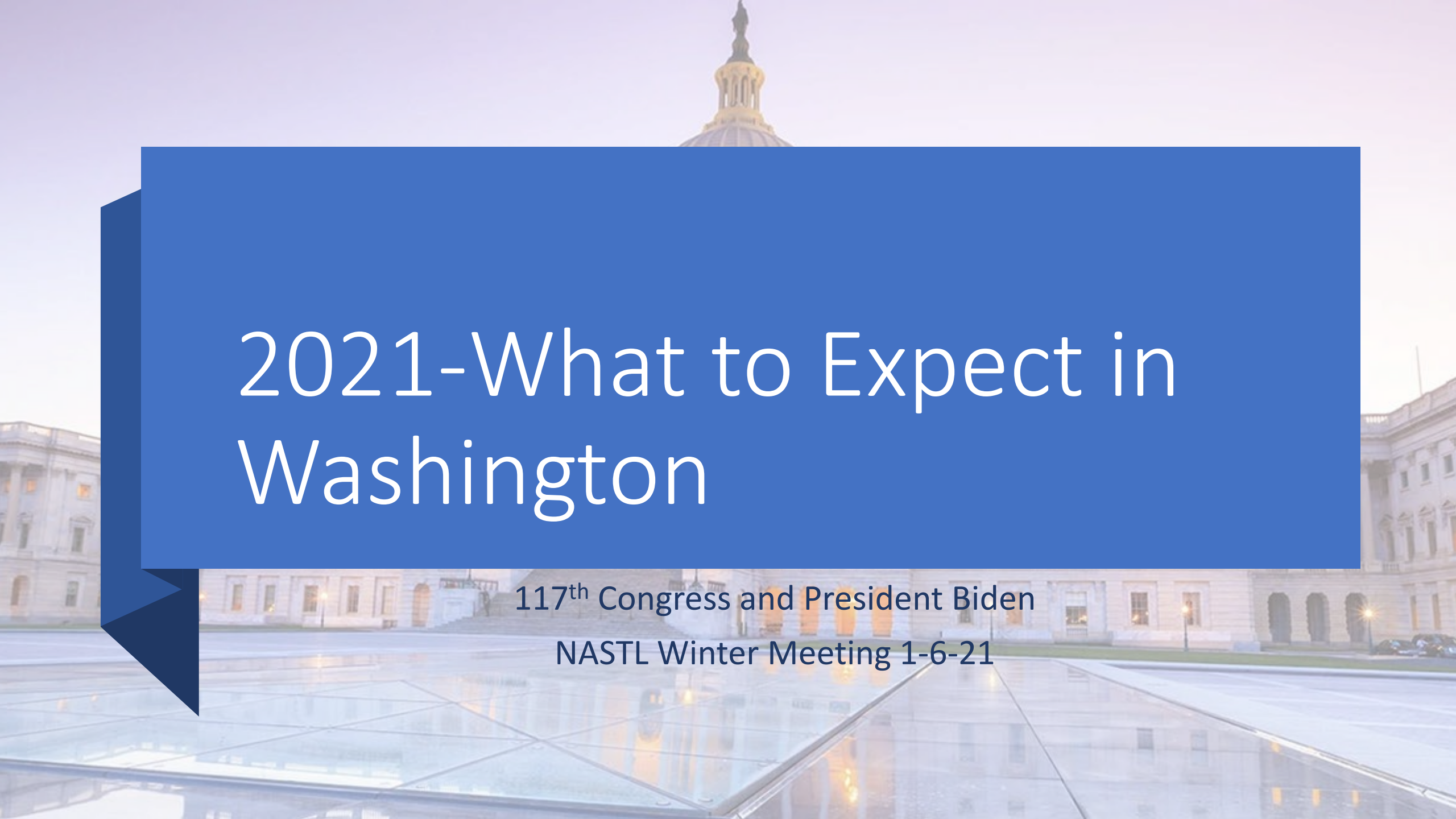




2021-What to Expect in Washington

117th Congress and President Biden
NASTL Winter Meeting 1-6-21

Biden's Nominees



Kamala Harris
Vice President

Previous position:
U.S. Senator from
California



Antony Blinken
Secretary of State

Deputy Secretary of State
under Obama



Janet Yellen
Treasury Secretary

Chair of the Federal
Reserve



Lloyd Austin
Defense Secretary

Four-star Army General and
Commander of United
States Central Command



Deb Haaland
Interior Secretary

U.S. Representative for
New Mexico's 1st
congressional district



Tom Vilsack
Agriculture
Secretary

Agriculture Secretary
under Obama



Xavier Becerra
Housing and Human
Services Secretary

California Attorney
General



Marcia Fudge
Housing and Urban
Development
Secretary

U.S. Representative for
Ohio's 11th congressional
district



Pete Buttigieg
Transportation
Secretary

Mayor of South Bend,
Indiana



**Jennifer
Granholm**
Energy Secretary

Governor of Michigan



Miguel Cardona
Education
Secretary

Connecticut
Commissioner of
Education



Denis McDonough
Secretary of
Veterans Affairs

White House Chief of
Staff under Obama



**Alejandro
Mayorkas**
Homeland Security
Secretary

Deputy Secretary of
Homeland Security under
Obama



Ron Klain
Chief of Staff

Chief of Staff to Vice
President Joe Biden



Michael Regan
EPA Administrator

Secretary of North
Carolina's Department of
Environmental Quality



Neera Tanden
Office of
Management &
Budget Director

Senior adviser for health
reform at the U.S.
Department of Health and
Human Services under
Obama



Katherine Tai
U.S. Trade
Representative

Chief trade counsel on the
House Ways and Means
Committee



**Linda Thomas-
Greenfield**
U.N. Ambassador

Assistant Secretary of
State for African Affairs



Cecilia Rouse
Council of
Economic Advisers
Chair

Member of the Council of
Economic Advisers under
Obama

Biden Cabinet and Key Officials

117th Congress a tale of slim majorities...

- Nancy Pelosi elected Speaker by the narrowest of margins.
