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May 2019

# LAND AND WATER CONSERVATION FUND

## Variety of Programs Supported, but Improvements in Data Collection Needed at BLM

Accessible Version

# GAO Highlights

Highlights of [GAO-19-346](#), a report to the Chairman of the Committee on Energy and Natural Resources

## Why GAO Did This Study

The LWCF is a U.S. Treasury fund that is used for land conservation and recreational purposes, through land acquisition and other means. The LWCF is authorized to accrue a minimum of \$900 million annually, primarily from oil and gas leasing fees. Congress appropriates money from the fund for various programs. Four federal land management agencies—BLM, FWS, the Park Service, and the Forest Service—are responsible for implementing these programs.

GAO was asked to review the LWCF. This report examines (1) LWCF appropriations for fiscal years 2014 through 2018 and the programs supported by these funds; (2) the process for selecting federal land acquisition projects to fund using the LWCF; and (3) the federal lands that were acquired using LWCF funds for fiscal years 2013 through 2017, reasons for acquiring lands, and acquisition methods. GAO reviewed agency guidance; analyzed agency data, including appropriations data, for the most recent data available; and interviewed agency officials at the headquarters, regional, and land unit levels based on geographic diversity and other factors, along with officials at conservation groups identified by federal agencies.

## What GAO Recommends

GAO recommends that BLM collect centralized data on the acquisition method and interest acquired for the lands it obtains using the LWCF and that the agency develop more specific guidance to ensure that land acquisition data are entered properly in its data system. Interior concurred with these recommendations.

View [GAO-19-346](#). For more information, contact Anne-Marie Fennell at (202) 512-3841 or [fennella@gao.gov](mailto:fennella@gao.gov).

May 2019

## LAND AND WATER CONSERVATION FUND

### Variety of Programs Supported, but Improvements in Data Collection Needed at BLM

## What GAO Found

From fiscal years 2014 through 2018, Congress appropriated nearly \$1.9 billion from the Land and Water Conservation Fund (LWCF). About half supported federal land acquisition across four agencies—Bureau of Land Management (BLM), Fish and Wildlife Service (FWS), National Park Service (Park Service) in the Department of the Interior, and the Forest Service in the Department of Agriculture—and half supported five other programs. These five programs provided states or local governments with funds for a variety of conservation and recreation purposes, such as conserving private forests or battlefields.

BLM, FWS, the Park Service, and the Forest Service use similar processes to select federal land acquisition projects involving local land units (such as national parks), regional offices, and headquarters. In general, land units identify projects and send them to regional offices for review before headquarters' offices assess the projects. Conservation organizations can also play a role in assisting federal agencies to acquire lands by identifying willing sellers, among other things.

In fiscal years 2013 through 2017, the four land agencies used LWCF appropriations to acquire over 850,000 acres. Most of these lands were acquired within the boundaries of their land units, according to agency officials. The agencies acquired land for various reasons, such as to protect wildlife habitat or improve recreational access. All four agencies acquired a little more than half of the land on a fee simple basis, which means all rights to the land were obtained; for the remaining land, the agencies acquired less than full ownership of all of the land rights. In addition, these agencies primarily acquired land by purchasing land from a landowner or receiving land donated by a landowner.

GAO found two limitations with BLM's data on land acquisitions.

- BLM does not maintain centralized data on the acquisition methods or land interests for the lands it obtains because such information was not considered necessary when BLM's data system was developed. BLM officials said they are considering including this information in changes to its data system, but they have yet to finalize plans for these changes.
- Some information entered in BLM's data system was not properly coded. Therefore, BLM could not identify all lands acquired with LWCF funds.

In contrast, FWS, the Park Service, and the Forest Service maintain centralized data on acquisition method and interests acquired, which officials from these agencies said were key data elements for maintaining an inventory of the lands they manage and to respond to information requests from Congress. Federal internal control standards call for agencies to obtain relevant data from reliable internal sources. Maintaining centralized data on land acquisition methods and interests acquired would help BLM maintain a more complete inventory of its lands, respond more quickly to information requests from Congress, and provide additional information to manage its lands. In addition, without more specific guidance to ensure that relevant data on LWCF land acquisitions are entered in its data system, BLM will not be able to use its system to identify all of the lands acquired using LWCF funds to track program outcomes and inform management decisions.

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**Abbreviations**

LWCF	Land and Water Conservation Fund
BLM	Bureau of Land Management
FWS	Fish and Wildlife Service
Park Service	National Park Service
LR2000	Legacy Rehost 2000
TRACT	Targeted Resource Acquisition Comparison Tool

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May 31, 2019

The Honorable Lisa Murkowski  
Chairman  
Committee on Energy and Natural Resources  
United States Senate

Dear Madam Chairman:

The Land and Water Conservation Fund (LWCF) is a U.S. Treasury fund used by federal land agencies for several purposes, including conserving natural resources and enhancing outdoor recreation opportunities on federal, state, and private lands. The LWCF is authorized to accrue a minimum of \$900 million annually,<sup>1</sup> and nearly all of its funding comes from royalties and other fees that companies pay for oil and gas leasing on the Outer Continental Shelf.<sup>2</sup> Congress appropriates from the LWCF for a variety of programs and, in general, has appropriated less than the amount that accrues annually in the LWCF, according to a Congressional Research Service report.<sup>3</sup> For example, in fiscal year 2018, the LWCF accrued \$976 million, and Congress appropriated \$425 million from the LWCF.<sup>4</sup> Four federal land management agencies—the Bureau of Land Management (BLM), the Fish and Wildlife Service (FWS), and the National Park Service (Park Service) in the Department of the Interior, and the Forest Service in the Department of Agriculture—are responsible for implementing the programs supported by the LWCF. In general, these

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<sup>1</sup>54 U.S.C. § 200301(c)(1). The authorization for the LWCF expired on October 1, 2018, but the LWCF was permanently reauthorized on March 12, 2019. John D. Dingell, Jr. Conservation, Management, and Recreation Act, Pub. L. No. 116-9, § 3001(a), 133 Stat. 754 (2019). The act also amended the LWCF authorizing statute by, among other things, adding a list of factors federal agencies are to take into account in determining whether to acquire land. *Id.* § 3001(e).

<sup>2</sup>The Outer Continental Shelf (OCS) is outside the territorial jurisdiction of all 50 states but within the jurisdiction and control of the U.S. federal government. It consists of submerged federal lands, generally extending seaward between 3 geographical miles and 200 nautical miles off the U.S. coastline.

<sup>3</sup>Congressional Research Service, *Land and Water Conservation Fund: Overview, Funding History, and Issues* (Washington, D.C.: August 17, 2018).

<sup>4</sup>The LWCF appropriations amounts in this report are from agency data. One program that receives funds from the LWCF, the state conservation program, also receives appropriations under the Gulf of Mexico Energy Security Act. Pub. L. No. 109-432, Div. C, § 105(a)(2)(B), 120 Stat. 3000, 3004 (2006).



programs support a variety of activities, including acquiring land, building recreational facilities, and conserving wildlife habitat.

Since the LWCF was established in 1965, federal land management agencies have used appropriations from the LWCF to acquire millions of acres of land.<sup>5</sup> For example, these funds can be used to acquire an inholding, which is privately owned land that lies within the boundaries of a federal land unit, such as a national park or national forest. Federal land management agencies generally acquire land through four methods: (1) purchase land from a landowner, (2) accept land donated by a landowner, (3) exchange federal land for land that is privately held, or (4) use eminent domain to acquire private property and compensate the owner.<sup>6</sup> When acquiring land, an agency can obtain different interests in the land, which convey certain rights. For example, land can be acquired on a fee simple basis, which means all surface and subsurface rights to the land are obtained. An agency can also acquire partial interests, meaning it acquires some but not all of the land rights. One way to acquire partial interests in land is through an easement, in which an agency obtains certain rights to limit the ways in which the land can be used, but ownership of the land remains in private hands.

You asked us to review the LWCF. This report examines (1) LWCF appropriations for fiscal years 2014 through 2018 and the programs supported by these funds; (2) the process for selecting federal land acquisition projects to fund using the LWCF; and (3) the federal lands acquired using LWCF funds for fiscal years 2013 through 2017, reasons for acquiring lands, and acquisition methods.

For the first objective, we reviewed agency data on appropriations from the Departments of the Interior and Agriculture and agency budget justifications for fiscal years 2014 through 2018. We selected this time period because it was the most recent 5-year period for which the appropriations process was completed. To determine the reliability of data provided by the Departments of the Interior and Agriculture, we compared

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<sup>5</sup>Agencies can acquire some or all rights on the land, known as land interests. When referring to land acquisition in this report, we include acquisitions of all land interests as well as acquisitions of some land interests, unless we are more specific with respect to the type of acquisition at issue.

<sup>6</sup>Eminent domain is the right or power of the government, in certain instances, to take private property for public purposes without the owner's consent upon payment of just compensation to the owner.

these data to what the land management agencies reported in their annual budget justifications and interviewed officials who were familiar with these data. We determined these data were sufficiently reliable for our purposes.

For the second objective, we examined documents from BLM, FWS, the Park Service, and the Forest Service. These included memos that were used to request land acquisition projects from regional offices; criteria used to evaluate projects; and other guidance documents. We also interviewed agency officials at the headquarters, regional, and land unit levels about the LWCF programs and the role they played in the land acquisition process. Across the four agencies, we interviewed officials from 10 regional offices and eight federal land units. This included at least two regional offices for each agency and two land units for each agency. We selected these offices and units to include geographic diversity and different types of projects. We also interviewed officials at eight conservation organizations that were familiar with the federal land acquisition process and that were identified by federal agency officials we interviewed. We selected organizations involved in a range of acquisitions from across the country to ones focused on a particular geographic area. The views from these interviews are not generalizable, but provide a range of perspectives on the LWCF.

For the third objective, we analyzed agency data from BLM, FWS, the Park Service, and the Forest Service on the lands they acquired in fiscal years 2013 through 2017. We selected this time period because it represented the most recent 5-year period for which acquisition data were available at the time of our review. For all four agencies, we requested data on the lands they acquired with LWCF funds, including the amount of land acquired with LWCF, the acquisition method used, and the interest acquired in the land, and the agencies provided data from their data systems in response to this request. BLM supplemented its data by obtaining additional information on land acquisition method and land interest acquired from its field offices because these data were not in the agency's data system. We discuss BLM data issues more fully in this report. To determine the reliability of the data we obtained, we conducted electronic testing of these data and interviewed agency officials who were familiar with these data. We determined these data were sufficiently reliable for our purposes of generating descriptive statistics on the lands that agencies acquired with LWCF funds. We also interviewed agency officials at headquarters, regional offices, and land units identified above to learn more about the lands they had acquired using LWCF funds.

Appendix I contains a more detailed description of our scope and methodology.

We conducted this performance audit from February 2018 to May 2019 in accordance with generally accepted auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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## Background

The Land and Water Conservation Fund Act of 1965<sup>7</sup> established the LWCF in the U.S. Treasury primarily to provide funding for two programs to assist in preserving, developing, and assuring accessibility to outdoor recreation. Specifically, these were (1) land acquisition by four federal land management agencies—BLM, FWS, the Park Service, and the Forest Service, and (2) a state matching grant program administered by the Park Service to assist in recreational planning, acquiring lands, or developing outdoor recreational facilities. Over time, LWCF funds have also been directed to additional conservation programs.<sup>8</sup>

The LWCF is authorized to accrue a minimum of \$900 million annually, with most of its funding coming from royalties and other fees that companies pay for oil and gas leasing on the Outer Continental Shelf.<sup>9</sup> Congress provides annual appropriations from the LWCF to each of the land management agencies. According to the Congressional Research Service, as of August 2018, a total of \$40 billion had accrued to the

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<sup>7</sup>Pub. L. No. 88-578, 78 Stat. 897 (1965) (codified as amended at 54 U.S.C. §§ 200301-200310).

<sup>8</sup>In general, these programs support a variety of activities, including acquiring land, building recreational facilities, and conserving wildlife habitat.

<sup>9</sup>The Land and Water Conservation Fund Act of 1965 did not specify the authorized level of funding, and has been amended several times to specify and provide increasing levels of authorizations. The LWCF was first authorized to accrue \$900 million in fiscal year 1978 and has remained at this level since.

LWCF over its history; however, Congress had appropriated less than half of this amount to agencies.<sup>10</sup>

The four agencies that receive funding from the LWCF manage different types of land units, such as national parks, refuges, or forests, to support each agency's mission.

- **BLM.** BLM manages public lands to support a variety of activities including recreation, grazing, timber, mining, and conservation.
- **FWS.** FWS manages national wildlife refuges, wetlands, and other special management areas dedicated to conserving and restoring wildlife habitat.
- **Park Service.** The Park Service manages land units, such as national parks, national monuments, and national battlefields, to conserve lands and resources and make them available for public use.
- **Forest Service.** The Forest Service manages national forests and grasslands that support, among other things, recreation, grazing, timber, and conservation.

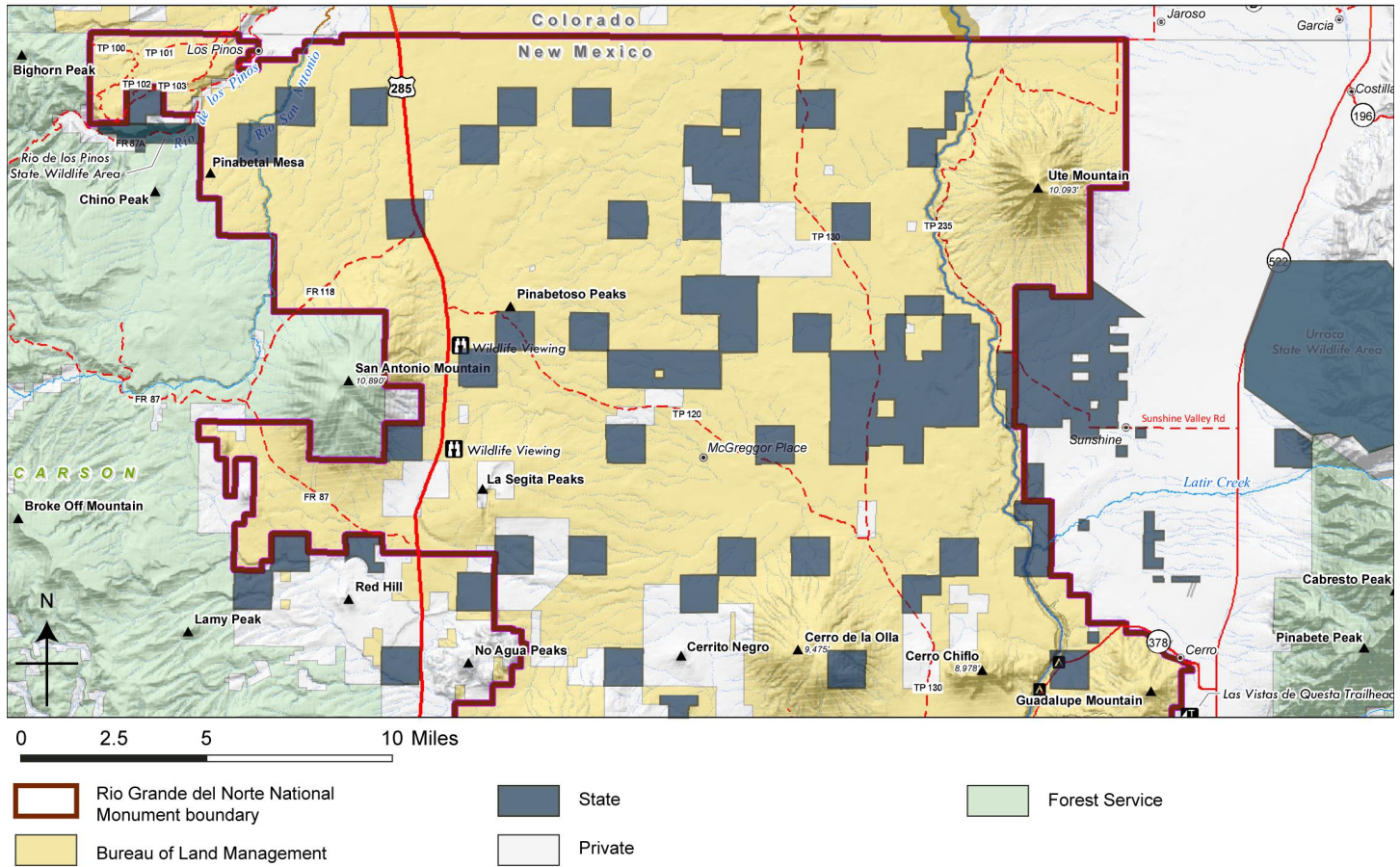
The agencies' land units can be established in a variety of ways, depending on the agency and land unit involved. For example, land units managed by the Park Service are generally designated by statute, whereas BLM has broad, general authority to acquire lands and establish new units. The boundaries of a federal land unit can encompass land that is owned by other entities, including privately owned land called inholdings. For example, figure 1 shows the mixed ownership of land within the northern section of BLM's Rio Grande del Norte National Monument in New Mexico, which includes state and privately owned land. The agencies' authorities to modify the boundaries of their existing land units vary, but each agency is authorized to make at least minor modifications to its units' boundaries.<sup>11</sup>

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<sup>10</sup>Congressional Research Service, *Land and Water Conservation Fund*.

