
Member of Congress





Kim Schrier, M.D.  
Member of Congress



Tom Suozzi  
Member of Congress



Pramila Jayapal  
Member of Congress



Kathy Castor  
Member of Congress



Josh Gottheimer  
Member of Congress



Darren Soto  
Member of Congress



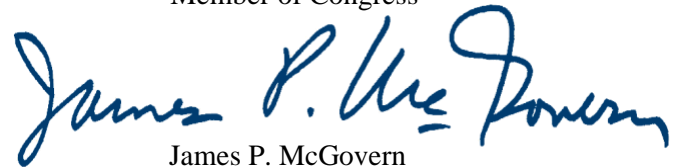
Ron Kind  
Member of Congress



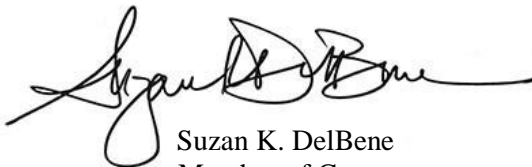
Rashida Tlaib  
Member of Congress



Conor Lamb  
Member of Congress



James P. McGovern  
Member of Congress



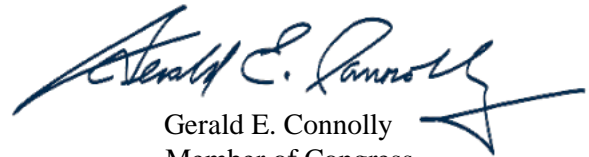
Suzan K. DelBene  
Member of Congress



Bill Foster  
Member of Congress



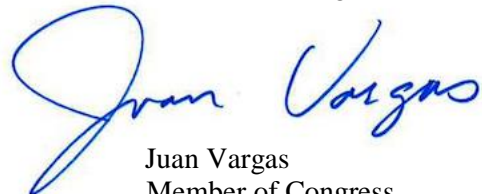
Mike Quigley  
Member of Congress



Gerald E. Connolly  
Member of Congress



Ann McLane Kuster  
Member of Congress



Juan Vargas  
Member of Congress

Deborah K. Ross  
Member of Congress

Jerrold Nadler  
Member of Congress

Sharice L. Davids  
Member of Congress

Adam Smith  
Member of Congress

Jerry McNerney  
Member of Congress

Betty McCollum  
Member of Congress

Anna G. Eshoo  
Member of Congress

Marilyn Strickland  
Member of Congress

Jason Crow  
Member of Congress

Rick Larsen  
Member of Congress

Steve Cohen  
Member of Congress

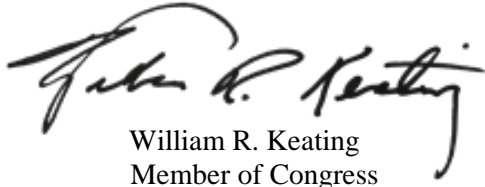
Andy Kim  
Member of Congress

Doris Matsui  
Member of Congress

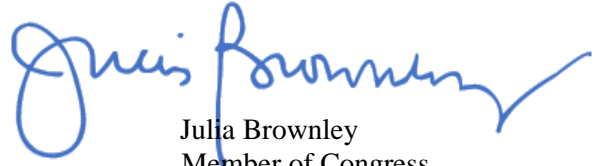
Adriano Espaillat  
Member of Congress

Alcee L. Hastings  
Member of Congress

Matt Cartwright  
Member of Congress



William R. Keating  
Member of Congress



Julia Brownley  
Member of Congress



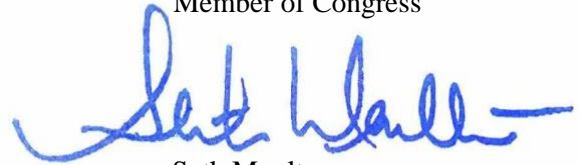
Grace F. Napolitano  
Member of Congress

/s/

John P. Sarbanes  
Member of Congress



Lucille Roybal-Allard  
Member of Congress



Seth Moulton  
Member of Congress



Sara Jacobs  
Member of Congress



Nanette Diaz Barragán  
Member of Congress

/s/

Robert C. "Bobby" Scott  
Member of Congress



Mike Thompson  
Member of Congress



Mark Pocan  
Member of Congress



Mark DeSaulnier  
Member of Congress



Debbie Dingell  
Member of Congress



Lori Trahan  
Member of Congress



Madeleine Dean  
Member of Congress



Jamaal Bowman  
Member of Congress

*Chris Pappas*

Chris Pappas  
Member of Congress