- Senate Majority? Georgia on my mind...Tie goes to the President.
- New Committee Chairs:
 - Senate Energy Committee—John Barrasso, R-WY or Joe Manchin, D-WV
 - Senate Environment and Public Works Committee—Shelly Moore Capito, R-WV (if Inhofe stays at Armed Services) or Tom Carper, D-DE
 - Senate Appropriations Committee—Richard Shelby, R-AL or Patrick Leahy, D-VT
 - Senate Agriculture Committee—John Boozman, R-AR or Debbie Stabenow, D-MI
 - House Natural Resources Committee—Raul Grijalva, D-NM
 - Ranking Member—Bruce Westerman, R-AR
 - House Energy and Commerce Committee—Frank Pallone, D-NJ
 - Ranking Member—Cathy McMorris Rodgers, R-WA
 - House Appropriations Committee—Rosa DeLauro, D-CT
 - Ranking Member—Kay Granger, R-TX
 - House Agriculture Committee--David Scott, D-GA
 - Ranking Member—GT Thompson, R-PA

Land and Water Conservation Fund

- 2020 Great American Outdoors Act--\$900 million annually
 - Not less than 40% used for financial assistance to States.
 - 40% Federal land acquisition for outdoor recreation by USFS, NPS, USFWS, and BLM. Beginning in 1998, LWCF helps fund Forest Legacy Program
- Stateside Program: Matching grant program to assist states in recreational planning, acquiring recreational lands and waters, and developing outdoor recreational facilities. Includes competitive state grants as well.
- LWCF funds can be used to fund land exchanges or other transactions that improve recreation—cannot be used for value equalization
- Funds can be used for development easements, rights of way, and other access tools
- New Project Selection and Eligibility Criteria:

Do State Trust Lands Qualify?

“(2) PRIORITY LIST.—The Secretary and the Secretary of Agriculture, in consultation with the head of each affected Federal agency, shall annually develop a priority list for projects that, through acquisition of land (or an interest in land), secure recreational public access to Federal land under the jurisdiction of the applicable Secretary for hunting, fishing, recreational shooting, or other outdoor recreational purposes.”.

