

A Report by a Panel of the

NATIONAL ACADEMY OF PUBLIC ADMINISTRATION

for the National Park Service

National Park Service: Assessment of the Federal Land Resources Program and American Battlefield Protection Program



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June 2023

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**National Park Service:
Assessment of the
Federal Land Resources
Program And
American Battlefield
Protection Program**

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The views expressed in this report are those of the Panel. They do not necessarily reflect the views of the Academy as an institution.

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Foreword

The National Park Service (NPS) comprises 424 park units and owns over 85 million acres of land in the United States. This report assesses two lands-related NPS programs. The Land Resources Program is responsible for considering opportunities and managing transactions that add to landholdings of park units. The American Battlefield Protection Program (ABPP), a grant-making program, provides financing to private entities to procure and protect battlefield land that is part of the Nation's historical heritage.

With the enactment of the Great American Outdoors Act in 2020, substantial funding supporting both land acquisition and grant-making can now be tapped on an annual basis. The respective program leaders are to be commended for requesting this external independent review of their operations with an aim to enhance effective stewardship of NPS resources to advance program goals as they anticipate higher transactional volume.

The National Academy of Public Administration (the Academy), a congressionally chartered, independent, non-partisan, and non-profit organization with nearly 1,000 distinguished Fellows, has a unique ability to bring nationally recognized public administration experts together to help government agencies address challenges. This assessment by a five-member Panel of Academy Fellows provides recommendations that can further advance the vital missions of the Land Resources Program and ABPP. I am most appreciative of the work of the Panel and commend the Study Team for contributing valuable insights and expertise throughout the project. I am also grateful for the constructive engagement of the many NPS employees and external stakeholders who provided important observations and context to inform this work.

The reviews and related recommendations address several operational themes for each program. For the Land Resources Program, recommendations focus on policy, information systems, human resources, communications, and appraisals. Recommendations for the ABPP are directed toward staffing, outreach and applicants, metrics, and battlefield transfers and conversions.

I trust that this report will be used to advance the vital goals of the Land Resources Program and ABPP and to address many complex tasks facing NPS staff entrusted with implementing these complex and essential programs.

Teresa W. Gerton
President and Chief Executive Officer
National Academy of Public Administration

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Acronyms and Abbreviations

Acronym or Abbreviation	Definition
ABPP	American Battlefield Protection Program
ABT	American Battlefield Trust
Academy	National Academy of Public Administration
ACHP	Advisory Council on Historic Preservation
ARD	Associate Regional Director
AVSO	Appraisal and Valuation Services Office
BLAG	Battlefield Land Acquisition Grant
BLM	Bureau of Land Management
COVID-19	Coronavirus Disease 2019
CRPS	Cultural Resources, Partnerships, and Science Directorate
DO	Director's Order
DOI	Department of the Interior
ECCD	Environmental Compliance and Cleanup Division
EPAP	Employee Performance Appraisal Plan
ESA	Environmental Site Assessment
FTE	Full-time Equivalent
FY	Fiscal Year
GAOA	Great American Outdoors Act
GIS	Geographic Information Systems
GS	General Schedule
GSA	General Services Administration
HR	Human Resources
IMR	Intermountain Region
IP	Implementation Plan
IRB	Investment Review Board
LAPS	Land Acquisition Procedures Guide

LARS	Land Acquisition Ranking System
LRD	Land Resources Division
LWCF	Land and Water Conservation Fund
MLC	Master Lands Console
NCSHPO	National Council of State Historic Preservation Offices
NGO	Non-governmental Organization
NHPA	National Historic Preservation Act
NOFO	Notice of Funding Opportunity
NPS	National Park Service
OEPC	Office of Environmental Policy and Compliance
O&M	Operations and Maintenance
OPA	Option to Purchase Agreement
PALT	Procurement Acquisition Lead Times
PMIS	Project Management Information System
PPFL	Park Planning, Facility and Lands Directorate
PPG	Preservation Planning Grants
RM	Reference Manual
ROW	Right-of-way
SLA	Service-Level Agreement
SOL	Office of the Solicitor
USFWS	U.S. Fish and Wildlife Service
WASO	Washington Area Support Office
WCO	Washington Contracting Office

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Executive Summary

The National Park Service (NPS), part of the Department of the Interior (DOI) currently manages 424 park units,¹ welcoming more than 312 million visitors in 2022.² Spanning a total of 85 million acres, NPS manages a system that contributes to the rich natural and historical heritage of the Nation.³

This report, requested by NPS, offers an assessment of two programs connected with lands – the Land Resources Program and the American Battlefield Protection Program (ABPP). The Land Resources Program is managed by the Land Resources Division (LRD) and is responsible for acquiring land within the authorized boundary of a park unit for visitor use and preservation of resources. The ABPP, on the other hand, is a financial grant-making program that assists external parties wishing to acquire battlefield lands to be preserved and made available to visitors. Unlike the Land Resources Program, these lands are not part of the NPS property holding. A Panel of five Fellows of the National Academy of Public Administration (the Academy) oversaw the work of a four-member study team that performed this research.

Assessment of these programs is prompted by three important adjustments impacting them simultaneously. First, a leadership change in the Land Resources Program’s management at the LRD level occurred about 18 months ago, and an even more recent change is occurring in the leadership of ABPP. New program leaders benefit from this fresh review of the programs by an independent, external party. Second, the underlying funding to advance these programs has been made permanent and substantial with the enactment of the Great American Outdoors Act (GAOA) in 2020. Thus, there is an expectation that both programs will have an increased workload going forward, and benefit from this review. Finally, the report highlights how program focus and operations might be impacted by the many technical, societal, and climate related changes over the past several years.