<sup>11</sup>The Park Service is authorized to make minor boundary adjustments by following a statutory process that includes congressional notification, subject to certain specified limitations. The Forest Service is authorized to acquire lands within or adjacent to established National Forest System unit boundaries. FWS has some general authority to expand the National Wildlife Refuge System for certain specified purposes. BLM has broad, general authority to acquire lands under the Federal Land Policy and Management Act of 1976.

**Figure 1: Land Ownership in the Northern Section of the Bureau of Land Management’s Rio Grande del Norte National Monument, New Mexico, as of January 2018**



Source: GAO adaptation of Bureau of Land Management map. | GAO-19-346

When acquiring land, the agencies generally use four acquisition methods:

- purchase of land;
- accepting donations of land;<sup>12</sup>
- land exchanges for land or other property, such as timber, of equal value; or

<sup>12</sup>Each of the four agencies is authorized to acquire land or interests in land by donation in certain instances, with the authority varying by agency and land unit.

- eminent domain—taking private property through condemnation, for public use with compensation to the landowner.

When acquiring land, an agency can also acquire a range of land rights, or land interests. When a federal agency acquires land, it can acquire all of the land interests, called a fee simple acquisition, or the agency can acquire partial interests, meaning the agency acquires some but not all of the land interests. One way to acquire partial interests in land is through an easement, in which an agency obtains certain rights to the land. There are different types of easements that convey different rights. For example, a conservation easement can limit the development of structures on a tract of land. In such situations, the landowner can, for example, continue to farm or use the land for other purposes, depending on the terms of the easement, but may no longer own the right to develop the land.

Agencies conduct a number of realty activities to complete each land acquisition, regardless of the acquisition method. These include surveys and boundary confirmation, appraisals, and environmental site assessments, according to agency officials.<sup>13</sup> The agencies undertake these activities to help gain full knowledge of the ownership, condition, and value of the land that they intend to acquire, according to agency officials. Agencies negotiate with landowners as part of the process to finalize land acquisitions.

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<sup>13</sup>A survey identifies land boundaries. An appraisal is an impartial assessment of the market value of lands or interests in lands as of a specific date. An environmental site assessment identifies potential or existing environmental contamination liabilities.

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## From Fiscal Years 2014 through 2018, LWCF Appropriations Totaled Nearly \$1.9 Billion, with About Half Directed to Federal Land Acquisition

From fiscal years 2014 through 2018, Congress appropriated nearly \$1.9 billion from the LWCF,<sup>14</sup> with about half directed to federal land acquisition across the four federal land management agencies and half directed to five other programs.<sup>15</sup> In this time frame, approximately \$952 million in total LWCF appropriations was directed to federal land acquisition at land units such as national monuments, parks, refuges, or forests. Specifically, of the \$952 million, about \$894 million in appropriations for federal land acquisition was divided among BLM (\$134.2 million), FWS (\$261.3 million), the Park Service (\$225.5 million), and the Forest Service (\$273.2 million). The remaining \$58 million appropriated in this time frame was for the Department of the Interior's Office of Valuation Services to provide land appraisal services to the Department of the Interior's land agencies for LWCF land acquisition projects.<sup>16</sup> For additional information on appropriations from the LWCF by program for fiscal years 2014 through 2018, see appendix II.

Congress appropriates LWCF funds for federal land agencies to acquire land, and the agencies use their appropriations in four general categories:

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<sup>14</sup>The LWCF appropriations amounts we provide in this report are from agency data. We report dollar amounts in nominal terms, meaning that they are not adjusted for inflation.

<sup>15</sup>These five programs, which we discuss later in the report, are the State Grant program, Forest Legacy Program, Cooperative Endangered Species Conservation Fund, American Battlefield Protection Program, and the Highlands Conservation Act Grant Program.

<sup>16</sup>This office helps provide land appraisal services to agencies within the Department of the Interior. In this role, it prepares appraisals of properties and review appraisals prepared by contractors. In March 2018, this office was merged with the Office of Appraisal Services to create the Appraisal and Valuation Services Office. In addition, Forest Service officials prepare appraisals or review appraisals prepared by contractors.

- core projects, which are specific land acquisition projects that the agencies submit to Congress for consideration as part of the annual appropriations process;<sup>17</sup>
- recreational access projects, which are land acquisition projects to improve recreational access for hunting, fishing, and other recreational activities;<sup>18</sup>
- time-sensitive projects, which include properties that come up for sale unexpectedly, such as when a landowner becomes ill and wishes to sell land quickly;<sup>19</sup> and
- acquisition management, which is funding that agencies use to pay their land acquisition staff and cover associated costs such as travel.<sup>20</sup>

Almost two-thirds (\$573 million of \$894 million) of the federal land acquisition appropriations for fiscal years 2014 through 2018 went to core projects, as shown in figure 2.

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<sup>17</sup>Agencies propose that core projects receive LWCF funding as part of their annual budget requests. BLM, FWS, and the Forest Service call them core projects, and the Park Service uses the term projects. For the purposes of this report, we refer to such projects as core projects.

<sup>18</sup>Core projects and time-sensitive projects can also improve recreational access.

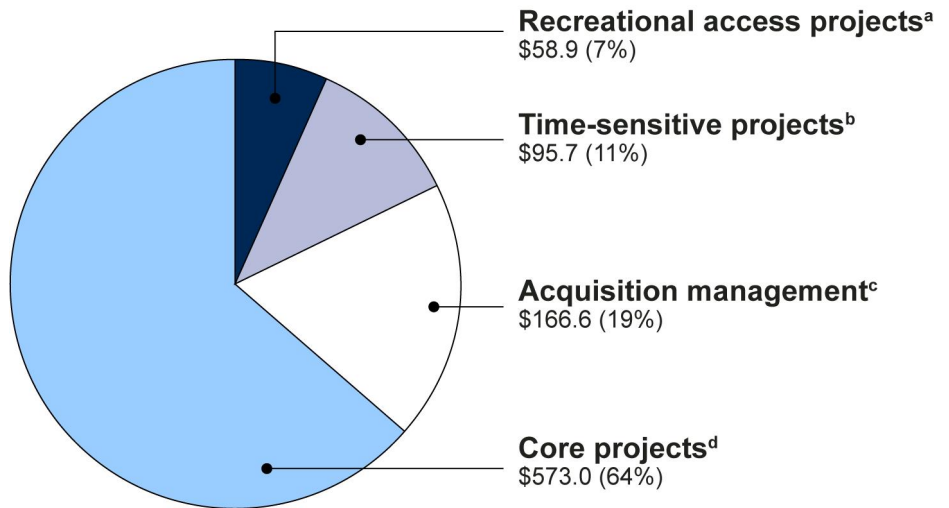
<sup>19</sup>The agencies use different terms for this category of funding as part of their annual budget requests. BLM and FWS use the name Emergencies, Hardships, and Inholdings. The Park Service uses the names Inholdings, Donations, Exchanges and Emergencies, Hardships, Relocations. The Forest Service uses the name Critical Inholdings, Wilderness. For the purposes of this report, we refer to this funding category as time-sensitive projects to reflect the unexpected nature of these projects.

<sup>20</sup>BLM and FWS can also use these funds to pay for realty work, such as preparing appraisals, according to agency officials.



**Figure 2: Land and Water Conservation Fund (LWCF) Funding for Federal Land Acquisition by Category for the Bureau of Land Management, Fish and Wildlife Service, National Park Service, and Forest Service, Fiscal Years 2014 through 2018**

Dollars (in millions)



Source: GAO analysis of agency data and budget justifications. | GAO-19-346

Note: Percentages in this figure do not add up to 100 because of rounding, and dollar amounts in this figure are in nominal terms, meaning they have not been adjusted for inflation. The total appropriations for federal land acquisition for this period depicted in this figure was about \$894 million, which does not include \$58 million in LWCF funding for the Office of Valuation Services, which provides land appraisal services to land agencies at the Department of the Interior. In March 2018, this office was merged with the Office of Appraisal Services to create the Appraisal and Valuation Services Office.

<sup>a</sup>Recreational access projects are land acquisition projects that improve recreational access for hunting, fishing, and other recreational activities. Core projects and time-sensitive projects can also improve recreational access.

<sup>b</sup>Time-sensitive projects include land acquisition projects that come up for sale unexpectedly, such as when a landowner becomes ill and wishes to sell his or her land quickly. In addition, for the Forest Service, we are including cash equalization payments in this category as well. Cash equalization payments are used to pay for land exchanges if the disposed land is of lower value than the land the agency acquired from the exchange, according to agency officials.

<sup>c</sup>Acquisition management is funding that is used by the agencies to pay their land acquisition staff and cover associated costs such as travel. The Bureau of Land Management and the Fish and Wildlife Service can also use this funding to pay for realty costs such as title or appraisal work, according to agency officials.

<sup>d</sup>Core projects are specific land acquisition projects that the agencies submit to Congress for consideration as part of the annual appropriations process.

Five additional programs received about \$935 million in total in LWCF appropriations from fiscal years 2014 to 2018 to meet a variety of land conservation and recreation purposes. According to agency officials, no federal land is acquired under these programs, but some of the programs involve the acquisition of state or local land. The recipients of the financial

assistance under these programs are generally state or local governments, and these programs require matching funds from the recipient, as shown in table 1.

**Table 1: Information on Programs Other Than Federal Land Acquisition That Received Land and Water Conservation Fund (LWCF) Appropriations, Fiscal Years (FY) 2014 through 2018**

Program name	Agency administering program	Program goals	Matching funds required of recipients	Total LWCF Appropriations, FY14 through FY18 (dollars in thousands)
State Grants	National Park Service	Provides grants to states to plan, acquire, and develop outdoor recreational facilities, such as roadside picnic grounds, swimming complexes, and playing fields. The Park Service provides funding based on a formula to all 50 states, the District of Columbia, and U.S. territories. <sup>a</sup>	At least 50 percent of the project's cost.	440,219 <sup>b</sup>
Forest Legacy Program	Forest Service	Assists states in protecting environmentally important forests.	At least 25 percent of the project's cost.	277,744
Cooperative Endangered Species Conservation Fund	Fish and Wildlife Service	Assists states or territories in the development of programs for the conservation of endangered or threatened species.	Can vary between 10 to 25 percent depending on the project.	136,038 <sup>c</sup>
American Battlefield Protection Program	National Park Service	Provides grants to states and local governments to acquire battlefield land from the Revolutionary War, War of 1812, or Civil War sites for their preservation and protection.	At least 50 percent of the project's cost.	47,972
Highlands Conservation Act Grant Program	Fish and Wildlife Service	Provides grants to certain entities for land conservation partnership projects in Highlands states: Connecticut, New Jersey, New York, and Pennsylvania.	At least 50 percent of the project's cost.	33,000
<b>Total</b>				<b>934,973</b>

Source: GAO summary of agency documents and interviews with agency officials. | GAO 19-346

Note: Dollar amounts are in nominal terms, meaning they have not been adjusted for inflation.

<sup>a</sup>To be eligible for the program, states, the District of Columbia, and territories are to submit a statewide comprehensive outdoor recreation plan to the National Park Service for review and approval. A certain percentage of the funding for this program is apportioned equally to states, the District of Columbia, and territories. The funding remaining after equal apportionment is apportioned based on need, which includes consideration of, among other things, states' population. In addition, no state can receive more than 10 percent of the total amount apportioned. 54 U.S.C. § 200305.

<sup>b</sup>This amount only reflects the amount of funding from the LWCF. This program also receives separate appropriations under the Gulf of Mexico Energy Security Act. Pub. L. No. 109-432, Div. C, § 105(a)(2)(B), 120 Stat. 3000, 3004 (2006).

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<sup>c</sup>This amount only reflects the amount of LWCF funding going to the Cooperative Endangered Species Conservation Fund; there are other sources of appropriated funds that support this program as well.

Appropriations from the LWCF are generally no-year money, meaning the appropriations remain available for obligation for an indefinite period of time.<sup>21</sup> According to Department of the Interior and Forest Service budget officials, there can be some lag time between when LWCF appropriations are received and when they are spent. Several realty work activities are required to finalize land acquisitions, whether at the state or federal level, such as negotiations with the landowner and preparing the required documentation for the acquisition, which together can take more than a year to complete.

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## Agencies Use Similar Processes to Select Federal Land Acquisition Projects That Involve Land Units, Regional Offices, and Headquarters

The processes that federal agencies use to select federal land acquisition projects involve headquarters, regional offices, and land units. For core projects, land unit and regional officials identify projects, and headquarters oversees the scoring of the projects before submitting projects to Congress for consideration during the appropriations process. For recreational access and time-sensitive projects, agencies generally wait until after Congress has appropriated LWCF funds before land units identify projects that are reviewed by either regional offices or headquarters. In addition to federal agencies, conservation groups can play a role in helping to support agencies in acquiring federal lands by identifying willing sellers, among other things.

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<sup>21</sup>An obligation is a definite commitment that creates a legal liability of the government for the payment of goods and services ordered or received, or a legal duty on the part of the United States that could mature into a legal liability by virtue of actions on the part of the other party beyond the control of the United States. Payment may be made immediately or in the future. GAO, *A Glossary of Terms Used in the Federal Budget Process*, [GAO-05-734SP](#) (Washington, D.C.: September 2005). One exception to appropriations from the LWCF being no-year money is the LWCF state grant program, where there is generally a 3 fiscal year period to obligate funds. See 54 U.S.C. § 200305(b)(4).



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## Land Unit and Regional Agency Staff Generally Identify LWCF Projects for Funding and Headquarters Oversees the Process for Selection of Projects

Based on our review of agency documents and interviews with agency officials, we found that agencies generally follow similar steps to develop the list of core land acquisition projects to submit to Congress for consideration during the appropriations process. To start the process, each agency headquarters issues a memo that requests regional offices to identify projects for LWCF funding and describes the general process that regional offices are to follow.<sup>22</sup> Regional offices then request the land units in their jurisdiction to identify potential projects. Land units can identify potential projects from existing land use planning documents they have developed or through contact with local landowners who may be interested in selling property that may be of interest to the unit. Regional offices review the projects submitted by the land units and prioritize those to submit to headquarters using the instructions established in the request memos from headquarters.

Headquarters officials oversee the process of reviewing and scoring the projects, which usually involves convening a panel that can include officials from headquarters, regional offices, or land units. The four land management agencies have established criteria in agency guidance to use for scoring core projects, and some of these criteria reflect the land acquisition goals of their agencies. For example, three of the four agencies (BLM, the Park Service, and the Forest Service) have criteria on whether an acquisition will improve recreational access, which is a goal of land acquisition at these agencies. In addition, three of the four agencies (FWS, the Park Service, and the Forest Service) have criteria on how an acquisition will conserve natural resources, which also is consistent with their missions. BLM, the Park Service, and the Forest Service use the criteria to score the projects. Each of the criteria has point values that are added together to arrive at a final score for a project. At FWS, the agency does not assign an overall score to a project; rather, the Director has

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<sup>22</sup>BLM does not have regional offices, but instead has state offices, some of which oversee activities in multiple states. For reporting purposes, we are using the term regional office to include these state offices.

discretion to weigh the different criteria when assessing and selecting projects, according to FWS officials.

After projects are reviewed and scored, a list of the proposed projects is sent to senior officials at that agency, as well as departmental officials for review.<sup>23</sup> Once the agency has finalized the proposed list of projects, the agency sends the list to the Office of Management and Budget for review and comment.<sup>24</sup> The agencies provide Congress with information on each of the projects in their budget submissions, including the location of the project, a project description, and whether the project will result in operational savings or costs.<sup>25</sup> Congress reviews the prioritized list of projects and makes an appropriation to each agency for land acquisition; the amount each receives will determine the number of projects on the list that will be funded. Figure 3 summarizes the overall process used by agencies to select core projects.

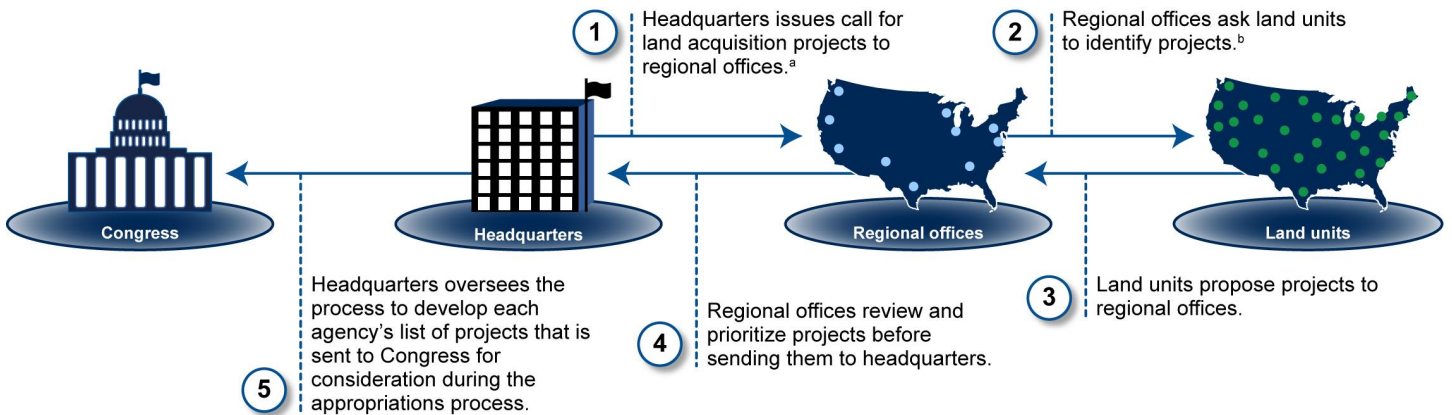
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<sup>23</sup>BLM, FWS, and the Park Service send their lists of projects to officials at the Department of the Interior. The Forest Service sends its list of projects to officials at the Department of Agriculture for review.