(e) ACQUISITION CONSIDERATIONS.—Section 200306 of title 54, United States Code (as amended by subsection (d)), is amended by adding at the end the following:

“(d) ACQUISITION CONSIDERATIONS.—In determining whether to acquire land (or an interest in land) under this section, the Secretary and the Secretary of Agriculture shall take into account—

- “(1) the significance of the acquisition;
- “(2) the urgency of the acquisition;
- “(3) management efficiencies;
- “(4) management cost savings;
- “(5) geographic distribution;
- “(6) threats to the integrity of the land; and
- “(7) the recreational value of the land.”.

However, BLM interprets the law differently...

4. Land and Water Conservation Fund Act of 1965 (September 3, 1964), as amended (P.L. 88-578), (16 U.S.C. Sec. 460, et seq.), (78 Stat. 897). The LWCF Act is a funding source for the acquisition of land and interests in land. While not an actual acquisition authority, it does impose some restrictions on Federal acquisitions. LWCF funds cannot be used for construction of facilities, for resource management activities after the acquisition is completed, or for activities before a project is approved and funds appropriated by Congress. **Acquisition from a State, or political subdivision thereof, must generally be by donation or exchange. LWCF funds may not be used for an equalization payment in a State exchange.** Lands now owned by Federal agencies can be acquired using LWCF funds with the exception of those entities who receive funding from the LWCF.

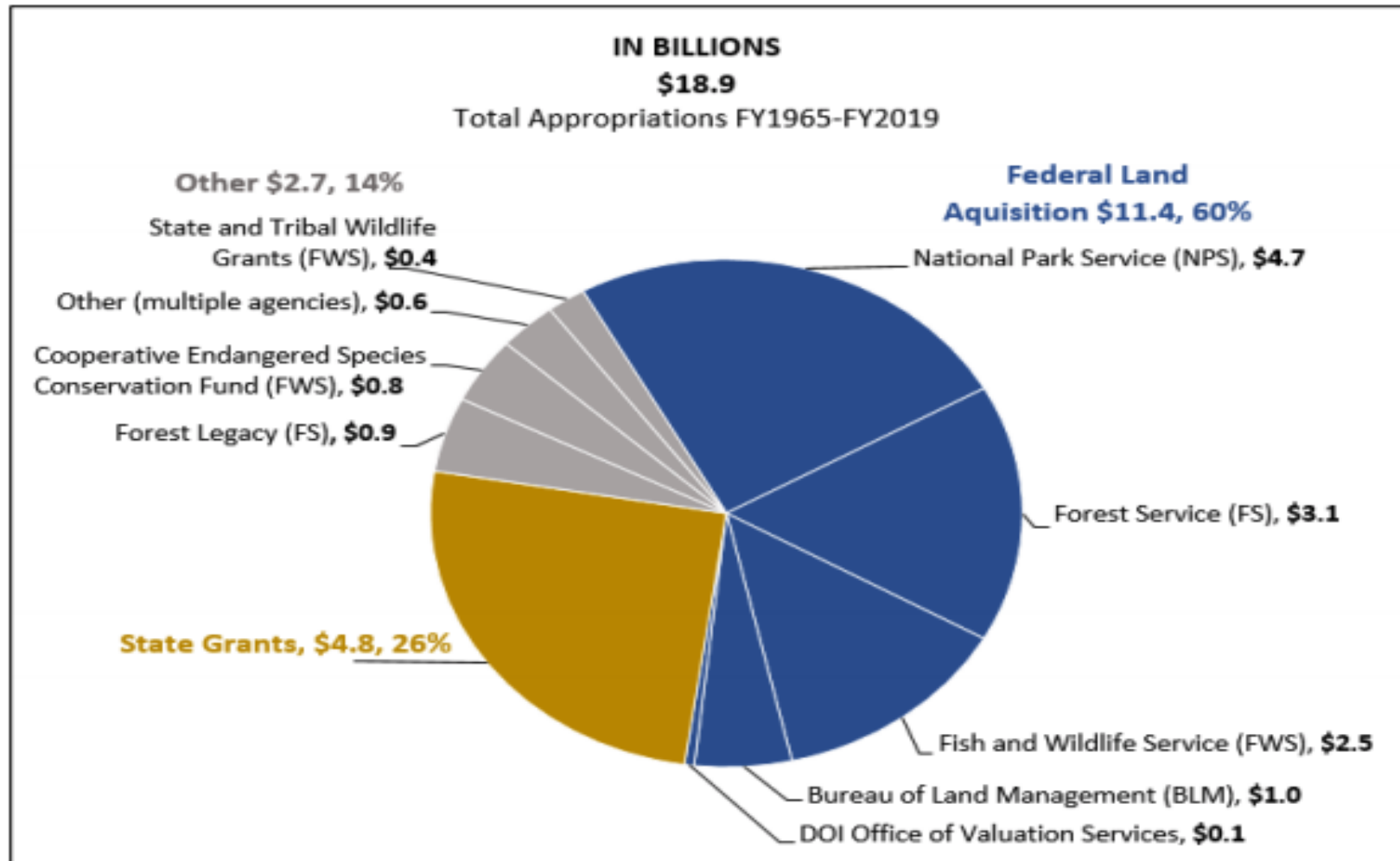
Impediments to funding trust land projects