The report’s analysis has a foundation in three meta-themes offering important context to how the NPS operates. First, the NPS is a highly decentralized organization with headquarters staff, Regional staff, and park unit staff. Headquarters staff are located in the Washington Area Support Office (WASO). They provide support, policy guidance, and oversight to NPS programs. In addition, there are seven NPS Regions. Regional leaders support the park units located within the region. They are not directly supervised by, nor responsible to, program leaders located in WASO. Park unit employees work under the leadership of park superintendents who carry out park operations. They engage with Regional leaders but often have substantial latitude within NPS policies to operate their locations. Second, while the Land Resources Program is carried out by LRD, the NPS must engage DOI staff throughout the process of land acquisition. Title opinion and appraisal services are provided to NPS by DOI. As such, NPS does not have sole responsibility

¹ “About Us,” National Park Service, accessed April 4, 2023, <https://www.nps.gov/aboutus/national-park-system.htm#:~:text=Units%2FParks,of%20Columbia%2C%20and%20US%20territories>.

² “Annual Visitation Highlights,” National Park Service, accessed April 4, 2023, [https://www.nps.gov/subjects/socialscience/annual-visitation-highlights.htm#:~:text=2022%20Visitation%20Highlights,visits%20\(5%25\)%20from%202021](https://www.nps.gov/subjects/socialscience/annual-visitation-highlights.htm#:~:text=2022%20Visitation%20Highlights,visits%20(5%25)%20from%202021).

³ “National Park Service Acreage Reports,” National Park Service, accessed April 4, 2023, <https://www.nps.gov/subjects/lwcf/acreagereports.htm>.

to conclude all aspects of a land transaction. Finally, it is important to acknowledge that governmental policies are often more complex than what is considered standard in the private sector property transaction market. Government policies guide NPS and DOI activities in this field and often result in a slower and more time-consuming transactional pace. Since the Land Resources Program is considered a “willing seller” program, it relies on voluntary transactions, as any other entity in the real estate market would when acquiring land within park boundaries.⁴

Chapter 1 provides an overview of project scope, outlines methodology, and describes the report’s overall structure. Due to material differences between the two programs and an observation that there are no substantive overarching common themes shared by both, the Land Resources Program is evaluated in Chapter 2 and ABPP in Chapter 3. Both chapters are organized similarly: each starts with a summary section on program background followed by analysis, observations, and recommendations.

Taken as a whole, a key message of these two program assessments is that there are no major issues that are clear impediments to advancing NPS goals of improving the effectiveness of each program. They are both on a healthy trajectory and have a sound foundation on which to continue enhancing performance. Furthermore, there are several initiatives already underway that are noted in this report’s observations and recommendations, suggesting that leaders of each program foresee and are already taking actions on important issues that should be addressed. In these circumstances the research offers independent support and encouragement to continue such courses. That said, there are several recommendations that reflect new observations and merit action to continue advancing these programs.

Land acquisition is the focus of Chapter 2. Because the Land Resources Program operates within the context of a competitive open property market, it competes with well-developed norms and standards, including transactional timelines guided by residential and commercial private real estate markets. In many instances, policies common to private markets can, as expected, differ from those guiding federal governmental land acquisition practices and policies. As such, the Land Resources Program, in respect to some aspects of private sector transactional norms, faces some built-in challenges to successfully compete to finalize transactions. Besides simply agreeing with the seller on a fair market price, there are also challenges in understanding overall costs to maintain the parcel in question. Unlike private market transactions, all land acquisitions by the federal government must be calibrated to also include expected maintenance costs of such property ownership in perpetuity. Furthermore, an additional challenge to the process is that the DOI, and not NPS itself, is responsible for supporting the necessary title and appraisal work connected with each transaction. Both critical steps in the Land Resources Program protocol fall outside NPS’s responsibility and control and can at times create challenges by extending transactional timelines.

Assessment of the Land Resources Program focuses on five program categories and yields 24 recommendations in total (a complete listing of observations and recommendations on the Land Resources Program are provided at the end of the Executive Summary). Research topics include:

1. Policy: six recommendations.
2. Systems: three recommendations.

3. Human resources: eleven recommendations.
4. Communications: two recommendations.
5. Appraisals: two recommendations

Assessment of ABPP focuses on four program assessment categories and yields five recommendations (a complete listing of all observations and recommendations on ABPP are provided at the end of the Executive Summary). Research topics include:

1. Staffing: move from term to permanent employees in expectation of increased transaction volume due to the permanency of funding to the Land and Water Conservation Fund (LWCF) as provided by GAOA.
2. Outreach and applicants: broaden outreach to underrepresented groups and increase communications with these groups.
3. Metrics: improve transparency and accountability by identifying, tracking, and reporting on program outcomes.
4. Transfer/conversions and congressional intent: clarify Congressional interpretation of program intent related to a future, potential NPS purchase of an ABPP grant property.

Enactment of GAOA, resulting in substantial annual funding of the LWCF in perpetuity, is a game-changer for both programs. While only recently implemented and in a nascent phase, increased transactional volume for both land acquisition and ABPP is expected. Thus, important operational program areas, such as systems, hiring strategies, policy updates, training, staff assessment, and the others addressed in this study, must remain a top priority for focus and corresponding anticipatory improvement.

The leaders of these programs are to be commended for being pro-active in several instances to diagnose shortfalls and take prompt actions noted in these assessments. This research identifies these initiatives and supports continued efforts to advance them. There are other new opportunities to enhance effectiveness that have been identified in this work. Some of the actions will require investments in technical program staff to avoid a mismatch between the new and sizable LWCF funding. That funding, if not channeled effectively and efficiently, could lead to a deficit in the requisite evaluative technical transactional skills required to acquire land/conclude grants in a timely manner.