<sup>24</sup>According to BLM, FWS, Park Service, and Forest Service officials, the Office of Management and Budget has not made changes to the list of projects.

<sup>25</sup>Historically, this information was provided in an agency's budget submission. According to agency officials, for fiscal years 2018 and 2019, the agencies provided this information to Congress separately because the Administration did not request funding for LWCF core projects, but Congress directed the agencies to continue their established practice of identifying and prioritizing land acquisition projects to be considered during the appropriations process. Operational savings associated with an acquisition may result from reduced boundary management, such as eliminating the need for surveying or maintaining property lines. Operational costs associated with an acquisition may include access improvements, such as establishing new trailheads and trails and adding visitor signs.

**Figure 3: Overall Process Used by the Bureau of Land Management, Fish and Wildlife Service, National Park Service, and Forest Service to Select Core Land Acquisition Projects to Receive Funding from the Land and Water Conservation Fund**



Source: GAO summary of agency documents and interviews. | GAO-19-346

Note: Core projects are specific land acquisition projects that the agencies submit to Congress for consideration as part of the annual appropriations process.

<sup>a</sup>BLM does not have regional offices, but instead has state offices, some of which oversee activities in multiple states. We use the term regional office to include these state offices.

<sup>b</sup>BLM has field offices, which oversee certain lands managed by BLM. We use the term land units to include these field offices.

While the overall process for identifying and selecting core projects is similar across the agencies, there is some variation. For example, BLM, FWS, and Forest Service regions have limits on the number of projects they can propose based on agency guidance, while the Park Service does not have such a limit.<sup>26</sup> In addition, three of the four agencies (BLM, the Park Service, and the Forest Service) convene panels to review and score the projects at headquarters, while FWS does not have such a panel. According to FWS officials, regional realty staff provide input to the FWS Director. As discussed earlier, the FWS Director has discretion to weigh the different criteria when selecting projects.

To select recreational access projects, federal land agencies follow some of the same steps they use for core projects—namely, land units identify potential projects and regions submit project proposals for review by headquarters officials. For example, BLM uses the same criteria to evaluate recreational access projects that it uses for core projects, and

<sup>26</sup>At BLM, the number of projects that state offices can submit has varied over time, between five and 10 projects. At FWS, each region submits five projects. At the Forest Service, the limit is five to seven projects, depending on the region.

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Park Service officials said the agency will consider core projects that were not selected for funding to see if they would qualify for recreational access funding. However, unlike core projects, agencies do not submit recreational access projects to Congress as part of their budget submission. Rather, the agencies wait until they receive an appropriation from Congress before initiating the process to request recreational access project proposals from the regions.

For time-sensitive acquisition projects, agencies generally follow a more streamlined process. BLM and Park Service officials said that regional officials can contact headquarters to see if funding is available for a property that comes up for sale unexpectedly at a land unit. If funding is available, the region provides information to headquarters on the project for headquarters officials to review. At FWS, headquarters requests projects from regional offices, and regions work with land units to submit a form with project information for review by headquarters. Like recreational access projects, time-sensitive projects are generally not submitted to Congress as a part of agencies' budget submissions. For additional information on the processes and criteria used by BLM, FWS, the Park Service, and the Forest Service to select core, recreational access, and time-sensitive projects, see appendixes III through VI, respectively.

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## Conservation Organizations Support Agencies' Federal Land Acquisition Activities in Multiple Ways

Officials across the four agencies said that conservation organizations play an important role in supporting federal land acquisition using the LWCF. Officials from several of these organizations said that they help to support the acquisition process by, for example, building local support for an acquisition project or by working directly with landowners to facilitate the land acquisition process. Officials at some agencies said that some landowners would rather interact with a private organization than the federal government when selling their land. Organizations can also provide matching funds for acquisition projects, according to agency officials. For example, at Grand Teton National Park in Wyoming, the National Park Foundation and the Grand Teton National Park Foundation together provided matching funds of \$23 million, or half the acquisition



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cost of acquiring a 640-acre tract of land in 2016, with the remaining funds coming from the LWCF.<sup>27</sup>

Officials from agencies and conservation organizations also said that if land suddenly becomes available or a landowner does not want to sell directly to the government, a conservation organization can purchase the property and hold it until the relevant federal agency receives funding from the LWCF for the federal agency to acquire the property. In such instances, federal officials said that they usually sign a letter of intent with the conservation organization indicating the agency's intent to purchase the land, contingent upon receiving LWCF appropriations. Conservation organization officials we interviewed said that they can act quickly when learning about an announced sale of property but usually only purchase property in advance if they are confident that a federal agency will eventually receive appropriations for the property. Agency and conservation organization officials we interviewed consistently said that conservation organizations do not play a role in evaluating federal land acquisition projects and that the selection process is solely overseen by agency officials. Officials from one conservation organization said that the first time they see the approved core projects list is when the appropriations bills and associated committee reports are available.

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<sup>27</sup>The National Park Foundation is the Park Service's non-profit partner that can accept gifts in connection with the Park Service. The Grand Teton National Park Foundation is a non-profit organization that funds projects in Grand Teton National Park.

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## Agencies Used LWCF Funds to Acquire Land Nationwide in Fiscal Years 2013 through 2017, but BLM Does Not Centrally Maintain Some Data on Lands Acquired

In fiscal years 2013 through 2017, the four federal land management agencies used LWCF funds to acquire over 850,000 acres of land.<sup>28</sup> Officials from each agency said that the majority of lands acquired with LWCF funds are within the agencies' land unit boundaries. The agencies acquired land for various reasons, such as to protect wildlife habitat or improve recreational access. The agencies generally acquired the land through purchase or donation and generally acquired land interests on a fee simple basis or as an easement. In contrast to the other three federal land management agencies, BLM does not maintain centralized data in its land record data system on the acquisition method or interests acquired for the lands it acquired. In addition, we found that some of the data in this system were not properly coded.

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## Agencies Used the LWCF to Acquire Over 850,000 Acres in Fiscal Years 2013 through 2017, and Primarily Acquired Land within the Agencies' Land Unit Boundaries

The four federal land management agencies acquired over 850,000 acres of federal land during fiscal years 2013 through 2017 using LWCF funds, according to agency data. FWS acquired more than half of the total land acquired—about 455,000 acres—followed by about 180,000 acres by the Forest Service, about 139,000 acres by the Park Service, and about 76,000 acres by BLM.

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<sup>28</sup>Agencies can acquire some or all rights on the land, known as land interests. When we refer to land acquisition in this report, we include acquisitions of all land interests as well as acquisitions of some land interests, unless we are more specific with respect to the type of acquisition at issue.

Collectively the agencies acquired land in all 50 states, the Virgin Islands, and Puerto Rico during this 5-year period. The acreage acquired ranged from 1 acre in Rhode Island to about 139,000 acres in Montana. Not all agencies acquired land in all states and territories. For example, only FWS acquired land in North Dakota using LWCF funds in fiscal years 2013 through 2017. See appendix VII for additional information on each agency’s acquired acreage in each state and territory in fiscal years 2013 through 2017.

Headquarters officials at BLM, FWS, the Park Service, and the Forest Service said that they prioritize land acquisitions within existing land unit boundaries, and most of the lands they have acquired with LWCF funds fall within these boundaries. However, some circumstances can lead to acquiring land outside the current boundaries of a land unit. For example, FWS officials said that the only instance in which lands are acquired outside of a land unit boundary is when a parcel they are acquiring includes land that lies both within and outside of the unit’s boundary. In such cases, dividing the parcel may leave a section of land outside of the land unit that would be of limited value to the landowner, known as an uneconomic remnant. When this occurs, FWS acquires the entire parcel and determines whether to retain the land outside of the boundary or dispose of it through a land exchange. FWS retains the land if the land provides conservation benefits or adds value to the refuge, and pursues a minor boundary adjustment for the land unit, according to FWS officials. BLM, the Park Service, and the Forest Service have varying authority to acquire land outside of their boundaries, but agency officials indicated that they generally acquire land within their units’ boundaries. Table 2 shows the authorities for the four land management agencies to acquire land outside land unit boundaries.

**Table 2: Authority to Acquire Land outside Land Unit Boundaries for the Bureau of Land Management, Fish and Wildlife Service, National Park Service, and Forest Service**

Agency Name	Authority to acquire land outside land unit boundary
Bureau of Land Management (BLM)	Has broad, general authority to acquire lands, primarily under section 205 of the Federal Land Policy and Management Act of 1976.
Fish and Wildlife Service (FWS)	Can generally acquire land outside FWS land unit boundaries to expand the National Wildlife Refuge System for certain purposes, such as carrying out the Endangered Species Act of 1973 and the Fish and Wildlife Act of 1956.
National Park Service (Park Service)	Can generally acquire land outside statutory Park Service land unit boundaries only by conducting a minor boundary adjustment for the proper preservation, protection, interpretation, or management of a unit. <sup>a</sup> The Park Service must notify Congress prior to conducting a boundary adjustment.

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Forest Service	Can generally acquire land outside statutorily established National Forest System unit boundaries only if land is adjacent to such boundaries, subject to certain limitations. <sup>b</sup> In addition to its general acquisition authority under the Weeks Act, the Forest Service is authorized to acquire lands and interests in land in certain specified areas for specified purposes, such as access corridors to national forests across nonfederal lands under the Federal Land Policy and Management Act of 1976.
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Source: GAO analysis of laws and regulations. | GAO 19-346

<sup>a</sup>Certain statutory limitations apply when the Park Service conducts a minor boundary adjustment, including that the sum total of the area added to and removed from the unit must be less than 200 acres, that it may not exceed 5 percent of the total federal acreage authorized for inclusion in the unit, and that its appraised value may not exceed \$750,000. 54 U.S.C. § 100506(c)(5).

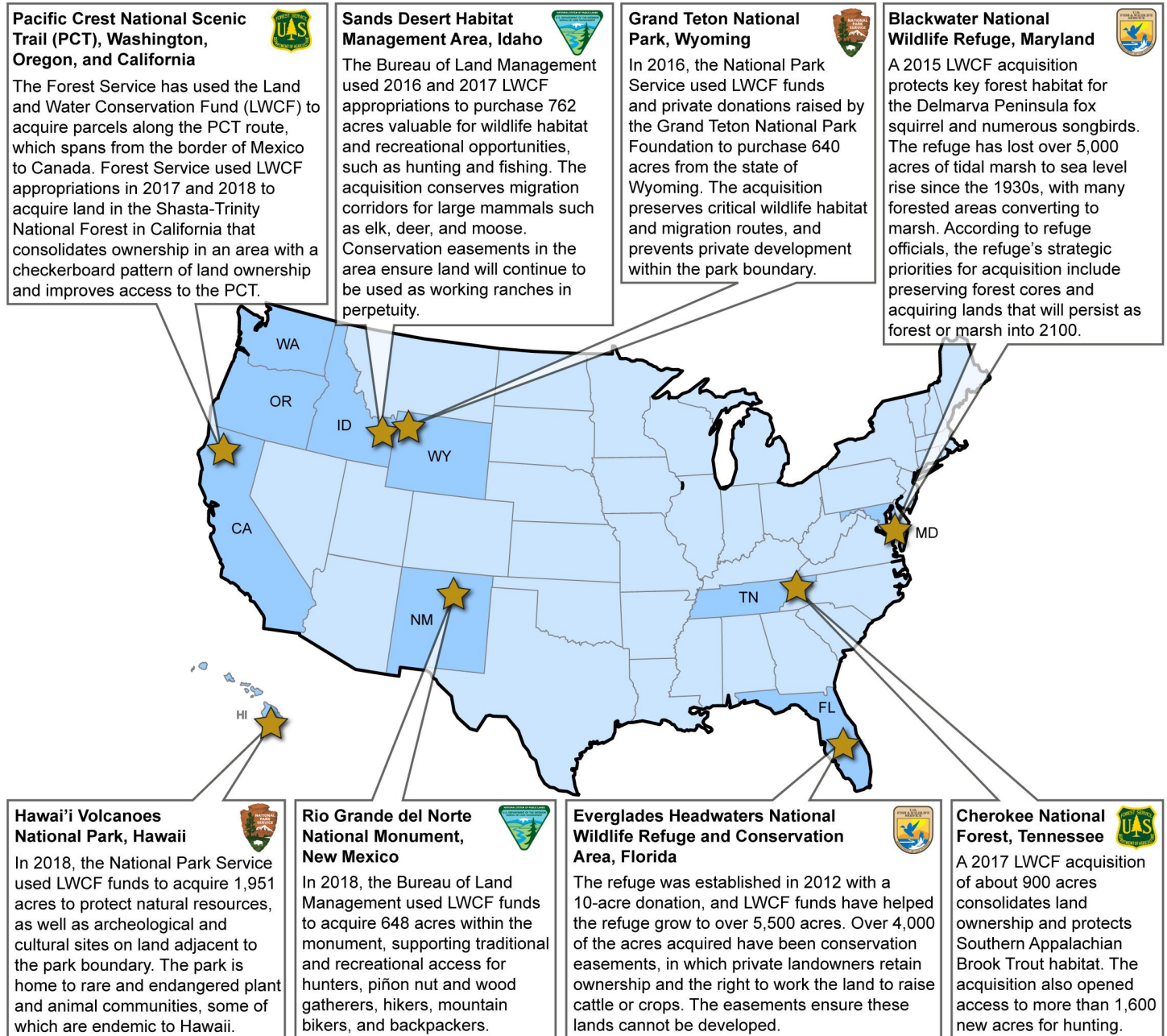
<sup>b</sup>Specifically, the Forest Service is authorized to acquire with LCWF funds land outside but adjacent to an existing national forest boundary, not to exceed 3,000 acres in the case of any one forest, that would comprise an integral part of a forest recreational management area. 54 U.S.C. § 200306(a)(2)(B)(ii).

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## Agencies Acquired Land for a Variety of Reasons, Including Improving Recreational Access and Land Management

The four land agencies acquired land primarily to support the mission and management of the land units. Some lands were acquired with LWCF funds to enhance visitors' experiences, such as to improve recreational access for hunting, fishing, and hiking. For example, BLM used LWCF funds to acquire land in 2018 in the Rio Grande del Norte Monument in New Mexico to improve recreational access for hunters, hikers, mountain bikers, and backpackers. Other acquisitions protected habitat for threatened or endangered species. For example, in 2017, FWS secured LWCF funding to acquire 1,000 acres in the Everglades Headwaters National Wildlife Refuge and Conservation Area to protect habitat for the Florida grasshopper sparrow, an endangered endemic species, as well as the Florida panther, Florida black bear, and nearly 300 other species. Figure 4 shows examples of LWCF acquisitions by BLM, FWS, Park Service, and Forest Service land units and describes the reasons for these acquisitions.

