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# United States Senate

November 13, 2020

The Honorable David L. Bernhardt  
Secretary  
United States Department of Interior  
1849 C Street N.W.  
Washington, DC 20240

Dear Secretary Bernhardt:

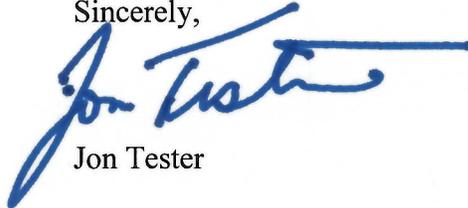
I write regarding your secretarial order to significantly constrain the Land and Water Conservation Fund (LWCF). I am deeply concerned by the Department of Interior's repeated attempts to undermine LWCF over the last two weeks. Secretary's Order 3388 issued by the Department today puts further restraints on LWCF, one of our nation's most critical conservation and public land access programs. I urge you to immediately rescind this anti-public land order.

Secretary's Order 3388 requires private landowners to obtain written support from county and state governments before they can sell their land to Interior through LWCF. This undercuts what a landowner can do with their own private property, and creates unnecessary, additional levels of bureaucracy that will hamstring future land acquisition through the Land and Water Conservation Fund. Your order also requires Interior to prioritize projects for the Fish and Wildlife Service and National Park Service over any other bureau. This flagrantly ignores the role of Interior's third land management agency, the Bureau of Land Management, which oversees 245 million acres of public land, and relies on LWCF projects to resolve public land access issues. Explicitly prioritizing LWCF projects for Fish and Wildlife Service sends a message to the many westerners who live near and recreate on Bureau of Land Management lands that the landscapes they treasure simply aren't a priority. Finally, constraining all future land acquisitions to the current boundaries of federal lands severely constrains Interior's flexibility to use LWCF to resolve complicated land access issues on its borders, where state, federal, and private lands are often intermingled.

The Department of Interior also recently failed to submit its LWCF priority lists under the statutory deadline set out in the *Great American Outdoors Act*. When Interior did finally submit its priority lists to Congress, it submitted lists that failed to even mention the project names or funding amounts. This harms any attempt at transparency or oversight and provides no assurances to local stakeholders trying to work with Interior.

I encourage you to reverse course on today's problematic order, and revisit the clear bipartisan consensus around the importance of LWCF. The strength of this program has been its ability to work with a wide array of stakeholders to protect our most important landscapes and create new recreational opportunities. Any changes to implementing this program should be made as a result of careful, collaborative public engagement, and in line with the intent of Congress. This order meets neither standard.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jon Tester", with a long horizontal flourish extending to the right.

Jon Tester