

**Congress of the United States**  
**Washington, DC 20515**

February 10, 2021

The Honorable Scott de la Vega  
Acting Secretary of the Interior  
Department of the Interior  
1849 C Street NW  
Washington, DC 20240

Dear Secretary de la Vega:

We write to express concern with an order issued by former Secretary of the Interior David Bernhardt. That order, Secretary's Order Number 3388,<sup>1</sup> and the subsequent revisions to the LWCF State Assistance Program manual released in the final hours of the Trump administration, creates significant hardship for states, including New Hampshire, preventing them from best directing their respective apportionments from the Land and Water Conservation Fund (LWCF).

Created by Congress, the LWCF helps preserve critical lands for national parks, forests, and wildlife refuges, and it helps maintain recreational areas in New Hampshire and across the country. Last year, we cosponsored bipartisan legislation to permanently and fully fund the LWCF annually and secure much-needed additional resources to address the maintenance backlog on federal lands. Congress passed that bill, and it was signed into law in August 2020. This permanent and additional funding will provide certainty to states like New Hampshire, and help preserve the outdoor places that Granite State families love to enjoy and that spur our tourism industry.

Those objectives of certainty, stable funding, and facilitating conservation that in turn spurs the economy all make the rationale behind Order No. 3388 difficult to understand. The order would hobble New Hampshire's ability to continue responsibly managing its critical infrastructure, conservation, and outdoor recreation projects and call into question long-standing plans for improving access and the conscientious use of our outdoor spaces.

These 11<sup>th</sup> hour changes have created confusion and concern, and we urge the Biden administration to review and consider repealing the order in light of the potential negative effects that the order could have on states' ability to responsibly manage their outdoor lands.

We look forward to your reply, and thank you for your attention to this important matter.

---

<sup>1</sup> Department of the Interior, Secretary's Order No. 3388, Land and Water Conservation Fund Implementation by the U.S. Department of the Interior (2020)

Sincerely,



Margaret Wood Hassan  
United States Senator



Jeanne Shaheen  
United States Senator



Ann McLane Kuster  
United States Representative



Chris Pappas  
United States Representative