**Figure 4: Examples of Land Acquisitions Using Land and Water Conservation Fund (LWCF) Appropriations by the Bureau of Land Management, Fish and Wildlife Service, National Park Service, and Forest Service**



Source: GAO summary of agency documents and interviews; Map Resources (map). | GAO-19-346

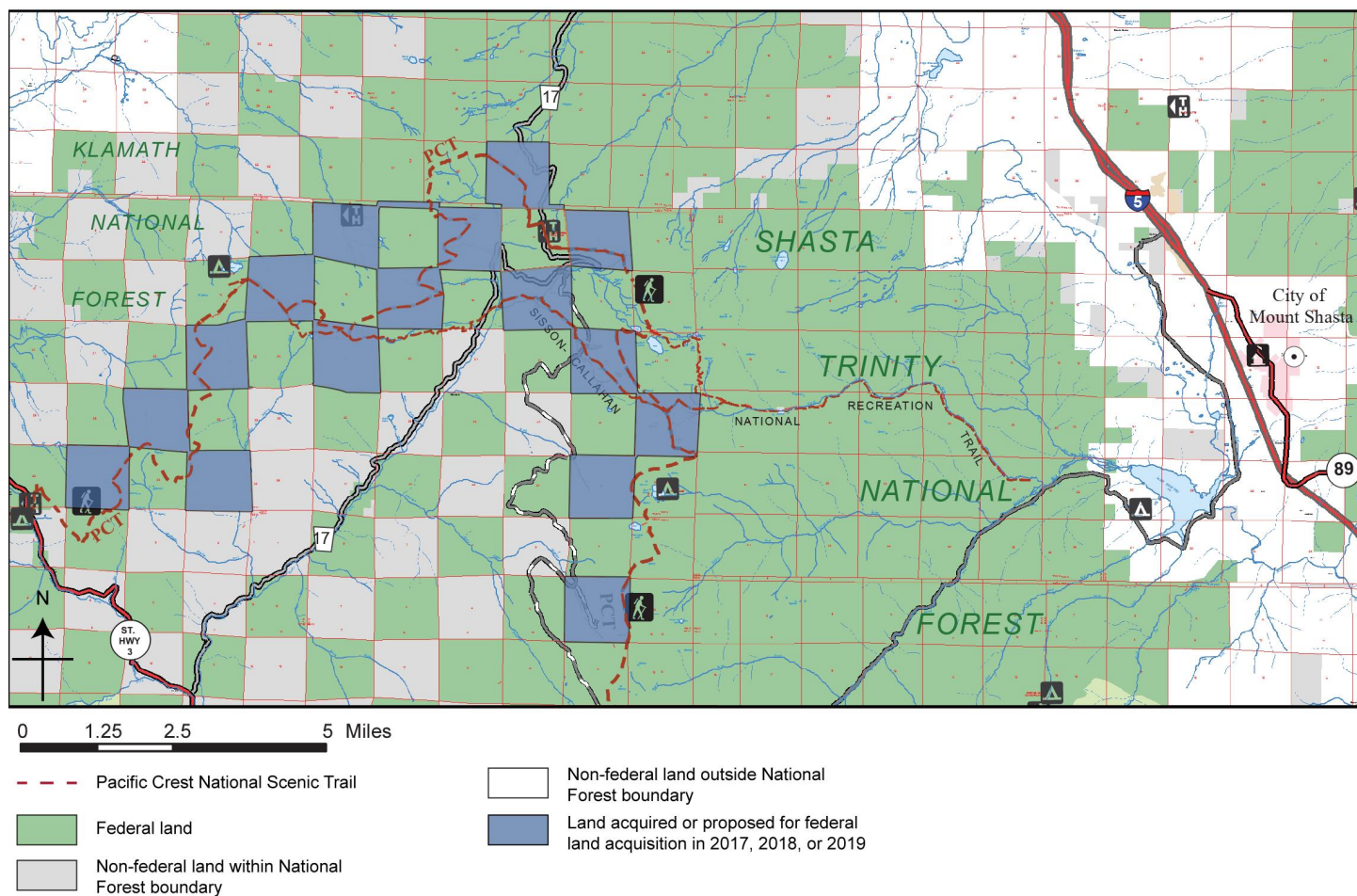
Agency officials from headquarters and regional offices said that another purpose of land acquisition is to consolidate land ownership to improve land management. For land units that have a checkerboard pattern of land ownership—in which alternating parcels are owned by the federal government and the state or a private landowner—fragmented land ownership can pose various management challenges.<sup>29</sup> For example, federal resources may be needed to resolve boundary and trespass disputes when there is fragmented land ownership, according to agency officials. Consolidating ownership within a land unit allows agencies to implement land management strategies for an entire landscape, instead of addressing fragmented parcels, and can increase efficiency and effectiveness, according to Forest Service project proposals for LWCF projects. Figure 5 shows an example of two Forest Service land units that contain a checkerboard pattern of land ownership for the Klamath National Forest and Shasta-Trinity National Forest in California. In its fiscal year 2017 LWCF project proposal, the Forest Service proposed a three-phase LWCF land acquisition project to consolidate land ownership along the Pacific Crest National Scenic Trail, which passes in and out of public and private lands in these forests. The acquisitions are intended to increase recreational access to the trail, provide additional road access for emergency fire suppression response, and reduce boundary management along property lines, among other things. The Forest Service expects to close on the acquisitions by June 2019.<sup>30</sup>

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<sup>29</sup>Fragmented land patterns resulted from land grants in the 19th century that conveyed alternate tracts of public land to railroads, homesteaders, and school districts. The purpose of these grants was to encourage the development of the West.

<sup>30</sup>According to a land unit official, in some locations where the scenic trail traverses privately owned land, the easements that allow access to trail users are as narrow as 8 feet wide.

**Figure 5: Federal and Non-Federal Land Ownership in the Klamath National Forest and Shasta-Trinity National Forest, California, as of July 2017**



Source: GAO adaptation of U.S. Forest Service map. | GAO-19-346

Note: The Pacific Crest National Scenic Trail passes through public and private land within the Klamath National Forest and Shasta-Trinity National Forest in California, which have checkerboard patterns of land ownership within their forest boundaries. For the fiscal year 2017 Land and Water Conservation Fund funding cycle, the Forest Service proposed a three-phase acquisition to consolidate land ownership in the forests along the trail.

## Agencies Generally Acquired Land through Purchase or Donation

BLM, FWS, the Park Service, and the Forest Service acquired land with LWCF funds during fiscal years 2013 through 2017 using a variety of



acquisition methods. As previously discussed, acquisition method refers to how the agencies acquired land, and the interest acquired refers to the type of land rights that the agencies acquired.<sup>31</sup> The majority (94 percent) of the total acreage acquired by BLM, FWS, the Park Service, and the Forest Service during fiscal years 2013 through 2017 was purchased (49 percent) or donated (45 percent). These agencies acquired 6 percent of the lands through land exchanges, in which the agencies acquired land or land interests in exchange for federally owned land or other assets of equal value.

- **BLM.** BLM acquired all of its 76,262 acres through purchase. About 84 percent of the land BLM acquired was in five states: California, Montana, New Mexico, Oregon, and Idaho.
- **FWS.** FWS acquired 49 percent of its 454,831 acres through donation. One single donation in December 2012 of a 90,500-acre easement in the Sangre de Cristo Conservation Area in Colorado accounted for one-fifth of the total acreage FWS acquired during the 5-year period we reviewed. FWS acquired 39 percent of its acquired acreage (179,287 acres) by purchase, and 12 percent (54,290 acres) through exchanges.
- **Park Service.** The Park Service acquired the majority of its acreage (74 percent) through donation. Of the 139,288 total acres acquired, nearly two-thirds (87,564 acres) were acquired from a donation of multiple tracts in the Katahdin Woods and Waters National Monument in Maine when this unit was established in 2016. The Park Service purchased 25 percent of its acquired land (34,661 acres) and acquired 1 percent (1,947 acres) through exchanges.
- **Forest Service.** The Forest Service purchased more than two-thirds of its acreage (123,653 acres) and acquired about one-third of its acreage (59,064 acres) through donations. The agency also conducted land exchanges that resulted in the agency disposing of

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<sup>31</sup>In addition to paying landowners for the purchase of land, agencies incur costs for land that they acquire through other acquisition methods, such as donation and exchange. According to agency officials, this is because all acquisitions incur costs for realty tasks, such as appraisals and contaminant assessments. Land exchanges may also require a cash equalization payment to the landowner if the disposed land is of lower value than the land the agency acquired from the exchange.

more acres than it acquired, which decreased the agency's total acreage by 2,249 acres during the 5-year period.<sup>32</sup>

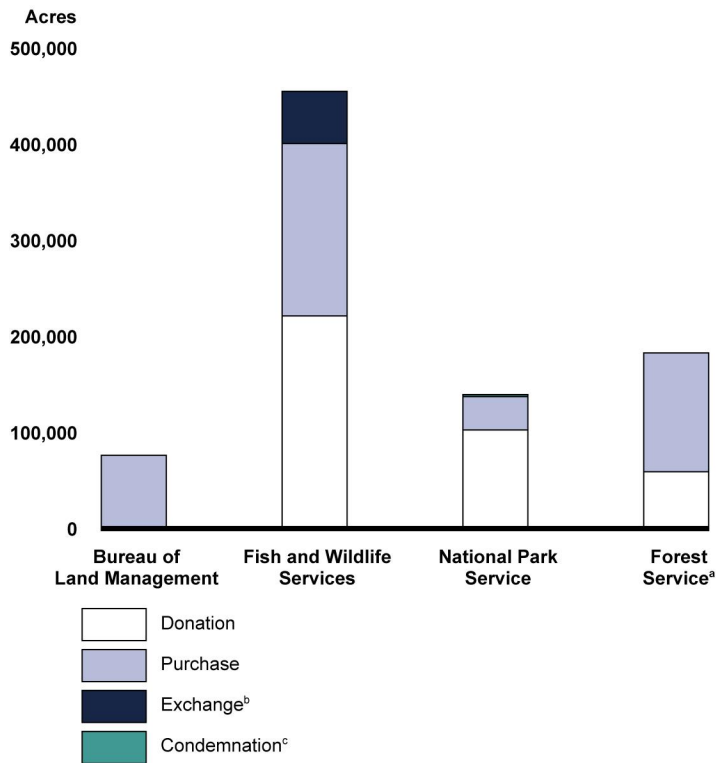
We found that almost none (0.02 percent) of the acreage acquired by the land management agencies during fiscal years 2013 through 2017 was acquired through condemnation.<sup>33</sup> Specifically, the Park Service used condemnation to acquire 160 acres, the Forest Service acquired 27 acres through condemnation, and BLM and FWS did not use condemnation to acquire land during the 5-year period. Agency officials from headquarters and regional offices said they always try to acquire land from willing sellers and only use condemnation in limited circumstances, such as when a piece of land does not have a clear owner. For example, Forest Service headquarters officials said that during fiscal years 2013 through 2017, the only occasions in which they used condemnation were to obtain mineral rights that had been abandoned on land otherwise owned by the Forest Service. Figure 6 shows the acreage acquired by acquisition method for each agency during fiscal years 2013 through 2017.

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<sup>32</sup>Forest Service officials said that although the parcels involved in an exchange have equal assessed value, the acreage of the exchanged land can differ greatly. In some instances, the Forest Service acquires a small tract of valuable land in exchange for a larger tract that is appraised at the same value, which results in more acreage disposed than acquired.

<sup>33</sup>Condemnation refers to the taking of private property for public use with compensation to the landowner, as a result of an agency's use of eminent domain.

**Figure 6: Acquisition Methods for Land Acquisitions Employed by the Bureau of Land Management, Fish and Wildlife Service, National Park Service, and Forest Service Using the Land and Water Conservation Fund, Fiscal Years 2013 through 2017**



Source: GAO analysis of agency data. | GAO-19-346

<sup>a</sup>The Forest Service had a negative net acreage acquired from exchanges (-2,249) because it disposed of more acreage than it acquired through exchange. This negative net acreage for exchanges is not reflected in the figure.

<sup>b</sup>Acres acquired by exchange reflects the net acreage under federal ownership following a land exchange. In a land exchange, an agency acquires privately owned land or land interests in exchange for federally owned land or other assets of equal value. The parcels involved in a land exchange can have different acreage. If an agency disposes of more acreage than it acquires, it will have a negative net acreage.

<sup>c</sup>Condemnation refers to the taking of private property for public use with compensation to the landowner, as a result of an agency's use of eminent domain. This acquisition method was used by the National Park Service to acquire 160 acres and by the Forest Service to acquire 27 acres in fiscal years 2013 through 2017.

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## When Acquiring Land, Agencies Acquired a Variety of Interests

Of the acreage acquired by BLM, FWS, the Park Service, and the Forest Service during fiscal years 2013 through 2017, the agencies acquired approximately 55 percent (468,696 acres) of the 850,877 acres through fee simple acquisition, meaning that the agency acquired all rights to the land. For the remaining 45 percent (382,180 acres), the agencies acquired less than full ownership of the land. Specifically, the four agencies obtained easements on 39 percent of the land. Other partial interests accounted for 6 percent of the lands acquired by the agencies, including mineral rights to resources such as oil or gas located under federally managed land.

- **BLM.** BLM acquired 93 percent (70,853 acres) of its acquired land on a fee simple basis. The remaining 7 percent of land acquired (5,409 acres) was acquired as easements.
- **FWS.** Seventy-one percent (324,029 acres) of the land acquired by FWS was through easements. FWS acquired 28 percent (129,183 acres) of its acquired acreage on a fee simple basis and less than 1 percent (1,619 acres) as partial interests other than easements, primarily leases.
- **Park Service.** The Park Service acquired 99 percent (137,899 acres) of its acquired land on a fee simple basis, with 0.9 percent (1,225 acres) acquired as easements, and 0.1 percent (163 acres) acquired as other types of partial interests.<sup>34</sup>
- **Forest Service.** The Forest Service acquired 72 percent (130,761 acres) of its acquired land on a fee simple basis. Similar to the Park Service, the Forest Service acquired easements for less than 1 percent of its acquired land (332 acres). More commonly acquired were other partial interests, which accounted for 27 percent (49,403 acres) of the Forest Service's acquired acreage. Most of the interests acquired for these acquisitions were mineral rights on parcels for which the Forest Service owned the other land interests. For example, one acquisition consisted of obtaining mineral rights for 34,580 acres in the Daniel Boone National Forest in Kentucky, which was donated

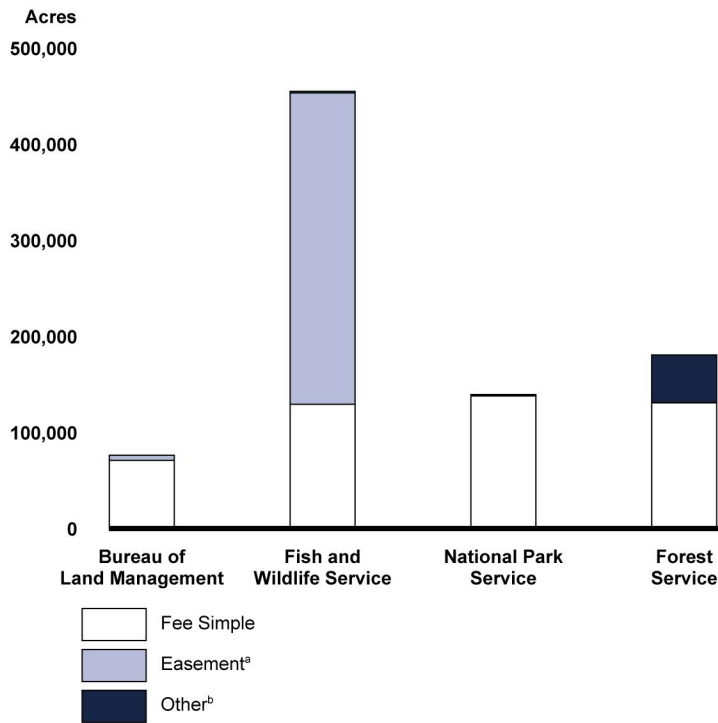
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<sup>34</sup>The other types of partial interests acquired primarily consisted of mineral rights (the ownership rights of underground resources such as oil or natural gas) on lands within the Park Service's boundaries.

by a mining company as the result of a consent decree. Following this acquisition, the Forest Service now has all rights to the property.

Figure 7 shows the interests acquired in LWCF acquisitions by the four land management agencies during fiscal years 2013 through 2017.

**Figure 7: Interest Acquired for Land Acquisitions by the Bureau of Land Management, Fish and Wildlife Service, National Park Service, and Forest Service Using the Land and Water Conservation Fund, Fiscal Years 2013 through 2017**



Source: GAO analysis of agency data. | GAO-19-346

Notes: Interest acquired refers to the type of land rights that the agencies acquired. Agencies can acquire all of the land interests, called a fee simple acquisition, or they can acquire partial interests, meaning the agency acquires some but not all of the land interests. For example, with an easement an agency obtains certain rights to use land in specified ways, such as development rights, without owning the land.

<sup>a</sup>For reporting purposes, we added acreage acquired under a conservation easement and scenic easement. A conservation easement protects the conservation values of land, such as limiting development, while a scenic easement protects views on a landscape.

<sup>b</sup>Other interests acquired include leases, right-of-ways, structures, mineral rights to resources such as oil or gas located under federally managed land, and surface estates (the surface of a parcel but not the underground or subsurface rights).

According to agency officials, the interest acquired can depend on the agency objectives and the purpose of the acquisition. FWS and Park

Service headquarters officials said that their agencies' policies are to acquire the minimum interest necessary to accomplish management objectives. Specifically, FWS officials said that the agency does not always need to acquire land on a fee simple basis to ensure that the land is protected; there are opportunities for land use on private property that are compatible with FWS's mission, and in such cases an easement may be more appropriate. For example, in some instances, a grassland easement on private property is sufficient to protect habitat for migratory birds by requiring that landowners avoid mowing grass until after the bird nesting season ends, according to FWS officials. In such instances, FWS uses easements to achieve its mission at a lower cost compared to fee simple acquisition, according to FWS officials.<sup>35</sup> An FWS official from a land unit said that some local communities prefer that agencies acquire easements instead of fee simple acquisitions because lands with easements remain in private ownership, thereby providing property taxes to the local government. Similarly, officials from one BLM land unit said that LWCF easements are a valuable resource to maintain working landscapes in the West, ensuring land will be used for farming and ranching in perpetuity instead of being developed. An official from another BLM land unit said that fee simple acquisitions are particularly desirable when the purpose of the acquisition is for public access for recreation, as conservation easements on private property are typically not conducive to such use.