The set of 24 recommendations directed to the Land Resources Program and five directed to the ABPP will help both continue on a course to achieve program missions. Given the numerous recommendations across several operational dimensions, this report also includes an Implementation Plan (IP) to help guide program leaders to prioritize and sequence their execution. The IP bundles recommendations into three time-period categories according to when actions should be initiated: short-term, medium-term, and long-term. Recommendations designated as short-term should generally be initiated during the first year following submission of this report. Recommendations designated as medium-term should generally be initiated during the following year. Recommendations designated as long-term should generally be initiated starting during the third year following submission of the report. The adoption of an IP that is

based upon time periods implicitly recognizes that not all recommendations should be introduced simultaneously. There are staffing constraints that are likely to make it difficult, if not impossible, to plan and execute all the changes at once since there are limits to the number of operational changes that staff members can accommodate during a relatively short period of time. In addition, some actions outlined in this report logically or operationally build upon actions that should precede them.

The time periods proposed in the IP are intended as guidelines rather than strict and discreet start and finish periods. As such, program leaders should exercise discretion and monitor implementation progress in case there are unexpected delays, challenges, or even faster implementation than expected. Thus, program leaders should expect to contribute independent judgement vis-à-vis the report’s suggested IP, as appropriate, over time.

A complete listing of all report observations and recommendations, as well as the category of approximately when each should be initiated following submission of this report, are listed below.

Chapter 2: Land Resources Division		
Section 2.1: Policy		
Observation 2.1: Many aspects of the Land Resources Program have changed since Director’s Order (DO) #25 was signed in 2001.	Recommendation 2.1: Revisit DO #25 and advocate for necessary updates. Use the updates made in Reference Manual (RM) #25 and Land Acquisition Procedures Guide (LAPS) in Recommendations 2.2 and 2.3 below as support for the request.	Medium-term
Observation 2.2: LRD updated RM #25 in 2021 but did not distribute the changes as official guidance, in part due to its anticipation of the findings and recommendations offered in this report.	Recommendation 2.2: Finalize LRD’s updates to RM #25 and incorporate the possible updates noted in this report.	Short-term
Observation 2.3: LRD updated LAPS in 2021 but did not provide final notice of those changes to all staff in the Land Resources Program.	Recommendation 2.3: Notify Land Resources Program staff of updates and changes to LAPS and incorporate other possible additions identified in this report. Provide quarterly notifications to all Land Resources Program staff summarizing updates to LAPS.	Short-term
Observation 2.4: Adoption of provisional title opinions suggests greater efficient transactional flow. Additionally, there is a backlog in obtaining final title opinions.	Recommendation 2.4: LRD should work with the Regional Lands Resources Program Centers to adopt pre-preliminary title opinions and place greater emphasis on addressing the backlog of final title opinions.	Medium-term
Observation 2.5: Right-of-way (ROW) appraisals can take significant amounts of time compared to the fee they generate.	Recommendation 2.5: Explore the potential adoption of schedule-based appraisals, in coordination with Bureau of Land Management, for ROWs to help expedite the process.	Medium-term

<p>Observation 2.6: While LRD has authority to enter into option to purchase agreements with landowners, restrictions applying to some terms are more restrictive than those commonly used in private sector property transactions.</p>	<p>Recommendation 2.6: Explore how option to purchase agreements are used in the public and private sectors and evaluate options to shorten or remove contract period minimums and allow for more flexible practices allowing for advance payments preceding final purchases.</p>	<p>Medium-term</p>
<p>Section 2.2: Systems</p>		
<p>Observation 2.7: The reported absence of interactive training available to help facilitate the transition from Land Acquisition Ranking System (LARS) to Project Management Information System (PMIS) is cause for concern; however, LRD leadership recognized this concern and PMIS system managers provided on-call assistance throughout the development of the FY 2025 budget formulation process and made training materials in various formats available to Land Resources Program employees.</p>	<p>Recommendation 2.7: LRD should continue a comprehensive training plan for the transition of LARS into PMIS. This training plan should continue to include:</p> <ul style="list-style-type: none"> • Practice submissions presented by PMIS experts to Regional Offices to illustrate how Regional staff should submit a project particular to their region; • Communication about the availability of PMIS experts' contacts to provide support to the regions. • Video recordings LRD uses to train staff on PMIS; and • Communication on all other information about the transition, such as updates, arising issues, and other emerging developments in the PMIS. 	<p>Short-term</p>
<p>Observation 2.8: The Master Lands Console (MLC) is a useful tool to track individual projects for LRD leadership, to monitor project progress, and have data readily available to respond to NPS, DOI, and Congressional inquiries; however, data entry to the MLC is inconsistent.</p>	<p>Recommendation 2.8: Require consistent use of the MLC by making timely entries into it a priority for all Land Resources Program staff. LRD leadership, in consultation with Regional Realty Officers, should identify and prioritize the most important data entries to the MLC. LRD should work with the Lands Resource Program Centers to hold staff accountable by making prioritized data entries into the MLC a part of employee's performance appraisal plans (EPAPs).</p>	<p>Short-term</p>
<p>Observation 2.9: While LandsNet is cited as an important and frequented location to find policy documents and other useful materials, the website user interface is outdated.</p>	<p>Recommendation 2.9: Update the user interface of NPS's internal website, LandsNet, while retaining ease of access and maneuverability for staff who are familiar with the structure of the current system. The Land Resources Program should convene internal discussions with representation from new hires and longer-tenured staff to identify specific recommendations on updates to LandsNet's user interface.</p>	<p>Medium-term</p>
<p>Section 2.3: Human Resources</p>		