- Prohibition on utilizing LWCF funds to purchase state lands
 - Need to use 3rd party entity to facilitate transactions
- Trust lands viewed as “public lands” and therefore not an impediment to recreational access.
- First 2-3 years of funding is “spoken for” given pent up demand for LWCF funding

How Will It Be Spent?

Figure 2. LWCF Total Appropriations by Type and Agency, FY1965-FY2019

(in billions of dollars, not adjusted for inflation)



Source: Graphic created by CRS. The primary source for the data is the DOI Office of Budget. Additional sources of information include the annual DOI Budget in Brief and congressional documents accompanying the annual Interior appropriations bill.

NASTL—Do we want to play in this game?

- Policy changes to facilitate acquisition of state trust lands?
- Opportunities to Educate Decision Makers that Trust Lands are not “public lands” and often are the key to unlock access to Federal lands?
- How do our Members interact with the State programs today?
- Pursue educational efforts to promote LWCF funding for projects benefiting trust lands?

30 X 30 Project

- Protect 30% of the planet by 2030—\$1 Billion funding from Wyss Foundation. President of the Wyss Foundation is Molly McUsic. Former Clinton Staffer is now leading Biden environmental transition team.
- US conservation groups now pushing for protecting 30% of all US lands and waters: Natural Resources Defense Council, Sierra Club, Defenders of Wildlife
- Decision Maker Endorsements: President-elect Biden, Vice President-elect Harris, Senators: Bennet D-CO, Durbin D-IL, Booker D-NJ, Van Hollen D-MD, Blumenthal D-CT, Merkley D-OR, Feinstein D-CA, Warren D-MA, Sanders D-VT, Klobuchar D-MN, Cardin D-MD, Heinrich D-NM.

30 x 30: What does it mean?