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### BLM Does Not Maintain Centralized Data on Certain Aspects of Its Land Acquisitions and Staff Did Not Consistently Identify LWCF-Acquired Lands in the Agency's Data System

BLM does not maintain centralized data on the acquisition method used or the interest acquired for its land acquisitions, in contrast to the other three federal land management agencies. According to BLM officials, such information is maintained in paper case files at field offices but is not entered in BLM's land record data system, Legacy Rehost 2000

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<sup>35</sup>In general, the cost of an easement is less than fee simple because an easement conveys fewer interests in the land. FWS headquarters officials said that an easement generally costs 50 to 70 percent of the cost of fee simple acquisitions, depending on the refuge.

(LR2000). To respond to our data request for this information, BLM contacted officials at field offices to compile the requested data from paper case files. BLM officials acknowledged that their lack of centralized acquisition data affects their ability to respond to inquiries from Congress or others in a timely manner, since manually compiling these data from field offices generally takes 2 weeks. BLM headquarters officials told us that data on acquisition method and interest acquired were not considered necessary when LR2000 was developed, but they were considering including this information as part of an updated version of LR2000. BLM officials said they have not finalized their solicitation for updating LR2000, including plans for proposed changes to this system. These officials indicated that they anticipate issuing the solicitation in late spring 2019.

FWS, the Park Service, and the Forest Service maintain centralized data on acquisition method and interests acquired, which we used for our analysis. Officials from these agencies said that the data elements were key to maintaining an inventory of the lands they manage and to responding to information requests from Congress about these lands. For example, FWS and Park Service officials said that they use their inventory of lands to determine whether the acquired lands qualify for Payments in Lieu of Taxes.<sup>36</sup> Forest Service officials also said that having this information in a centralized data system can help forest supervisors have a better understanding of the lands they manage, including any restrictions on uses of the land.

According to *Standards for Internal Control in the Federal Government*, agencies should identify the information requirements needed to achieve the agency's objectives and address risks, and agencies should obtain relevant data from reliable internal sources and process such data into quality information to achieve agency objectives.<sup>37</sup> Maintaining centralized data on land acquisition methods and the interests acquired would help BLM maintain a more complete inventory of its lands, respond more quickly to information requests from Congress, and provide additional information to manage its lands.

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<sup>36</sup>Payments in Lieu of Taxes are federal payments to local governments that help offset losses in property taxes due to non-taxable federal lands within their boundaries. See 31 U.S.C. §§ 6901-6907.

<sup>37</sup>GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: September 2014).

We also found that some information entered in LR2000 was not properly coded. We originally obtained data on LWCF acquisitions from LR2000 in July 2018. BLM supplemented these data with additional data from its field offices that maintain files on all lands acquired. In comparing the original and supplementary data, we identified an additional 64 land acquisitions, representing 37,000 acres, funded by LWCF that were in LR2000, but these land acquisitions were not properly coded in the data system. Specifically, staff had not entered a code to identify these acquisitions as being acquired with LWCF funds.

According to BLM's Land Acquisition Manual, it is vital to keep records current in LR2000 and to review records when a case is complete, because LR2000 is used for statistical and planning purposes. In addition, according to *Standards for Internal Control in the Federal Government*, agencies should process relevant data from reliable sources into quality information within their information system.<sup>38</sup> Officials said that they provide guidance on entering data into LR2000 through instruction memoranda. In January 2013, BLM issued an instruction memorandum that said BLM state offices were to develop a plan to verify data in LR2000, including land acquisition data. However, this memorandum did not address the specific need to enter the code to identify projects as being funded by the LWCF. Without more specific guidance to ensure that relevant data on LWCF land acquisitions are entered in LR2000, BLM will not be able to use its system to identify all of the lands acquired using LWCF funds to track program outcomes and inform management decisions.

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## Conclusions

In fiscal years 2013 through 2017, federal agencies used LWCF funds to acquire over 850,000 acres of land, with acquisitions in all 50 states, the Virgin Islands, and Puerto Rico. FWS, Park Service, and Forest Service officials said acquisition method and interest acquired were key elements in their centralized data systems that they use to maintain an inventory of the lands they manage and to respond to information requests from Congress about these lands. In contrast, BLM does not maintain such

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<sup>38</sup>[GAO-14-704G](#).



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centralized data because it did not consider it necessary when its LR2000 data system was developed, but officials said they were considering including this information as part of an updated version of LR2000. Maintaining centralized data on land acquisition methods and the interests acquired would help BLM maintain a more complete inventory of its lands, respond more quickly to information requests from Congress, and provide additional information to manage its lands. In addition, BLM staff did not properly code land acquisition data in LR2000 for 64 land acquisitions funded by the LWCF, making it difficult to identify all of the lands acquired with LWCF funds. Without more specific guidance to ensure that relevant data on LWCF land acquisitions are entered in LR2000, BLM will not be able to use its system to identify all of the lands acquired using LWCF funds to track program outcomes and inform management decisions.

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## Recommendations for Executive Action

We are making the following two recommendations to the Department of the Interior:

The Secretary of the Interior should direct BLM to collect centralized data on the acquisition method and interest acquired for the lands it obtains using LWCF funds as part of its planned update to LR2000. (Recommendation 1)

The Secretary of the Interior should direct BLM to develop more specific guidance to ensure that land acquisition data are entered correctly into the agency's data system. (Recommendation 2)

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## Agency Comments

We provided a draft of this report to the Department of the Interior and the Department of Agriculture for review and comment. In its written comments, reproduced in Appendix VIII, the Department of the Interior concurred with our recommendations. Interior noted that BLM's update to its data system will allow the agency to maintain a complete inventory of acquired lands. In addition, Interior indicated that BLM will develop and issue a policy clarifying its data entry requirements. The Department of Agriculture told us it had no comments on the draft report.

As agreed with your office, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the report date. At that time, we will send copies of this report to the appropriate congressional committees, the Secretary of the Interior, the Secretary of Agriculture, and other interested parties. In addition, the report is available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions on this report, please contact me at (202) 512-3841 or [fennella@gao.gov](mailto:fennella@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix IX.

Sincerely yours,

A handwritten signature in black ink that reads "Anne-Marie Fennell". The signature is written in a cursive style with a large initial "A" and a long horizontal line extending from the end of the name.

Anne-Marie Fennell  
Director,  
Natural Resources and Environment

## Appendix I: Objectives, Scope, and Methodology

Our objectives were to examine (1) the Land and Water Conservation Fund (LWCF) appropriations for fiscal years 2014 through 2018 and the programs supported by these funds; (2) the process for selecting federal land acquisition projects to fund using the LWCF; and (3) the federal lands acquired using LWCF funds for fiscal years 2013 through 2017, reasons for acquiring lands, and acquisition methods.

To summarize the LWCF appropriations for fiscal years 2014 through 2018 and the programs supported by these funds, we reviewed data on appropriations from the Departments of the Interior and Agriculture and agency budget justifications for these years. We selected this period because this was the most recent 5-year period for which the appropriations process has been completed. Based on this review, we developed a list of programs that had received funding from the LWCF and the amount of funding received. We interviewed agency officials at the Bureau of Land Management (BLM), Fish and Wildlife Service (FWS), National Park Service (Park Service), and Forest Service about these programs. Specifically, we interviewed officials at BLM's Lands, Realty, and Cadastral Survey Program; FWS's Division of Realty; the Park Service's Land Resources Division; and the Forest Service's Lands and Realty Management Program. To determine the reliability of the appropriations data provided by the Departments of the Interior and Agriculture, we compared these data to what the agencies reported in their annual budget justifications and interviewed officials who were familiar with these data. We determined these data were sufficiently reliable for our purposes.

To examine the processes the agencies used for selecting federal land acquisition projects to fund with LWCF funds, we examined documents from BLM, FWS, the Park Service, and the Forest Service. These included memos that requested land acquisition projects from regional offices, criteria used to evaluate projects, and other guidance documents. We also interviewed agency officials at the headquarters, regional, and land unit levels who were involved in the process to acquire federal lands with LWCF funds. Across the four agencies, we interviewed a total of 10 regional offices. Specifically, we interviewed officials at two of 12 state

offices at BLM, two of eight regional offices at FWS, three of seven regional offices at the Park Service, and three of nine regional offices at the Forest Service.<sup>1</sup> We selected regional offices that were geographically dispersed and to cover at least two regional offices for each agency. Collectively, the 10 regional offices we interviewed had some jurisdiction over land in all 50 states in the United States. We interviewed headquarters and regional agency officials about the LWCF programs they implemented and the process they used to select federal land acquisition projects. We also interviewed officials at a total of eight land units across the four agencies, as shown in table 3.

**Table 3: Federal Agency Land Units Selected and Their Locations**

Agency	Land unit selected	Land unit location
Bureau of Land Management	Sands Desert Habitat Management Area	Eastern Idaho
Bureau of Land Management	Rio Grande del Norte National Monument	New Mexico
Fish and Wildlife Service	Everglades Headwaters National Wildlife Refuge and Conservation Area	Florida
Fish and Wildlife Service	Blackwater National Wildlife Refuge	Maryland
National Park Service	Grand Teton National Park	Wyoming
National Park Service	Hawai'i Volcanoes National Park	Hawaii
Forest Service	Cherokee National Forest	Tennessee
Forest Service <sup>a</sup>	Pacific Crest National Scenic Trail	Washington, Oregon, and California

Source: GAO summary of interviews conducted with land units. | GAO 19-346

<sup>a</sup>The Forest Service is the lead federal agency for managing the Pacific Crest Trail. The Forest Service partners with the Bureau of Land Management, National Park Service, California State Parks, and the Pacific Crest Trail Association, as well as local and state government, to coordinate the management and operation of the trail.

We selected land units based on geographic diversity and to cover two land units for each agency. We selected units that had experience with large LWCF core land acquisition projects in terms of the amount of LWCF funds spent, and we included some units that had experience with recreational access or time-sensitive projects. We interviewed land unit officials about the role they played in selecting federal land acquisition projects and how they identified lands to acquire. We also interviewed officials from eight conservation organizations that were familiar with the federal land acquisition process and who were knowledgeable about the

<sup>1</sup>BLM does not have regional offices, but instead has state offices, some of which oversee activities in multiple states. For reporting purposes, we are using the term regional office to include these state offices.

process to acquire federal lands with LWCF funds. To identify these organizations, we asked federal officials for the organizations they had worked with in the land acquisition process. These organizations ranged from conservation groups involved in projects across the country to organizations that had a more specific focus on conserving a particular geographic area. The eight conservation organizations were Ducks Unlimited, Land Trust Alliance, Rocky Mountain Elk Foundation, Southern Appalachian Highlands Conservancy, The Conservation Fund, The Nature Conservancy, The Trust for Public Land, and Western Rivers Conservancy. The views from the regional office, land unit, and conservation organization interviews are not generalizable but provided a range of perspectives on the LWCF.

To examine the federal lands that the agencies acquired using LWCF funds for fiscal years 2013 through 2017, we analyzed data from BLM, FWS, the Park Service, and the Forest Service on the lands they had acquired. We selected this time period because it represented the most recent 5-year period for which data were available at the time of our review. For all four agencies, we requested data on the lands they had acquired with LWCF funds, including the number of acres acquired with LWCF funds, the acquisition method used, and the interest acquired in the land. We obtained available data from the following agency data systems:

- BLM's Legacy Rehost 2000 (LR2000) data system, which the agency uses to maintain land and mineral records for the agency.
- FWS's Land Record System, which the agency uses to gather land acquisition data.
- The Park Service's Management Information System, which the agency uses to gather land acquisition data.
- The Forest Service's Landownership Adjustment Data System, which the agency uses to gather land acquisition data.

BLM supplemented the data it provided to us by obtaining additional information on land acquisition method and land interest acquired from its field offices because these data were not in the agency's data system, as discussed in this report. To determine the reliability of the data from the four agencies, we conducted electronic testing of the data we obtained. We also interviewed agency officials who were familiar with these data systems about the purpose of the systems, who is responsible for entering data, and steps the agencies took to ensure accuracy of the data, among other things. For the supplementary data BLM obtained from

its field offices, we compared these data with land records data from the agency's data system, and we interviewed agency officials about the process they used to obtain these supplementary data. We determined that the data from the four agencies were sufficiently reliable for our purposes to generate descriptive statistics on the lands agencies acquired with LWCF funds. We also interviewed agency officials at the headquarters, regional, and land unit levels about land acquisition projects that occurred in their units and the reasons for the acquisitions with LWCF funds.

We conducted this performance audit from February 2018 to May 2019 in accordance with generally accepted auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

# Appendix II: Appropriations from the Land and Water Conservation Fund

Table 4 shows appropriations from the Land Water Conservation Fund (LWCF) for fiscal years 2014 through 2018 across different programs.

**Table 4: Information on Appropriations from the Land and Water Conservation Fund (LWCF) by Program, Fiscal Years 2014 through 2018**

(Dollars in thousands)

Program name	Fiscal year 2014	Fiscal year 2015	Fiscal year 2016	Fiscal year 2017	Fiscal year 2018
Bureau of Land Management Land Acquisition <sup>a</sup>	19,463	19,746	38,630	31,416	24,916
Fish and Wildlife Service Land Acquisition <sup>a</sup>	54,422	44,535	58,500	49,995	53,839
National Park Service Land Acquisition <sup>a</sup>	41,024	41,857	53,670	42,023	46,935
Forest Service Land Acquisition <sup>a</sup>	43,525	47,500	63,435	54,415	64,337
Department of the Interior Office of Valuation Services <sup>b</sup>	12,168	12,000	12,618	11,000	10,242
Subtotal for federal land acquisition	170,602	165,638	226,853	188,849	200,269
State Grants <sup>c</sup>	48,090	48,117	110,000	110,006	124,006
Forest Legacy Program <sup>d</sup>	50,965	53,000	62,347	50,345 <sup>e</sup>	61,087 <sup>f</sup>
Cooperative Endangered Species Conservation Fund <sup>g</sup>	27,400	27,400	30,800	30,800	19,638
American Battlefield Protection Program <sup>h</sup>	8,986	8,986	10,000	10,000	10,000
Highlands Conservation Act of 2004 <sup>i</sup>	0	3,000	10,000	10,000	10,000
<b>Total LWCF appropriations</b>	<b>306,043</b>	<b>306,141</b>	<b>450,000</b>	<b>400,000</b>	<b>425,000</b>

Source: GAO analysis of agency data and budget justifications. | GAO 19-346

Note: Dollar amounts in this table are in nominal terms, meaning they have not been adjusted for inflation.

<sup>a</sup>The appropriations provided for each agency's land acquisition account are typically used to fund larger-scale projects as specified in the agencies' budget justifications, as well as projects that promote recreational access at land units they manage or that allow them to purchase tracts of land



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**Appendix II: Appropriations from the Land and Water Conservation Fund**

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that come up for sale unexpectedly. The agencies also use appropriations for salaries of staff who perform activities involved in processing real estate transactions, such as performing title work.

<sup>b</sup>This office supports the land agencies within the Department of the Interior during the process of preparing and reviewing appraisals that are prepared as part of the land acquisition process. In March 2018, this office was combined with Office of Appraisal Services to create the Appraisal and Valuation Services Office.

<sup>c</sup>The National Park Service administers this program, which provides matching grants to states for outdoor recreation planning; acquisition of land, water, or interests in land or water; and development. States must provide matching funds that cover at least 50 percent of the project's cost. These funds cannot be used to acquire federal land, according to agency officials. These funding amounts only reflect the amount of funding from the LWCF. This program also receives appropriations under the Gulf of Mexico Energy Security Act. Pub. L. No. 109-432, Div. C, § 105(a)(2)(B), 120 Stat. 3000, 3004 (2006).

<sup>d</sup>The Forest Service administers this program, which provides grants to state agencies to acquire interests in land for promoting forest land protection and other conservation opportunities. These funds are generally not used to acquire federal land, according to agency officials.

<sup>e</sup>In fiscal year 2017, the Forest Legacy Program received an appropriation of \$62,347,000 from the LWCF. Congress also rescinded \$12,002,000 from the unobligated balances from amounts made available for the Forest Legacy Program and derived from the LWCF.

<sup>f</sup>In fiscal year 2018, the Forest Legacy Program received an appropriation of \$67,025,000 from the LWCF. Congress also rescinded \$5,938,000 from the unobligated balances from amounts made available for the Forest Legacy Program and derived from the LWCF.

<sup>g</sup>The Fish and Wildlife Service administers this program, which provides matching grants to states that have cooperative agreements to, among other things, assist in the development of programs for the conservation of endangered or threatened species under section 6 of the Endangered Species Act. States provide matching funds of at least 10 or 25 percent of the program's cost, depending on the type of program. These funds are not used to acquire federal land, according to agency officials. These numbers only reflect the amount of LWCF funding going to the Cooperative Endangered Species Conservation Fund; there are other sources of funding for this program as well.

<sup>h</sup>The National Park Service administers this program, which provides funding to states and local governments, enabling them to acquire battlefield land from the Revolutionary War, War of 1812, or Civil War sites for the preservation and protection of those sites. Grant recipients provide matching funds of at least 50 percent of the total acquisition cost. The program also provides planning grants to groups, governments, or institutions for identifying, researching, evaluating, interpreting, and protecting historical battlefield and associated sites. These funds are not used to acquire federal land, according to agency officials.