<p>Observation 2.10: There is staff demand for more training on both the land acquisition and the appraisals processes for Land Resources Program and non-Land Resources Program staff who are involved in land acquisitions.</p>	<p>Recommendation 2.10: The NPS Lands Academy should include:</p> <ul style="list-style-type: none"> • Opportunities to identify Regional and park best practices that can be shared throughout NPS; • Training on how NPS and Appraisal and Valuation Services Office (AVSO) staff can better support each other; • Question and answer sessions held by AVSO on the appraisals process; and • Sessions for Lands Academy coordinators and participants to develop training opportunities and modules for non-Land Resources Program staff who are involved in the lands acquisition process. 	<p>Medium-term</p>
<p>Observation 2.11: Due to the high interest in a training program, formalizing goals, objectives, and outcomes of the Lands Academy, and soliciting participant feedback, will be important. Lands Academy coordinators have developed a comprehensive plan for the upcoming Lands Academy; however, there remains a need for long-term goals and objectives, as they will be critical to success for future sessions.</p>	<p>Recommendation 2.11: For future training sessions, Lands Academy coordinators and leaders should:</p> <ul style="list-style-type: none"> • Leverage goals and objectives from the upcoming Lands Academy to inform future sessions; • Establish a continuity plan to ensure future training sessions are held for both realty and non-realty staff; and • Issue a survey to staff at the end of Lands Academy sessions to help inform future training sessions, goals, and objectives. 	<p>Medium-term</p>
<p>Observation 2.12: There is an increase in ROW program workload resulting from the GAOA and the Bipartisan Infrastructure Act. While LRD has created open positions for ROW Coordinators, expected increased permitting demand may exceed current staff capacity.</p>	<p>Recommendation 2.12: The LRD, in coordination with the Regional Land Resources Program Centers, should create at minimum, one dedicated ROW Coordinator position in each region. In addition, identify regions that require more ROW support, and staff up those regions struggling with ROW workload. These needs can be highlighted through the annual call for additional new and critical funding requirements and LRD’s review and approval of all Regional Land Resources Program Center organizational charts.</p>	<p>Medium-term</p>
<p>Observation 2.13: Some regions appear to have staffing capacity shortfalls.</p>	<p>Recommendation 2.13: LRD should work with the regions to conduct regular staffing assessments and add staff to identified capacity needs. Potential staffing additions might include land surveyors, cartographers, cartographic technicians, and geographic information systems specialists. LRD should make recommendations on staffing to each region as needed.</p>	<p>Long-term</p>

<p>Observation 2.14: Three observations on contracting include: (1) capacity for contracting services for land acquisitions at the Regional level is uneven; (2) LRD recently executed a service-level agreement (SLA) to dedicate contracting capacity and expertise for land acquisition activities in the Washington Contracting Office (WCO); and (3) the Regional Land Resources Program Centers have credit card purchasing authority that often provides an alternative to the relatively lengthier contracting process for many land acquisition due diligence services.</p>	<p>Recommendation 2.14: LRD should continue supporting the new WCO-based Land Resources Program-dedicated contracting service in line with the SLA between LRD and the WCO to drive standardization of process, as well as to add capacity and land acquisition-specific contracting expertise. NPS is centralizing all contracting functions, including Land Resources Program activities, in FY2024 and the SLA helps prepare the Land Resources Program for that change. While the WCO will add capacity by alleviating some of the regions’ workload, LRD should continue to support credit card purchases for land acquisition activities that fall under the General Services Administration’s micro-purchasing threshold to increase the overall efficiency of securing services for acquisitions.</p>	<p>Short-term</p>
<p>Observation 2.15: While the SLA includes the estimated number of contracts the WCO will work on each year for Land Resources Program activities, including environmental site assessments (ESAs), there is not enough clarity about expected workloads.</p>	<p>Recommendation 2.15: LRD should monitor the workload of the WCO contracting function with particular attention to identifying predictable peaks in demand throughout its first year. LRD should monitor the performance of WCO as planned by using the Procurement Acquisition Lead Times as the baseline expectation for overall contracting actions and the metrics in the Lands Contracting PowerApp as a more granular measure. That performance information should be used to match the number of staff dedicated to the WCO with its expected workload.</p> <p>If the service is underperforming, LRD can investigate to determine whether the root cause is a process issue or a capacity issue. In addition, LRD can fine-tune its performance expectations and measures each cycle. LRD should revise its estimate for the number of Land Resources Program contracting actions the WCO will work on each year in the SLA. This should account for any changes in responsibilities between the Land Resources Program and AVSO, as well as credit card purchasing for ESAs under the micro-purchasing threshold. LRD should also include upper- and lower-bound estimates for the annual number of WCO contracting actions to account for uncertainties around the WCO’s future workload.</p>	<p>Medium-term</p>
<p>Observation 2.16: As a matter of departmental policy, ESAs undertaken by DOI bureaus, including NPS, must meet EPA’s</p>	<p>Recommendation 2.16: LRD should encourage Regional Lands Resources Program Centers to build options into procurement for Phase I ESAs. This would help Regional Lands Resources Program Center staff to</p>	<p>Short-term</p>