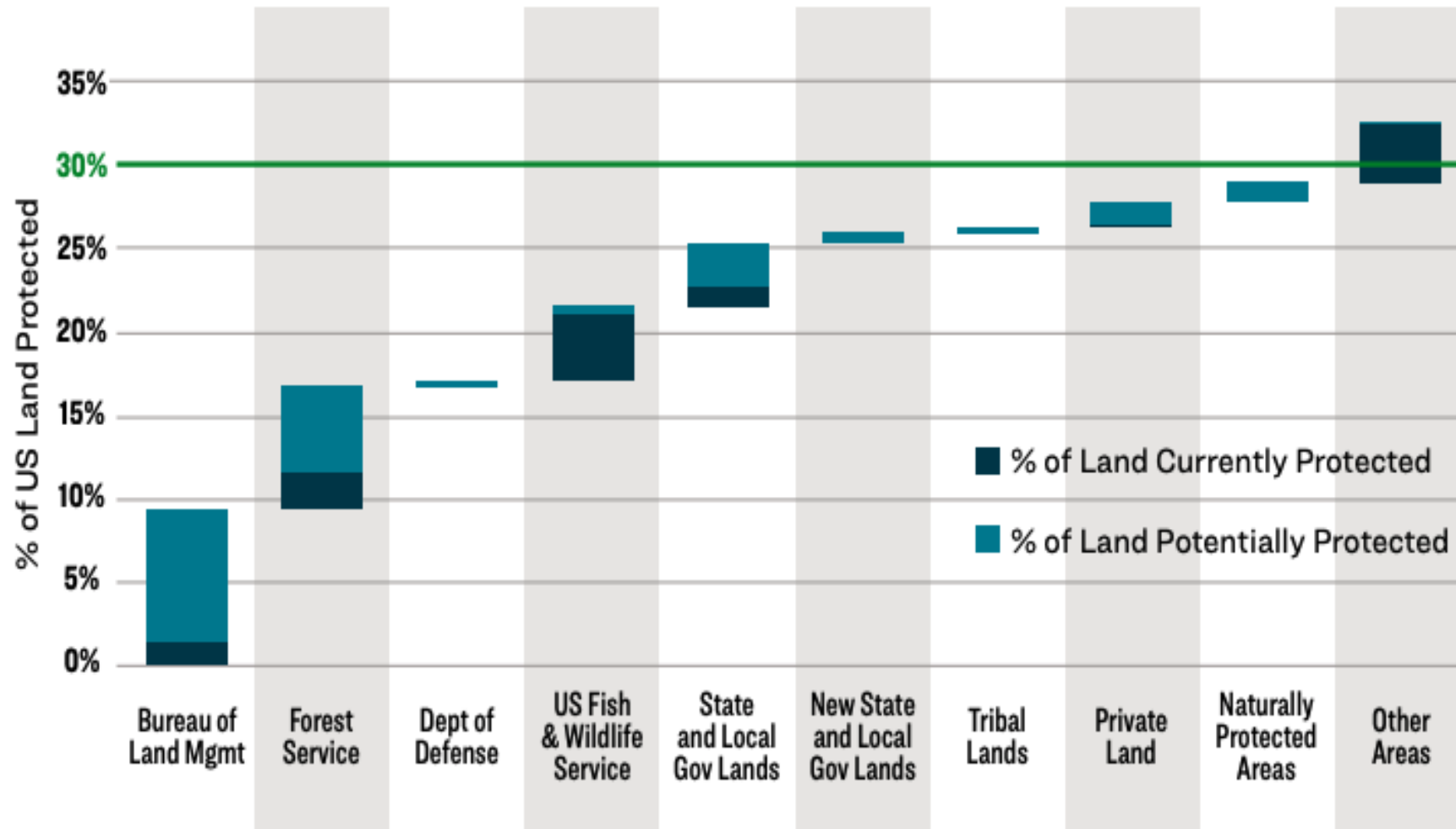
- According to the Sierra Club's "30 x 30 Activist Toolkit":
 - **(FEDERAL);**
 - (1) A moratorium on new oil and gas leasing on public lands;
 - (2) Protecting roadless forests through the forest planning process;
 - (3) Supporting the conservation and stewardship vision and priorities of Tribal Nations;
 - (4) Conserving more open lands and parks near communities of color and economically-disadvantaged communities;
 - **(STATE AND LOCAL)**
 - (1) Implementing state-funded open space programs;
 - (2) Managing state lands to offset climate pollution;
 - (3) Designation of wildlife corridors that safeguard lands within them;
 - (4) Creation and expansion of state and local parks.
- Today the Department of Interior (BLM, USFWS, NPS, BOR), USFS, DOD, USPS, and NASA currently manage approximately 31% of the entire US land base. Over 700 million acres.
- In broad terms, every acre currently owned by the Federal Government would need to be protected from any development in order to meet the 30x30 goals.
 - According to Defenders of Wildlife, wilderness or national park protection meets the standard for protection. Multiple use lands do not meet the standard.

Impacts on State Trust Lands

- No development on Federal lands generally mean very little development on scattered state trust lands.
- Investments for timber, mining, oil, gas, coal, and other leasable minerals will be pushed to private lands and foreign nations.
- Once investors leave public lands, it is difficult to get them to return.
- Governors and state legislatures will be under pressure to protect 30% of all state lands as well.

This is how you get there...according to the Sierra Club

30x30 Building Blocks



Questions?

Allen D. Freemyer

632 Independence Avenue SE

Washington DC 20003

202-744-2409

Allen@adfpc.com