<sup>i</sup>The Fish and Wildlife Service administers this program, which provides grants to certain entities for land conservation partnership projects, meeting specified conditions, including being located in one of the Highlands states, which are Connecticut, New Jersey, New York, and Pennsylvania. These funds are not used to acquire federal land, according to agency officials.

# Appendix III: Bureau of Land Management's (BLM) Use of the Land and Water Conservation Fund (LWCF)

Below is a summary on BLM's use of LWCF appropriations and the process the agency uses to select federal land acquisition projects. We compiled this information by reviewing agency documents, analyzing agency data, and interviewing agency officials.

## Background on Lands BLM Manages and Its Organization

- BLM manages lands under a multiple-use approach, meaning that it allows a variety of uses on its lands, including energy development, livestock grazing, and recreation, while helping to ensure that the natural, cultural, and historic resources are maintained for present and future use.
- BLM manages about 245 million surface acres of land, which are primarily located in 12 western states. About 15 percent of these lands are under federally designated conservation protections, including 27 national monuments, 224 wilderness areas, and 69 wild and scenic rivers.<sup>1</sup> In addition, BLM also manages 700 million acres of subsurface mineral estate.
- BLM has its headquarters office in Washington, D.C. and 12 state offices, which each have several district and field offices. Within BLM's headquarters, the Lands, Realty, and Cadastral Survey Program is responsible for overseeing federal land acquisition.

## Appropriations BLM Received from the LWCF for Fiscal Years 2014 through 2018

For fiscal years 2014 through 2018, BLM received an average of about \$27 million per year in total appropriations from the LWCF. According to

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<sup>1</sup>These lands are part of BLM's National Conservation Lands, which include about 36 million acres designated by Congress and the President to conserve special features, such as rivers or wilderness areas.

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**Appendix III: Bureau of Land Management's  
(BLM) Use of the Land and Water Conservation  
Fund (LWCF)**

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agency officials, BLM only receives appropriations from the LWCF for federal land acquisition. Table 5 provides information on BLM's appropriations from the LWCF.

**Appendix III: Bureau of Land Management's  
(BLM) Use of the Land and Water Conservation  
Fund (LWCF)**

**Table 5: Bureau of Land Management (BLM) Division of Appropriations from the Land and Water Conservation Fund (LWCF), Fiscal Years 2014 through 2018**

(dollars in thousands)

	Fiscal year 2014	Fiscal year 2015	Fiscal year 2016	Fiscal year 2017	Fiscal year 2018
Core projects <sup>a</sup>	15,949	14,226	27,014	19,800	13,300
Recreational access projects <sup>b</sup>	0	2,000	8,000	8,000	8,000
Time-sensitive projects <sup>c</sup>	1,616	1,616	1,616	1,616	1,616
Acquisition management <sup>d</sup>	1,898	1,904	2,000	2,000	2,000
<b>Total LWCF appropriations</b>	<b>19,463</b>	<b>19,746</b>	<b>38,630</b>	<b>31,416</b>	<b>24,916</b>

Source: GAO analysis of agency data and budget justifications. | GAO-19-346

Note: Dollar amounts in this table are in nominal terms, meaning they have not been adjusted for inflation.

<sup>a</sup>Core projects are specific land acquisition projects submitted to Congress for consideration as part of the annual appropriations process.

<sup>b</sup>Recreational access projects are land acquisition projects that improve recreational access for hunting, fishing, and other activities. Core projects and time-sensitive projects can also improve recreational access.

<sup>c</sup>Time-sensitive projects include land acquisition projects that come up for sale unexpectedly, such as when a landowner becomes ill and wishes to sell his or her land quickly. BLM refers to this category as Inholdings/Emergencies/Hardships in departmental data.

<sup>d</sup>Acquisition management funding is used by agencies to pay their land acquisition staff and cover associated costs such as travel. At BLM, the agency can also use this funding for realty work, such as title or appraisal work.

**Process BLM Uses to Select Federal Land Acquisition Projects**

The following summaries are based on our review of BLM documents and interviews with BLM officials.

- **Core projects.** On an annual basis, BLM headquarters requests state offices to nominate projects to receive funding from the LWCF, and the state offices, in turn, contact field offices for project nominations. The BLM state offices review and prioritize the projects based on general criteria laid out in an instruction memo from headquarters, such as whether the project supports multiple resource goals and whether the project has received prior LWCF funding. BLM state offices provide a prioritized list of projects to headquarters along with information on these projects, such as a project description and maps. At headquarters, the National Review Team, which is composed of state, district, and field office staff, uses five criteria to score and rank the projects. The review team sends the ranked projects to the BLM Director for review before sending them to officials at the Department

of the Interior—the Assistant Secretary for Lands and Minerals and the Assistant Secretary Policy, Management, and Budget—for review. Project selections are then sent to the Office of Management and Budget for review prior to being sent to Congress as part of the agency's budget submission.<sup>2</sup> Congress reviews the prioritized list of projects and determines how much it will appropriate for core land acquisition projects.

- **Recreational access projects.** The process BLM uses is similar to the process used for core projects. However, BLM waits until it receives its land acquisition appropriation before it initiates the selection process for these types of projects. BLM does not submit recreational access projects to Congress for approval as part of its budget submission but provides a list of these projects to Congress for informational purposes.
- **Time-sensitive projects.**<sup>3</sup> In general, BLM field offices will notify a director in a state office about a property that comes up for sale unexpectedly, and the state director will then contact headquarters. Headquarters reviews the project and considers funding it based on whether it will provide recreational access and whether it will allow the agency to respond to a time-sensitive land acquisition opportunity.

### Criteria BLM Uses to Select Federal Land Acquisition Projects

Table 6 provides information on the criteria that BLM uses to select various LWCF projects.

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<sup>2</sup>According to agency officials, BLM did not submit core projects in its fiscal year 2018 or fiscal year 2019 budget submissions because the Administration did not request funding for core projects. However, Congress directed the agency to continue to undertake its process of identifying and prioritizing potential projects for congressional consideration, which the agency completed.

<sup>3</sup>In the data that the Department of the Interior provided to us, they called this category Inholdings/Emergencies/Hardships. We are using the term time-sensitive projects to use a standard term across agencies.

**Appendix III: Bureau of Land Management's  
(BLM) Use of the Land and Water Conservation  
Fund (LWCF)**

**Table 6: Criteria the Bureau of Land Management (BLM) Uses to Select and Prioritize Potential Land and Water Conservation Fund Projects**

	<b>Core projects<sup>a</sup></b>	<b>Recreational access projects<sup>b</sup></b>	<b>Time-sensitive projects<sup>c</sup></b>
Criteria used	<ul style="list-style-type: none"> <li>Public access. Provides new or increased access to previously inaccessible public lands and waters.</li> <li>Opportunity. Provides opportunity for a wide variety of recreational uses than at present and has strong community support for access.</li> <li>Variety of access. Provides a variety of recreational access for the public to enjoy (e.g. land based or water based, motorized, bike).</li> <li>Contribution. Includes outside funding for the transaction or is being offered below market value.</li> <li>State directors' priority. Considers the state director's priority for the acquisition.</li> <li>The agency has assigned points to these criteria but does not release these point values publicly, in part because it does not want BLM state offices to write project proposals solely to meet the criteria.</li> </ul>	<ul style="list-style-type: none"> <li>Same criteria and point values as used for core projects.</li> </ul>	<ul style="list-style-type: none"> <li>Whether the project will provide recreational access.</li> <li>Whether the project allows agency to respond to a time-sensitive land acquisition opportunity.</li> <li>No points are assigned to these criteria.</li> </ul>

Source: GAO analysis of agency documents and interviews with agency officials. | GAO 19-346

<sup>a</sup>Core projects are specific land acquisition projects submitted to Congress for consideration as part of the annual appropriations process.

<sup>b</sup>Recreational access projects are land acquisition projects that improve recreational access for hunting, fishing, and other recreational activities. Core projects and time-sensitive projects can also improve recreational access.

<sup>c</sup>Time-sensitive projects include land acquisition projects that come up for sale unexpectedly, such as when a landowner becomes ill and wishes to sell his or her land quickly.

# Appendix IV: Fish and Wildlife Service's (FWS) Use of the Land and Water Conservation Fund (LWCF)

Below is a summary on FWS's use of LWCF appropriations and the process the agency uses to select land acquisition projects. We compiled this information by reviewing agency documents, analyzing agency data, and interviewing agency officials.

## **Background on Lands FWS Manages and Its Organization**

- The primary mission of FWS is to conserve fish, wildlife, and plants for the benefit of the American people.
- FWS manages approximately 855 million acres of land and waters. The agency's responsibilities include managing 567 national wildlife refuges, 38 wetland management districts, and more than 70 national fish hatcheries and related facilities.
- FWS has its headquarters in Washington, D.C., and Falls Church, Virginia, and eight regional offices. Within FWS's headquarters, the Division of Realty is responsible for overseeing federal land acquisition.

## **Appropriations FWS Received from the LWCF for Fiscal Years 2014 through 2018**

For fiscal years 2014 through 2018, FWS received an average of about \$84.1 million per year in appropriations from the LWCF. The majority of the funding FWS received from the LWCF was for federal land acquisition. FWS also received funding for the Cooperative Endangered Species Conservation Fund and the Highlands Conservation Program. Table 7 provides information on FWS's appropriations from the LWCF.

**Appendix IV: Fish and Wildlife Service's (FWS)  
Use of the Land and Water Conservation Fund  
(LWCF)**

**Table 7: Fish and Wildlife Service (FWS) Division of Appropriations from the Land and Water Conservation Fund (LWCF), Fiscal Years 2014 through 2018**

(dollars in thousands)

	Fiscal year 2014	Fiscal year 2015	Fiscal year 2016	Fiscal year 2017	Fiscal year 2018
Core projects <sup>a</sup>	35,071	25,071	35,911	27,406	31,250
Recreational access projects <sup>b</sup>	0	0	2,500	2,500	2,500
Time-sensitive projects <sup>c</sup>	7,351	5,351	5,351	5,351	5,351
Acquisition Management <sup>d</sup>	10,500	12,613	12,773	12,773	12,773
Land Protection Planning <sup>e</sup>	0	0	465	465	465
Exchanges <sup>f</sup>	1,500	1,500	1,500	1,500	1,500
Cooperative Endangered Species Conservation Fund <sup>g</sup>	27,400	27,400	30,800	30,800	19,638
Highlands Conservation Act Grant Program <sup>h</sup>	0	3,000	10,000	10,000	10,000
<b>Total LWCF appropriations</b>	<b>81,822</b>	<b>74,935</b>	<b>99,300</b>	<b>90,795</b>	<b>83,477</b>

Source: GAO analysis of agency data and budget justifications. | GAO 19-346

Note: Dollar amounts in this table are in nominal terms, meaning they have not been adjusted for inflation.

<sup>a</sup>Core projects are specific land acquisition projects submitted to Congress for consideration as part of the annual appropriations process.

<sup>b</sup>Recreational access projects are land acquisition projects that improve recreational access for hunting, fishing, and other recreational activities. Core projects and time-sensitive projects can also improve recreational access.

<sup>c</sup>Time-sensitive projects include land acquisition projects that come up for sale unexpectedly, such as when a landowner becomes ill and wishes to sell his or her land quickly. FWS refers to this category as Inholdings/Emergencies/Hardships in departmental data.

<sup>d</sup>Acquisition management funding is used by agencies use to pay their land acquisition staff. At FWS, the agency can also use this funding for realty work such as title or appraisal work.

<sup>e</sup>According to agency officials, FWS uses these funds to pay salaries and benefits of staff (outside the Land Acquisition program) who prepare planning and environmental documentation for proposed new refuges and proposed refuge expansions.

<sup>f</sup>According to agency officials, FWS uses these funds account to pay the salaries and benefits of staff who conduct land exchanges and to pay for incidental costs associated with land exchanges.

<sup>g</sup>This program provides matching grants to states that have cooperative agreements to, among other things, assist in the development of programs for the conservation of endangered or threatened species under section 6 of the Endangered Species Act. States provide matching funds of at least 10 or 25 percent of the program's cost, depending on the type of program. These funds are not used to acquire federal land according to agency officials. These numbers only reflect the amount of LWCF funding going to the Cooperative Endangered Species Conservation Fund; there are other sources of funding for this program as well.

<sup>h</sup>This program provides grants to certain entities for land conservation partnership projects, meeting specified conditions, including being located in one of the Highlands states, which are Connecticut, New Jersey, New York, and Pennsylvania. These funds are not used to acquire federal land, according to agency officials.



### Process FWS Uses to Select Federal Land Acquisition Projects

The following summaries are based on our review of FWS documents and interviews with FWS officials.

- **Core projects.** On an annual basis, FWS headquarters sends a memo to regional offices requesting their top five refuges with land acquisition projects for LWCF funding, and the regional offices in turn contact national wildlife refuges for project nominations. According to this memo, regions should consider the recreational potential and resource value of the projects. The regional offices provide a list of their top five projects to headquarters along with a description of these projects. At headquarters, the FWS Director or Deputy Director reviews the information on the projects to develop a ranked list of refuges. Information on the projects includes an assessment of the wildlife in a particular refuge and the threats they face, known as the Targeted Resource Acquisition Comparison Tool (TRACT) assessment.<sup>1</sup> The Chief of the Division of Realty and the regional realty officers meet annually to review and discuss the Director's ranked list of projects for LWCF funding. After the list is finalized, it is sent to the Assistant Secretary for Fish and Wildlife and Parks and Department of the Interior budget officials for review before it is sent to the Office of Management and Budget for review. The list is then sent to Congress as part of the budget process.<sup>2</sup> Congress reviews the prioritized list of projects and appropriates funding for core land acquisition projects.
- **Recreational access projects.** After it receives its land acquisition appropriation, FWS headquarters contacts regional offices for recreational access project nominations, and those offices contact national wildlife refuges for project nominations. According to a headquarters memo, regions should consider whether the projects will

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<sup>1</sup>TRACT is a tool that FWS uses to determine whether there are endangered or threatened wildlife or plant species in a national wildlife refuge and the extent of the threat they face. The tool does not generate a specific score, but rather places the refuges into one of four tiers depending on the extent of the threat faced by species in a particular refuge. FWS uses the tool to help gauge the extent to which a proposed acquisition would help these species.

<sup>2</sup>According to agency officials, FWS did not submit core projects in its fiscal year 2018 or fiscal year 2019 budget submissions because the Administration did not request funding for core projects. However, Congress directed the agency to continue to undertake its process of identifying and prioritizing potential projects for congressional consideration, which the agency completed.

provide hunting and/or fishing access to existing refuges that are currently inaccessible, among other things. Regional offices provide a list of projects along with their descriptions to headquarters, where they are reviewed by the Chief of the Division of Realty and the Chief of the National Wildlife Refuge System. The prioritized list of projects is then sent to the Director of FWS, and the Director reviews the list and can make changes to it. Once the Director approves the list, it is sent to the Assistant Secretary for Fish and Wildlife and Parks and Department of the Interior budget officials for review before it is sent to the Office of Management and Budget for review. Once the Office of Management and Budget approves the list, the Department of the Interior sends a memorandum to Congress with the list of projects and project descriptions for informational purposes.

- **Time-sensitive projects.** After it receives its land acquisition appropriation, FWS headquarters contacts regional offices for time-sensitive project nominations, and those offices in turn contact national wildlife refuges for project nominations. To identify potential projects, regions consider whether there is an imminent threat to a refuge if a tract is not acquired, among other things. Regional offices provide a list of nominated projects to headquarters along with information on the projects, such as where there is a willing seller and whether the land acquisition will occur by a certain date. The Chief of the National Wildlife Refuge System determines which projects to select. FWS provides a list of these projects to Congress for informational purposes.

#### **Criteria FWS Uses to Select Federal Land Acquisition Projects**

Table 8 provides information on the criteria that FWS uses to select various LWCF projects.

**Appendix IV: Fish and Wildlife Service's (FWS)  
Use of the Land and Water Conservation Fund  
(LWCF)**

**Table 8: Criteria the Fish and Wildlife Service (FWS) Uses to Select and Prioritize Land and Water Conservation Fund Projects**

	<b>Core projects<sup>a</sup></b>	<b>Recreational access<sup>b</sup></b>	<b>Time-sensitive projects<sup>c</sup></b>
Criteria used	<ul style="list-style-type: none"> <li>Targeted Resource Acquisition Comparison Tool (TRACT)<sup>d</sup> assessments for refuge, which identify wildlife species at a refuge and the extent of the threat they face. The tool places the refuges into one of four tiers depending on the extent of the threat faced by species in a particular refuge. FWS uses the tool to help gauge the extent to which a proposed acquisition would help these species.</li> <li>Regional office recommendations.</li> <li>Administration priorities for land acquisitions. Congressional support for the project.</li> <li>No points are assigned for these criteria. Weighting of the criteria is at the Director's discretion for which projects will most address FWS's priorities.</li> </ul>	<ul style="list-style-type: none"> <li>The criteria are whether projects:               <ul style="list-style-type: none"> <li>provide hunting and/or fishing access to refuge areas that are currently inaccessible;</li> <li>improve access to existing federal parcels that are open to hunting and/or fishing;</li> <li>acquire areas that can be readily opened to hunting and/or fishing;</li> <li>acquire areas that create or expand wildlife viewing, interpretation, environmental education, or photography opportunities; and</li> <li>are ready to close by a certain date.</li> </ul> </li> <li>No points are assigned to these criteria.</li> </ul>	<ul style="list-style-type: none"> <li>Land needs to be within refuge's acquisition boundary, and the acquisition should be ready to close.</li> <li>Cost of acquisition should be less than \$300,000.</li> <li>No points are assigned to these criteria.</li> </ul>

Source: GAO analysis of agency documents and interviews with agency officials. | GAO 19-346

<sup>a</sup>Core projects are specific land acquisition projects submitted to Congress for consideration as part of the annual appropriations process.