<p>standards for evaluating a property’s environmental conditions. Those standards stipulate that ESAs need to be completed or updated within 180 days of closing on a property. Since Phase I ESAs are conducted during the relatively early stages of land acquisition, delays in other parts of the land acquisition stages can result in the need for ESAs to be redone or updated. The Land Resources Program has made efforts to conduct ESAs after the appraisal process, when appropriate, to avoid issues complying with the 180-day requirement. Regional Land Resources Program Center staff have also built the option for updated Phase I ESAs into the later stages of some individual acquisition projects. They are also able to build in options for Phase II and Phase III ESAs in their initial agreements with contractors for Phase I ESAs.</p>	<p>update, or redo, Phase I ESAs as quickly as possible in the event that other portions of the due diligence activities overrun the 180-day window. LRD should also encourage Regional Lands Resources Program Centers and the WCO to build future ESA phase I contracts to include options for Phase II and III ESAs to facilitate timely actions to complete them as soon as possible if the Phase I ESAs uncover issues with prospective acquisitions. Furthermore, LRD should encourage the Regional Land Resources Program Center staff to include options for updated Phase I ESAs, and subsequent Phases, in transactions that utilize their credit card purchasing authority.</p>	
<p>Observation 2.17: LRD lacks internal expertise in environmental compliance activities, relying on the seven Environmental Coordinators in the Regional Offices to develop the scopes of work for ESAs performed by external contractors. LRD relies on the environmental expertise of the NPS Environmental Compliance and Cleanup Division (ECCD) when reviewing and overseeing those activities at WASO. ECCD seeks consultation and guidance from DOI’s Office of Environmental Policy and Compliance (OEPC) as needed. This can make it challenging for LRD to promote uniformity in</p>	<p>Recommendation 2.17: LRD should consider centralizing the ESA function to build expertise and capacity to support environmental compliance activities. This will help to ensure that ESAs are conducted in the most efficient sequence in relation to appraisals and that scopes of work for ESAs include the appropriate provisions for follow-up work. Centralizing the function would promote uniformity in the standard of due diligence required for ESAs across the NPS in accordance with departmental guidance from OEPC.</p>	<p>Medium-term</p>

<p>the standard of due diligence undertaken for ESAs across the regions in accordance with the departmental guidance it receives from OEPC. The Land Resources Program has recently created an environmental protection specialist position embedded in the Intermountain Region Land Resources Program Center to begin building internal expertise.</p>		
<p>Observation 2.18: Adoption and use of flexible hiring tools can benefit the Land Resources Program.</p>	<p>Recommendation 2.18: Encourage use of creative hiring tools like the Technical Internship Program, Presidential Management Fellows Program, and New Solutions experienced workers contract. Target communications on hiring tools to the Regional Directors or designees over the Land Resources Program in their region. The email list and regular meetings discussed in Recommendation 2.22 below should be the channel for such communications.</p>	<p>Medium-term</p>
<p>Observation 2.19: Remote flexibilities can help attract high quality candidates to work in the Land Resources Program.</p>	<p>Recommendation 2.19: Encourage the Regional Land Resources Program Centers to ensure that as many open and existing positions as possible have the option for remote work arrangements.</p>	<p>Short-term</p>
<p>Observation 2.20: Position descriptions lack uniformity across the regions. The position descriptions also lack specificity and can lead to uncertainty in setting employee performance expectations and work goals.</p>	<p>Recommendation 2.20: Position descriptions should be standardized across the Land Resources Program and subsequently paired with specific EPAPs that encompass that position’s responsibilities even if they are not outlined in the position description or are perceived as collateral duties. The responsibilities listed in the EPAPs should be updated frequently to prevent confusion arising from the standardized position descriptions.</p>	<p>Medium-term</p>
<p>Section 2.4: Communications</p>		
<p>Observation 2.21: LRD communication about its requirement to understand Operations and Maintenance (O&M) costs as part of the LARS process, and not as one of the criteria for deciding whether to acquire property, is not universally understood among external partners nor Regional Land Resources Program Center staff.</p>	<p>Recommendation 2.21: LRD should work with external partners to refine its methodology for understanding the lifecycle O&M costs of land acquisition projects; explore how external partners can perform work on properties before the Land Resources Program acquires them; and encourage the Regional Land Resources Program Centers to improve coordination and communication with stakeholder organizations at the Regional and park unit levels. Recommendation 2.22 below provides more suggestions for LRD to improve internal</p>	<p>Short-term</p>

	communications with the Regional Land Resources Program Centers.	
Observation 2.22: Challenges exist in communications between LRD and Regional Land Resources Program Centers and with Regional and Associate Regional Directors (ARDs).	Recommendation 2.22: LRD should institute a regular, voluntary meeting of the ARDs who have responsibility to oversee the Regional Lands Program. It should use that regular meeting and the ARD email list to ensure clarity on current policies and procedures among the Regional Lands Resources Program Centers so they can communicate accurate and consistent information to external partners and stakeholders.	Medium-term
Section 2.5: Appraisals		
Observation 2.23: Appraisals are the most problematic part of the land acquisition process, and the DOI Appraisal Streamlining Working Group is a positive step taken to help improve the working relationship between the Land Resources Program and AVSO.	<p>Recommendation 2.23: LRD leadership, in coordination with AVSO, should continue collaborating through the DOI Appraisal Streamlining Working Group and establish it in perpetuity. LRD leadership should use the group to draw upon AVSO staff expertise to enhance the Land Resources Program appraisal functionality.</p> <p>Recommendation 2.24: In consultation with DOI and AVSO leadership, LRD should explore whether there might be circumstances when NPS could undertake appraisals with AVSO retaining some oversight authority. LRD should seek authority to hire certified appraisers to support appraisal-related activities such as conducting internal appraisal assignments, advising and supporting realty staff, helping prepare statements of work for contracted appraisals, and serving as knowledgeable liaisons to AVSO.</p>	Short-term
Chapter 3: American Battlefield Protection Program		
Section 3.1: Staffing		
Observation 3.1: Reliable LWCF funding should result in a sustained higher volume of grant applications. Appropriate staffing to address this anticipated increase will enhance mission performance.	Recommendation 3.1: ABPP should seek approval to fill term grants management positions with permanent employees.	Short-term
Section 3.2: Outreach and Applicants		
Observations 3.2: ABPP focuses on increasing the diversity of its applicant pool to tell the stories of underrepresented groups. Using a communication strategy	Recommendation 3.2.1: ABPP should continue to identify and engage organizations that focus on the histories of underrepresented groups during the times of the American Revolution, War of 1812, and the Civil War.	Short-term