<sup>b</sup>Recreational access projects are land acquisition projects that improve recreational access for hunting, fishing, and other recreational activities. Core projects and time-sensitive projects can also improve recreational access.

<sup>c</sup>Time-sensitive projects include land acquisition projects that come up for sale unexpectedly, such as when a landowner becomes ill and wishes to sell his or her land quickly.

<sup>d</sup>TRACT is a tool that FWS uses to determine whether there are endangered or threatened wildlife species in a national wildlife refuge and the extent of the threat they face. The tool does not generate a specific score, but rather places the refuges into one of four tiers depending on the extent of the threat faced by species in a particular refuge. FWS uses the tool to help gauge the extent to which a proposed acquisition would help these species

# Appendix V: National Park Service's (Park Service) Use of the Land and Water Conservation Fund (LWCF)

Below is a summary on the Park Service's use of LWCF appropriations and the process the agency uses to select land acquisition projects. We compiled this information by reviewing agency documents, analyzing agency data, and interviewing agency officials.

## **Background on Lands the Park Service Manages and Its Organization**

- The mission of the Park Service is to preserve unimpaired the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of the present and future generations.
- The Park Service has 419 park units as of March 2019, which encompass more than 85 million acres in all 50 states, the District of Columbia, and U.S. territories. The Park Service has its headquarters in Washington, D.C., and seven regional offices.
- The Park Service's Land Resources Division is responsible for overseeing federal land acquisition.

## **Appropriations the Park Service Received from the LWCF for Fiscal Years 2014 through 2018**

For fiscal years 2014 through 2018, the Park Service received an average of about \$143 million per year in appropriations from the LWCF. Table 9 provides information on the Park Service's appropriations from the LWCF.

**Appendix V: National Park Service's (Park Service) Use of the Land and Water Conservation Fund (LWCF)**

**Table 9: National Park Service (Park Service) Division of Appropriations from the Land and Water Conservation Fund (LWCF), Fiscal Years 2014 through 2018**

(dollars in thousands)

	Fiscal year 2014	Fiscal year 2015	Fiscal year 2016	Fiscal year 2017	Fiscal year 2018
Core projects <sup>a</sup>	22,067	23,475	33,135	21,488	26,400
Recreational Access projects <sup>b</sup>	0	0	2,000	2,000	2,000
Time-sensitive projects <sup>c</sup>	9,457	8,856	8,856	8,856	8,856
Acquisition management <sup>d</sup>	9,500	9,526	9,679	9,679	9,679
American Battlefield Protection Program <sup>e</sup>	8,986	8,986	10,000	10,000	10,000
State Grant Program <sup>f</sup>	48,090	48,117	110,000	110,006	124,006
<b>Total LWCF appropriations</b>	<b>98,100</b>	<b>98,960</b>	<b>173,670</b>	<b>162,029</b>	<b>180,941</b>

Source: GAO analysis of agency data and budget justifications. | GAO 19-346

Note: Dollar amounts in this table are in nominal terms, meaning they have not been adjusted for inflation.

<sup>a</sup>Core projects are specific land acquisition projects submitted to Congress for consideration as part of the annual appropriations process.

<sup>b</sup>Recreational access projects are land acquisition projects that improve recreational access for hunting, fishing, and other recreational activities. Core projects and time-sensitive projects can also improve recreational access.

<sup>c</sup>Time-sensitive projects include land acquisition projects that come up for sale unexpectedly, such as when a landowner becomes ill and wishes to sell his or her land quickly. The Park Service refers to this category as Emergencies/Hardships/Relocations and Inholdings/Donations/Exchanges in departmental data.

<sup>d</sup>Acquisition management is used by agencies to pay their land acquisition staff and cover associated costs, such as travel.

<sup>e</sup>The American Battlefield Protection Program provides funding to states and local governments to acquire battlefield land from the Revolutionary War, War of 1812, or Civil War sites for their preservation and protection.

<sup>f</sup>This program provides matching grants to states for outdoor recreational planning, acquisition of lands, and development of outdoor recreational facilities, such as roadside picnic grounds, swimming complexes, and boating facilities. The Park Service provides funding based on a formula to all 50 states, the District of Columbia, and U.S. territories. This funding amount only reflects funding from the LWCF. This program also receives appropriations under the Gulf of Mexico Energy Security Act. Pub. L. No. 109-432, Div. C, § 105(a)(2)(B), 120 Stat. 3000, 3004 (2006).

**Process the Park Service Uses to Select Federal Land Acquisition Projects:**

The following summaries are based on our review of Park Service documents and interviews with Park Service officials.

- **Core projects.** On an annual basis, the Park Service headquarters sends a memo to regional offices requesting nominations of projects to receive funding from the LWCF, and the regional offices in turn contact park units for their nominations. Park units consult their land management plans, among other things, to identify potential projects. According to the headquarters memo, park units are to submit information on proposed projects to the regional offices using a standard form. A panel of regional office staff then reviews and scores the projects to develop a ranked list using criteria identified in the memo. The regional offices are not limited in the number of projects they can request. The regions send their ranked project lists to headquarters, where a national panel scores and ranks the projects using additional criteria described in the memo. These criteria include whether there is Congressional and local support for the proposed project. The Park Service's national project list is sent to the Park Service Director for review and approval before it is submitted to officials from the Department of the Interior budget office and the Assistant Secretary of Fish, Wildlife and Parks. The Secretary of the Interior approves the list, before it is sent to the Office of Management and Budget for review. The approved projects are included in the agency's budget submission that is provided to Congress.<sup>1</sup>
- **Recreational access projects.** After the Park Service receives its land acquisition appropriation, headquarters officials review requests from the current fiscal year's core projects that were not funded and identify projects that will provide recreational access. Park Service headquarters confirms with the regional offices that the projects are still viable, and if so, approve funds to be distributed to the regions for the acquisitions. The Park Service provides the final project list to Congress for informational purposes.
- **Time-sensitive projects.** After the Park Service receives its land acquisition appropriation, headquarters allocates LWCF funds for time-sensitive projects as the need arises. In general, an official from a Park Service regional office contacts Park Service headquarters about whether funds are available for a time-sensitive acquisition that has been identified by a park unit. Headquarters reviews the project and determines whether to fund it.

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<sup>1</sup>According to agency officials, the Park Service did not submit core projects in its fiscal year 2018 or fiscal year 2019 budget submissions because the Administration did not request funding for core projects. However, Congress directed the agency to continue to undertake its process of identifying and prioritizing potential projects for congressional consideration, which the agency completed.

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**Criteria the Park Service Uses to Select Federal Land Acquisition Projects**

Table 10 provides information on the criteria that the Park Service uses to select various LWCF projects.

**Appendix V: National Park Service's (Park Service) Use of the Land and Water Conservation Fund (LWCF)**

**Table 10: Criteria the National Park Service Uses to Select and Prioritize Land and Water Conservation Fund Projects**

Criteria used	Core projects <sup>a</sup>	Recreational access projects <sup>b</sup>	Time-sensitive projects <sup>c</sup>
	<p>Regional Scoring Criteria</p> <ol style="list-style-type: none"> <li><b>1. Resource threat.</b> Nature of threat, immediacy and validity of threat, and whether resource could be repaired if harmed. (max 25 points)</li> <li><b>2. Preservation of resource.</b> Importance and scarcity of resource, and ability of resource to enhance open space, landscape connectivity, and management efficiencies. (max 25 points)</li> <li><b>3. Visitor use and infrastructure.</b> Whether acquisition supports proposed structure or facility. (max 20 points)</li> <li><b>4. Commitment made to acquire.</b> Extent to which seller has committed to convey parcel. (max 15 points)</li> <li><b>5. Nonprofit/partner involvement.</b> Whether a non-profit/partner is involved in acquisition. (max 10 points)</li> <li><b>6. Continuity.</b> Whether part of multi-phase project or planned effort within the unit. (max 10 points)</li> <li><b>7. Recreation.</b> Recreational opportunities that will be enhanced if parcel acquired. (max 10 points)</li> <li><b>8. Hardship.</b> Circumstances that create hardship for the owner, such as medical or financial hardship in which owner must liquidate assets. (max 5 points)</li> </ol> <p>Headquarters Scoring Criteria</p> <ol style="list-style-type: none"> <li><b>1. Legislative authority.</b> Whether legislative authority is needed for the parcel request. (max 15 points)</li> <li><b>2. Ability to obligate funds.</b> The extent to which preacquisition work has been completed. (max 15 points)</li> <li><b>3. Current LWCF funds.</b> LWCF funds carried over from previous years, and availability of matching funds. (max 15 points)</li> <li><b>4. Regional priority.</b> Point allocation determined by region to identify regional priority of the project. (max 10 points)</li> <li><b>5. Current economic price escalation factor.</b> More points allocated for projects in locations where costs are expected to continue rising. (max 10 points)</li> <li><b>6. Congressional and local support.</b> Points allocation based on political support for the project. (max 10 points)</li> <li><b>7. Park type.</b> Whether park meets Department and Administration priorities for coming budget cycle. (max 5 points)</li> <li><b>8. Out-year costs or savings.</b> The costs or savings in operation/administration or maintenance that would result from the acquisition. (max 10 points)</li> </ol>	<ul style="list-style-type: none"> <li>• As the Park Service considers projects that were proposed as core projects but were not funded, recreational access projects are therefore assessed using the same criteria and points as used for the core process.</li> <li>• Acquisition will provide access to land where there is not already access.</li> </ul>	<ul style="list-style-type: none"> <li>• Funding for Inholdings is to be used for projects located within a Park Service unit authorized prior to fiscal year 1960, according to Park Service officials.</li> <li>• Funding for Emergencies/Hardships/ Relocation and Donations/Exchanges projects can be used for any Park Service unit.</li> <li>• No points are assigned to these criteria.</li> </ul>

Source: GAO analysis of agency documents and interviews with agency officials. | GAO 19-346

<sup>a</sup>Core projects are specific land acquisition projects submitted to Congress for consideration as part of the annual appropriations process.



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**Appendix V: National Park Service's (Park Service) Use of the Land and Water Conservation Fund (LWCF)**

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<sup>b</sup>Recreational access projects are land acquisition projects that improve recreational access for hunting, fishing, and other recreational activities. Core projects and time-sensitive projects can also improve recreational access.

<sup>c</sup>Time-sensitive projects include land acquisition projects that come up for sale unexpectedly, such as when a landowner becomes ill and wishes to sell his or her land quickly. The Park Service refers to this category as Emergencies/Hardships/Relocations and Inholdings/Donations/Exchanges in departmental data.

# Appendix VI: Forest Service's Use of the Land and Water Conservation Fund (LWCF)

Below is a summary on the Forest Service's use of LWCF appropriations and the process the agency uses to select land acquisition projects. We compiled this information by reviewing agency documents, analyzing agency data, and interviewing agency officials.

## **Background on Lands the Forest Service Manages and Its Organization**

- The mission of the Forest Service is to sustain the health, diversity, and productivity of the nation's forests and grasslands to meet the needs of present and future generations.
- The Forest Service manages about 193 million acres, including 154 national forests and 20 national grasslands, among other nationally designated areas. National Forest System lands are found in 43 states as well as Puerto Rico and the Virgin Islands. The Forest Service has headquarters in Washington, D.C., and nine regional offices.
- Within the Forest Service's headquarters, the Lands and Realty Management program is responsible for overseeing federal land acquisition.

## **Appropriations the Forest Service Received from the LWCF for Fiscal Years 2014 through 2018**

For fiscal years 2014 through 2018, the Forest Service received an average of about \$110 million per year in appropriations from the LWCF. Table 11 provides information on the Forest Service's appropriations from the LWCF.

**Appendix VI: Forest Service's Use of the Land and Water Conservation Fund (LWCF)**

**Table 11: Forest Service Division of Appropriations from the Land and Water Conservation Fund (LWCF), Fiscal Years 2014 through 2018**

(dollars in thousands)

	Fiscal year 2014	Fiscal year 2015	Fiscal year 2016	Fiscal year 2017	Fiscal year 2018
Core projects <sup>a</sup>	31,300	36,000	44,685	39,413	50,035
Recreational Access <sup>b</sup>	0	2,000	8,000	4,700	4,700
Time-sensitive projects <sup>c</sup>	4,725 <sup>d</sup>	1,500	2,000	2,000	2,000
Acquisition Management <sup>e</sup>	7,500	7,500	8,500	7,552	7,352
Cash Equalization <sup>f</sup>	0 <sup>d</sup>	500	250	750	250
Forest Legacy Program <sup>g</sup>	50,965	53,000	62,347	50,345 <sup>h</sup>	61,087 <sup>i</sup>
<b>Total LWCF appropriations</b>	<b>94,490</b>	<b>100,500</b>	<b>125,782</b>	<b>104,760</b>	<b>125,424</b>

Source: GAO analysis of agency data and budget justifications. | GAO 19-346

Note: Dollar amounts in this table are in nominal terms, meaning they have not been adjusted for inflation.

<sup>a</sup>Core projects are specific land acquisition projects submitted to Congress for consideration as part of the annual appropriations process.

<sup>b</sup>Recreational access projects are land acquisition projects that improve recreational access for hunting, fishing, and other recreational activities. Core projects and time-sensitive projects can also improve recreational access.

<sup>c</sup>Time-sensitive projects include land acquisition projects that come up for sale unexpectedly, such as when a landowner becomes ill and wishes to sell his or her land quickly. The Forest Service refers to this category as Critical Inholdings/Wilderness in its data.

<sup>d</sup>For fiscal year 2014, appropriations to be used for the Forest Service's time-sensitive projects and cash equalization were combined, resulting in a total of \$4.725 million. This total figure is reflected in the table for time-sensitive projects, however a portion of this total was appropriated to be used for cash equalization.

<sup>e</sup>Agencies use acquisition management funding to pay their land acquisition staff and cover associated costs such as travel.

<sup>f</sup>Cash Equalization is a payment agencies make to a landowner as part of a land exchange if the disposed land is of lower value than the land the agency acquired from the exchange.

<sup>g</sup>This program provides grants to state agencies to acquire interests in land for promoting forest land protection and other conservation opportunities. These funds are generally not used to acquire federal land, according to agency officials.

<sup>h</sup>In fiscal year 2017, the Forest Legacy Program received an appropriation of \$62,347,000 from the LWCF. Congress also rescinded \$12,002,000 from the unobligated balances from amounts made available for the Forest Legacy Program and derived from the LWCF.

<sup>i</sup>In fiscal year 2018, the Forest Legacy Program received an appropriation of \$67,025,000 from the LWCF. Congress also rescinded \$5,938,000 from the unobligated balances from amounts made available for the Forest Legacy Program and derived from the LWCF.

## Process the Forest Service Uses to Select Federal Land Acquisition Projects

The following summaries are based on our review of Forest Service documents and interviews with Forest Service officials.

- **Core projects.** On an annual basis, Forest Service headquarters issues a memo to regional offices requesting that they nominate projects to receive funding from the LWCF, and the regional offices contact Forest Service land units for project nominations. The memo identifies the criteria for evaluating projects, such as the degree to which the proposed acquisition creates or enhances opportunities for recreation. Land units submit information on their proposed projects to the regional offices, and the regional offices review and score the projects using these criteria, and submit a prioritized list of projects to headquarters. At Forest Service headquarters, a national panel scores and ranks the projects using the same criteria the regions used and develops a prioritized project list that is sent to Forest Service senior officials for review and approval. The Secretary of Agriculture reviews and approves the final list of projects, before it is sent to the Office of Management and Budget and then to Congress as part of the Forest Service's budget submission.<sup>1</sup>
- **Recreational access projects.** After the Forest Service receives its land acquisition appropriation, headquarters notifies the regions of the amount of recreational access funding that will be distributed among the regions and requests that the regions update their work plans with proposed recreational access projects. Regions contact the land units to identify proposed projects. Headquarters reviews the proposed projects submitted by the regions to determine if they will provide recreational access. Headquarters then notifies Congress of the final project list.
- **Time-sensitive projects.** The Forest Service uses the same process it uses for recreational access projects, with the exception that the final list of projects is not submitted to Congress.

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<sup>1</sup>According to agency officials, the Forest Service did not submit core projects in its fiscal year 2018 or fiscal year 2019 budget submissions because the Administration did not request funding for core projects. However, Congress directed the agency to continue to undertake its process of identifying and prioritizing potential projects for congressional consideration, which the agency completed.

**Criteria the Forest Service Uses to Select Federal Land Acquisition Projects**

Table 12 provides information on the criteria that the Forest Service uses to select various LWCF projects.