<p>focused on social media engagement and webinars ABPP has been able to expand its Preservation Planning Grants (PPG) applicant pool.</p>	<p>Recommendation 3.2.2: ABPP should build upon the existing communication strategy used for PPGs to continue developing quality content including success stories, short videos, and podcasts to create greater awareness among targeted applicant pools.</p>	<p>Short-term</p>
<p>Section 3.3: Metrics</p>		
<p>Observation 3.3: ABPP lacks metrics to measure program impact and only uses the number of grants awarded each year and the subsequent number of acres covered by easements to account for the amount of land conserved.</p>	<p>Recommendation 3.3: ABPP should identify and develop additional measurable outcomes for its Battlefield Land Acquisition Grants. Given the importance of external stakeholders, ABPP should consult with representatives from a variety of stakeholders including the NPS Cultural Resources Directorate, LRD, the National Council of State Historic Preservation Offices (NCSHPO), and non-profit partners when developing additional program evaluation metrics.</p>	<p>Medium-term</p>
<p>Section 3.4: Battlefield Transfers/Conversions and Congressional Intent</p>		
<p>Observation 3.4: Some Battlefield Land Acquisition Grant (BLAG) award grantees have later sold land to NPS through LRD’s land acquisition program. Such acquisitions conflict with ABPP’s current understanding of the congressional intent of its program which is that land purchased with a BLAG award should never become part of the federal estate.</p>	<p>Recommendation 3.4: ABPP should engage with LRD to reaffirm a common understanding of the intention around transfers and conversions of land acquisitions receiving federal financial assistance through ABPP. The DOI solicitor’s office should be included to interpret and clarify regulations. Once this understanding has been agreed upon by all parties, this information should be included in all grant agreements and regularly communicated as part of the program outreach.</p>	<p>Medium-term</p>

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Chapter 1: Project Background

As stated in original authorizing legislation, the National Park Service (NPS) mission is to “preserve unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations.”⁴ A bureau within the Department of the Interior (DOI), the NPS presently cares for 424 individual units spanning more than 85 million acres.⁵

This report of a Panel of five Fellows (short biographical information on the Fellows and study team members is found in [Appendix A](#)) of the National Academy of Public Administration (the Academy) focuses on two NPS programs. The first program is the Federal Land Resources Program, which is the responsibility of the Land Resources Division (hereafter referred to as LRD). The Land Resources Program acquires land and interest in land within the authorized boundaries of park units for visitor use and preservation of resources. At present, about 2.6 million acres of privately owned land remain within park boundaries and may be a candidate for purchase by NPS.

The second program is the American Battlefield Protection Program (ABPP). The ABPP, in contrast to the Land Resources Program, is a grant-making program aimed at facilitating procurement of battlefield land by outside parties with the intent to preserve and interpret these important places. More detailed information about each of these programs is provided in Chapters 2 (focused on the Land Resources Program) and 3 (focused on ABPP).

1.0 Scope of Work

This report offers a thorough program assessment for both the Land Resources Program and ABPP. It is divided into two main chapters because these are two distinctly different programs. With respect to the Land Resources Program, the research focuses are on several key operational areas: policy, systems, human resources, communications, and appraisals. With respect to ABPP, the research focuses on: staffing, outreach and applicants, metrics, and battlefield transfers/conversions and congressional intent.

The research focus areas represent a comprehensive review of these programs and thus provide an important launch point for further opportunities to enhance efficiencies, coordination, resource management, effectiveness, and accountability.

Two important elements of lands transactions – title opinions and appraisals – are undertaken by the DOI for NPS (and other DOI land management bureaus). While DOI professionals in these two fields contributed to this study, the project’s scope of work involves NPS only, leading to observations and recommendations focused solely on how NPS might enhance working relationships with these offices. Recognizing that there are multiple agencies working on a transaction, a broader brief to formally include research into the DOI’s offices could have yielded

⁴ “About Us,” National Park Service, accessed April 4, 2023, <https://www.nps.gov/aboutus/national-park-system.htm#:~:text=Units%2FParks,of%20Columbia%2C%20and%20US%20territories>.

⁵ Ibid.

a more comprehensive set of observations and recommendations to contribute to this important collaborative effort.

1.1 Methodology

The research combines document review with interview sources. Document sources are, in part, NPS policies, plans, and other NPS information. Other document sources also include articles and reports sourced from outside the NPS.

Interviews constitute a substantial source of research information for this study. All interviews were conducted on a not-for-attribution basis. More than 150 individuals contributed to this work (see [Appendix B](#) for a list of individuals interviewed for this study). While the largest portion of individuals interviewed are NPS employees, the interview list includes employees of the Department of the Interior, representatives of external stakeholders, and former NPS employees.

1.2 Report Organization

Besides this Chapter, the report is organized into three more chapters as follows:

Chapter 2 provides background information on the Land Resources Program, as well as recommendations organized by topic area. An implementation plan is also proposed.

Chapter 3 provides background information on ABPP and recommendations organized by topic area. An implementation plan is also proposed.

Chapter 4 provides a conclusion and summary of observations and recommendations for both the Land Resources Program and ABPP.