**Table 12: Criteria the Forest Service Uses to Select and Prioritize Land and Water Conservation Fund Projects**

Criteria used	Core projects <sup>a</sup>	Recreational access <sup>b</sup>	Time-sensitive projects <sup>c</sup>
Criteria used	<p>There are six scored and one unscored criteria.</p> <p>Scored criteria:</p> <p><b>1) Recreation and recreational access.</b> Degree to which acquisition creates or enhances opportunities for recreation.(max 25 points)</p> <p><b>2) Watershed protection/climate change.</b> Degree that acquisition contributes to watershed improvement, protection, or restoration, and which supports climate change mitigation and adaptation (max 15 points)</p> <p><b>3) Threatened and endangered species and habitat.</b> Degree to which acquisition protects highly intact or functional habitat for threatened and endangered species. (max 15 points)</p> <p><b>4) Proposal tract location.</b> Whether tract is in Congressional designated area, an area with a special Forest Service designation, inside Forest Service boundary, or not within boundary. (max 15 points)</p> <p><b>5) Connecting communities/partner support.</b> Degree of community support for acquisition. (max 15 points)</p> <p><b>6) Regional ranking.</b> Regions can assign a total of 25 points across its nominated projects to identify the region's priorities for acquisition. National panel does not rescore this criterion.</p> <p>Unscored criterion:</p> <p><b>7) Operation and maintenance.</b> Whether acquisition will improve ability to manage the unit or whether acquisition will incur costs.</p> <p>Additionally, the national panel will assign 3 points to the project if it is in its final phase and is \$3 million or less.</p>	<ul style="list-style-type: none"> <li>• Proposed acquisition meets key recreation needs for increasing access to hunting, fishing, and other recreational activities.</li> <li>• Proposed acquisition supports the forest from a resource management perspective.</li> <li>• No points are assigned to these criteria.</li> </ul>	<ul style="list-style-type: none"> <li>• High-priority lands, such as wilderness and lands of significant value in special management areas or forest management prescriptions.</li> <li>• Acquisition consolidates federal ownership.</li> <li>• Proposed acquisition supports the forest from a resource management perspective.</li> <li>• No points are assigned to these criteria.</li> </ul>

Source: GAO analysis of agency documents and interviews with agency officials. | GAO 19-346

<sup>a</sup>Core projects are specific land acquisition projects submitted to Congress for consideration as part of the annual appropriations process.

<sup>b</sup>Recreational access projects are land acquisition projects that improve recreational access for hunting, fishing, and other recreational activities. Core projects and time-sensitive projects can also improve recreational access.

<sup>c</sup>Time-sensitive projects include land acquisition projects that come up for sale unexpectedly, such as when a landowner becomes ill and wishes to sell his or her land quickly. The Forest Service refers to this category as Critical Inholdings/Wilderness in its data.

# Appendix VII: Lands Acquired with Land and Water Conservation Fund (LWCF) Funding by Federal Agencies

Table 13 provides information on the lands acquired with LWCF funding from fiscal years 2013 through 2017.

**Table 13: Acres Acquired with Land and Water Conservation Fund (LWCF) Funding by the Bureau of Land Management, Fish and Wildlife Service, National Park Service, and Forest Service in Each State and Territory, Fiscal Years 2013 through 2017**

Acres acquired in fiscal years 2013 through 2017

State	Bureau of Land Management	Fish and Wildlife Service	National Park Service	Forest Service <sup>a</sup>	All agencies
Alabama	0	0	159	123	282
Alaska	0	55,092	3,009	12,034	70,134
Arizona	1,795	108	12,820	179	14,902
Arkansas	0	2,335	44	436	2,814
California	23,238	5,986	12,722	27,044	68,990
Colorado	5,708	91,455	768	2,015	99,945
Connecticut	0	285	127	0	412
Delaware	0	10	896	0	905
Florida	0	9,148	543	11,045	20,736
Georgia	0	5,717	154	195	6,065
Hawaii	0	4,554	429	0	4,983
Idaho	8,438	80	413	1,273	10,204
Illinois	0	364	0.4	57	421
Indiana	0	975	92	676	1,744
Iowa	0	698	0	0	698
Kansas	0	9,050	1	0	9,051
Kentucky	0	117	0	34,979	35,097
Louisiana	0	508	(16) <sup>b</sup>	0	491
Maine	0	408	89,326	0	89,734

**Appendix VII: Lands Acquired with Land and Water Conservation Fund (LWCF) Funding by Federal Agencies**

<b>State</b>	<b>Bureau of Land Management</b>	<b>Fish and Wildlife Service</b>	<b>National Park Service</b>	<b>Forest Service<sup>a</sup></b>	<b>All agencies</b>
Maryland	0	506	634	0	1,140
Massachusetts	0	889	376	0	1,265
Michigan	0	710	582	735	2,027
Minnesota	0	13,209	189	210	13,608
Mississippi	0	1,505	507	54	2,066
Missouri	0	187	115	2,330	2,631
Montana	10,540	83,745	69	44,945	139,298
Nebraska	0	271	63	40	374
Nevada	1,600	(356) <sup>c</sup>	201	733	2,179
New Hampshire	0	1,044	486	607	2,136
New Jersey	0	321	321	0	642
New Mexico	12,216	180	55	5,178	17,630
New York	0	340	196	0	536
North Carolina	0	4,361	3,385	1,956	9,702
North Dakota	0	106,485	0	0	106,485
Ohio	0	78	282	54	414
Oklahoma	0	156	0	0	156
Oregon	9,968	365	0	15,144	25,477
Pennsylvania	0	1,948	1,883	0	3,831
Puerto Rico	0	0	0	27	27
Rhode Island	0	1	0	0	1
South Carolina	0	1,771	268	1,097	3,135
South Dakota	0	31,462	880	(849) <sup>d</sup>	31,493
Tennessee	0	31	98	2,572	2,702
Texas	0	16,144	3,677	10	19,831
Utah	2,759	30	110	914	3,813
Vermont	0	79	53	993	1,125
Virgin Islands	0	0	77	0	77
Virginia	0	615	2,252	2,127	4,994
Washington	0	1,187	106	9,297	10,590
West Virginia	0	55	188	602	845
Wisconsin	0	620	109	1,494	2,222
Wyoming	0	5	640	173	818
<b>Total</b>	<b>76,262</b>	<b>454,831</b>	<b>139,288</b>	<b>180,496</b>	<b>850,877</b>

Source: GAO analysis of agency data. | GAO 19-346

<sup>a</sup>The LWCF statute provides that, generally, not more than 15 percent of the acreage added to the National Forest System pursuant to the LWCF Act is to be west of the 100th meridian. 54 U.S.C. § 200306(a)(2)(B)(iii). According to the statute, this limitation does not apply to areas specifically

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**Appendix VII: Lands Acquired with Land and Water Conservation Fund (LWCF) Funding by Federal Agencies**

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authorized by Act of Congress. For example, such areas include certain specified wilderness or natural scenic areas. The data presented here reflect all Forest Service acquisitions with LWCF funds, including acquisitions within areas specifically authorized by an Act of Congress and acquisitions located outside such areas.

<sup>b</sup>This reflects a negative net acreage as a result of the National Park Service disposing of more acreage than it acquired through land exchanges in Louisiana during the 5-year period.

<sup>c</sup>In Nevada, there were four transactions during this period. Two were purchases (one of 80 acres and one for 10 acres) and two were exchanges, both of which resulted in the Fish and Wildlife Service disposing of more land than it acquired. The net acreage acquired in Nevada from these four transactions was -356 acres.

<sup>d</sup>In South Dakota, there were three transactions during this period. One was a donation of 1.7 acres and two were exchanges, one of which resulted in the Forest Service disposing of more land than it acquired. The net acreage acquired in South Dakota from these three transactions was -849 acres.



# Appendix VIII: Comments from the Department of the Interior



United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240  
MAY 23 2019

Anne-Marie Fennell  
Director, Natural Resources and Environment  
U.S. Government Accountability Office  
441 G Street NW  
Washington, DC 20548

Dear Ms. Fennell:

Thank you for providing the Department of the Interior (Department) the opportunity to review and comment on the Government Accountability Office (GAO) draft report titled, *Land and Water Conservation Fund: Variety of Programs Supported, but Improvements in Data Collection Needed at BLM* (GAO-19-346). We appreciate GAO's review of the (1) Land and Water Conservation Fund (LWCF); (2) Federal agencies' process to identify Federal land acquisition projects; and (3) acquisition mechanisms used to acquire those lands.

The GAO issued the Department's Bureau of Land Management (BLM) two recommendations to improve the data collection related to lands for potential acquisition or interests in lands that are acquired. Below is a summary of actions that BLM has taken or planned to implement the recommendations.

**Recommendation 1: The Secretary of the Interior should direct BLM to collect centralized data on the acquisition method and interest acquired for the lands it obtains using LWCF funds as part of its planned update to LR2000.**

**Response:** Concur. As noted in the report, BLM is in the process of updating and replacing the Legacy Rehost (LR) 2000 system, which is the BLM's official system of records for lands transactions. The LR2000 improvements will allow BLM to maintain a complete inventory of all acquired lands.

**Recommendation 2: The Secretary of the Interior should direct BLM to develop more specific guidance to ensure that land acquisition data are entered correctly into the agency's data system.**

**Response:** Concur. The BLM will develop and issue updated policy that clarifies the data entry requirements for land transactions funded by the LWCF.

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**Appendix VIII: Comments from the Department  
of the Interior**

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If you have any questions about this response, or need additional information, please contact  
Tiya Samuels, Chief - Division for Evaluation and Management Services at (202) 912-7090.

Sincerely,



Joseph R. Balash  
Assistant Secretary  
Land and Minerals Management

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# Appendix IX: GAO Contact and Staff Acknowledgments

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## GAO Contact

Anne-Marie Fennell at (202) 512-3841 or [FennellA@gao.gov](mailto:FennellA@gao.gov)

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## Staff Acknowledgments

In addition to the individual named above, Elizabeth Erdmann (Assistant Director), Scott Heacock (Analyst in Charge), Jack Granberg, and Lauren Wice made key contributions to this report. Philip Farah, Ying Long, Patricia Moye, Anne Rhodes-Kline, Katya Rodriguez, Sheryl Stein, Sara Sullivan, and Melissa Wolf made additional contributions.

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# Appendix X: Accessible Data

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## Datat Tables

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### Data for Table 1: Information on Programs Other Than Federal Land Acquisition That Received Land and Water Conservation Fund (LWCF) Appropriations, Fiscal Years (FY) 2014 through 2018

1. Headquarters issues call for land acquisition projects to regional offices.a
2. Regional offices ask land units to identify projects.b
3. Land units propose projects to regional offices.
4. Regional offices review and prioritize projects before sending them to headquarters.
5. Headquarters oversees the process to develop each agency's list of projects that is sent to Congress for consideration during the appropriations process.

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### Data for Figure 2: Land and Water Conservation Fund (LWCF) Funding for Federal Land Acquisition by Category for the Bureau of Land Management, Fish and Wildlife Service, National Park Service, and Forest Service, Fiscal Years 2014 through 2018

#### Dollars in millions

**\$58.9 (7%) – Recreational access projectsa**

**\$ 95.7 (11%) Time-sensitive projectsb**

**\$166.6 (19%) Acquisition managementc**

**\$573.0 (64%) Core projectsd**

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### Data for Figure 3: Overall Process Used by the Bureau of Land Management, Fish and Wildlife Service, National Park Service, and Forest Service to Select Core Land Acquisition Projects to Receive Funding from the Land and Water Conservation Fund

6. Headquarters issues call for land acquisition projects to regional offices.a
7. Regional offices ask land units to identify projects.b
8. Land units propose projects to regional offices.
9. Regional offices review and prioritize projects before sending them to headquarters.

10. Headquarters oversees the process to develop each agency's list of projects that is sent to Congress for consideration during the appropriations process.

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**Data for Figure 4: Examples of Land Acquisitions Using Land and Water Conservation Fund (LWCF) Appropriations by the Bureau of Land Management, Fish and Wildlife Service, National Park Service, and Forest Service**

**Sands Desert Habitat Management Area, Idaho**

The Bureau of Land Management used 2016 and 2017 LWCF appropriations to purchase 762 acres valuable for wildlife habitat and recreational opportunities, such as hunting and fishing. The acquisition conserves migration corridors for large mammals such as elk, deer, and moose. Conservation easements in the area ensure land will continue to be used as working ranches in perpetuity.

**Grand Teton National Park, Wyoming**

In 2016, the National Park Service used LWCF funds and private donations raised by the Grand Teton National Park Foundation to purchase 640 acres from the state of Wyoming. The acquisition preserves critical wildlife habitat and migration routes, and prevents private development within the park boundary.

**Blackwater National Wildlife Refuge, Maryland**

A 2015 LWCF acquisition protects key forest habitat for the Delmarva Peninsula fox squirrel and numerous songbirds. The refuge has lost over 5,000 acres of tidal marsh to sea level rise since the 1930s, with many forested areas converting to marsh. According to refuge officials, the refuge's strategic priorities for acquisition include preserving forest cores and acquiring lands that will persist as forest or marsh into 2100.

**Cherokee National Forest, Tennessee**

A 2017 LWCF acquisition of about 900 acres consolidates land ownership and protects Southern Appalachian Brook Trout habitat. The acquisition also opened access to more than 1,600 new acres for hunting.

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### **Everglades Headwater National Wildlife Refuge and Conservation Area, Florida**

The refuge was established in 2012 with a 10-acre donation, and LWCF funds have helped the refuge grow to over 5,500 acres. Over 4,000 of the acres acquired have been conservation easements, in which private landowners retain ownership and the right to work the land to raise cattle or crops. The easements ensure these lands cannot be developed.

### **Hawai'i Volcanoes National Park, Hawaii**

In 2018, the National Park Service used LWCF funds to acquire 1,951 acres to protect natural resources, as well as archeological and cultural sites on land adjacent to the park boundary. The park is home to rare and endangered plant and animal communities, some of which are endemic to Hawaii.

### **Rio Grande del Norte National Monument, New Mexico**

In 2018, the Bureau of Land Management used LWCF funds to acquire 648 acres within the monument, supporting traditional and recreational access for hunters, piñon nut and wood gatherers, hikers, mountain bikers, and backpackers.

### **Pacific Crest National Scenic Trail (PCT), Washington, Oregon, and California**

The Forest Service has used the Land and Water Conservation Fund (LWCF) to acquire parcels along the PCT route, which spans from the border of Mexico to Canada. Forest Service used LWCF appropriations in 2017 and 2018 to acquire land in the Shasta-Trinity National Forest in California that consolidates ownership in an area with a checkerboard pattern of land ownership and improves access to the PCT.

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#### **Data for Figure 5: Federal and Non-Federal Land Ownership in the Klamath National Forest and Shasta-Trinity National Forest, California, as of July 2017**

Dashed line – Pacific Crest National Scenic Trail

Green box – Federal land

Gray box – Non-federal land within National Forest Boundary

White box – Non-federal land outside National Forest Boundary

Blue box – Land acquired or proposed for federal land acquisition in 2017, 2018, or 2019.

**Data Table for Figure 6: Acquisition Methods for Land Acquisitions Employed by the Bureau of Land Management, Fish and Wildlife Service, National Park Service, and Forest Service Using the Land and Water Conservation Fund, Fiscal Years 2013 through 2017**

Federal Agency	Donation	Purchase	Exchange <sup>b</sup>	Condemnation <sup>c</sup>
BLM	0	76,242	0	0
FWS	221,255	179,287	54,290	0
NPS	102,520	34,661	1,947	160
FS <sup>a</sup>	59,064	123,653	0	27

**Data Table for Figure 7: Interest Acquired for Land Acquisitions by the Bureau of Land Management, Fish and Wildlife Service, National Park Service, and Forest Service Using the Land and Water Conservation Fund, Fiscal Years 2013 through 2017**

Federal Agency	Fee Simple	Easement <sup>a</sup>	Other <sup>b</sup>
BLM	70,853	5,409	
FWS	129,183	324,029	1,619
NPS	137,899	1,225	163
FS	130,761	332	49,403

## Agency Comment

Text of Appendix VIII: Comments from the Department of the Interior

### Page 1

Anne-Marie Fennell

Director, Natural Resources and Environment

U.S. Government Accountability Office 441 G Street NW

Washington, DC 20548 Dear Ms. Fennell:

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Page 2

If you have any questions about this response, or need additional information, please contact Tiya Samuels, Chief - Division for Evaluation and Management Services at (202) 912-7090.

Sincerely,

Joseph R. Balash



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Assistant Secretary

Land and Minerals Management

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U.S. Government Accountability Office, 441 G Street NW, Room 7125,  
Washington, DC 20548

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Chuck Young, Managing Director, [youngc1@gao.gov](mailto:youngc1@gao.gov), (202) 512-4800  
U.S. Government Accountability Office, 441 G Street NW, Room 7149  
Washington, DC 20548

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## Strategic Planning and External Liaison

James-Christian Blockwood, Managing Director, [spel@gao.gov](mailto:spel@gao.gov), (202) 512-4707  
U.S. Government Accountability Office, 441 G Street NW, Room 7814,  
Washington, DC 20548



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