Chapter 2: Land Resources Program

This background information on the NPS Land Resources Program’s functions, organization, and budget provides an important foundation on which an assessment of several important Land Resources Program functional topics follows. The second part of the chapter offers assessments on which study recommendations are developed that are divided into five categories: systems, human resources, policy, communications, and appraisals. The five categories of assessments are sub-divided to include an observation and recommendation. Finally, each recommendation is incorporated into an Implementation Plan (IP) that is based upon an estimated timing of when each recommendation should be initiated following the submission of this report: short-term (within one year); medium-term (during the second year); and long-term (starting during third year). The suggested implementation designation is noted for each recommendation.

2.0 Land Resources Program Background: Functions, Organization, and Budget

The Land Resources Program, like most other programs within NPS, is highly decentralized. The Land Resources Division (LRD), located in the Washington Support Office (WASO), provides guidance and support for the Land Resources Program, while delegating responsibility for its implementation to the Regional Land Resources Program Centers in the NPS Regional Offices.⁶ Park units often have non-federally owned lands within their authorized boundaries. Acquisition of those lands and interests in land are often necessary and appropriate to protect and manage park resources.⁷ More specifically, LRD creates and maintains program policies, manages the budget for land acquisition, and provides guidance on procedures and technical support for the Land Resources Program. In terms of technical support, LRD guides the cartographic function for the Land Resources Program, maintains information on park tracts and boundaries, and manages historical data.⁸ LRD is also responsible for program advocacy, liaison and communication, and process oversight. In addition, it administers the permitting process for rights-of-way (ROW) uses within park units.⁹

A leadership change in LRD program management occurred about 18 months ago. The new leaders have dedicated time to take a fresh look at the program and consider how the Land Resources Program can be enhanced to increase its efficiency and effectiveness. LRD is a division

⁶ Internal National Park Service Land Acquisition Procedures guide provided directly to the Academy Study Team.

⁷ An interest in real property refers to those rights and privileges held by an entity in land owned by others. Some examples of interests in land include leaseholds, easements, water rights, diversion rights, rights-of-way, and more. See: *Real Property and Financial Management Guide*, National Park Service, accessed April 4, 2023, https://www.doi.gov/pam/programs/property_management/Real-Property-and-Financial-Management-Guide.

⁸ “Land Resources Division: What We Do,” National Park Service, accessed April 4, 2023, <https://www.nps.gov/orgs/1860/whatwedo.htm>.

⁹ “A right of way is a permit issued by the National Park Service that allows a utility to pass over, under, or through NPS property.” “About Us: Right-of-Way Permit,” National Park Service, accessed April 4, 2023, <https://www.nps.gov/aboutus/right-of-way-permit.htm>.

within the Park Planning, Facility and Lands Directorate (PPFL) under NPS’s Deputy Director for Operations. While LRD functions as a national policy and support office, its leadership and staff are geographically dispersed. For example, the National Land Acquisition Trails Office located in Martinsburg, West Virginia, administers 23 out of 30 trails in the National Trails System.¹⁰ LRD encompasses five groups: Cartography, Mapping, and Boundary; Land Acquisition Policy and Support; Rights-of-Way Management; the National Trails and Tiger Team; and the National Program Center/Coordination and Control.¹¹ There are approximately 110 Land Resources Program employees nationwide, including 31 LRD employees. Figure 1 below illustrates this organizational structure.

Figure 1: NPS Park Planning, Facilities and Lands Directorate Organization Chart

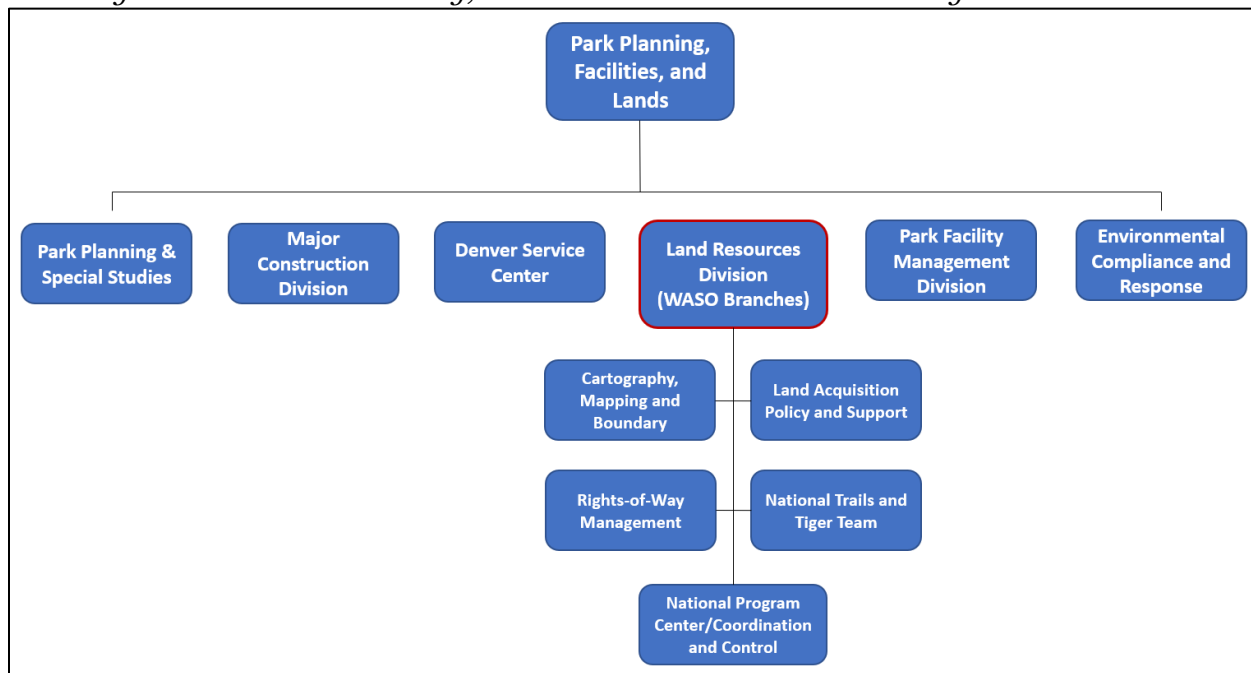


Figure created by the National Academy of Public Administration
Source: National Park Service¹²

The regional component of the Land Resources Program implements LRD’s policies and performs the work for land acquisition projects themselves. It encompasses the work of the regions and

¹⁰ “National Trails Office – Regions 6,7,8,” National Park Service, accessed April 4, 2023, <https://www.nps.gov/orgs/1453/whatwedo.htm>.

¹¹ “A tiger team is a specialized, cross-functional team brought together to work on a specific issue.” Lucid Content Team, “Understanding the tiger team approach,” *Tech Blog*, accessed April 4, 2023, <https://www.lucidchart.com/blog/what-is-a-tiger-team#:~:text=What%20is%20a%20tiger%20team,Apollo%2013%20mission%20in%201970>.

The LRD Tiger Team will work on training for land acquisition projects, specifically property appraisals.

¹² “About Us: Organizational Structure of the National Park Service,” National Park Service, accessed April 4, 2023, <https://www.nps.gov/aboutus/organizational-structure.htm>.

park units which includes, but is not limited to, land acquisition.^{13,14} Each of the seven NPS regions has a Land Resources Program Center embedded in its Regional Office. The Regional Land Resources Program Centers' primary role is to identify and acquire the priority land acquisition projects.¹⁵

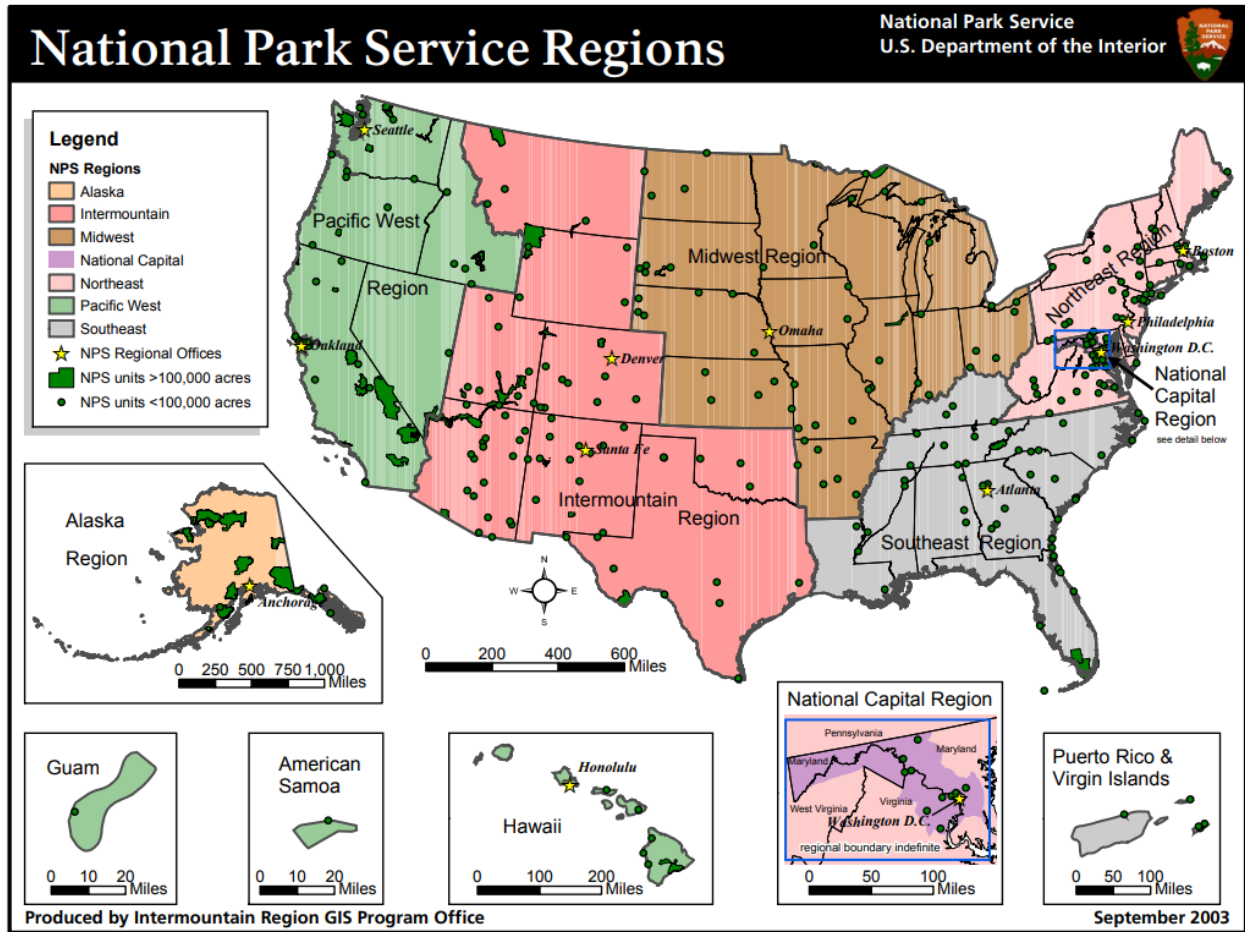
The portfolio of the Regional Land Resources Program Centers includes more than acquisition because it includes staff that work on other land conservation and protection activities. Each has a varying number of specialists who manage land acquisition processes and are led by one Chief Realty Officer. The reporting lines for the Regional Land Resources Program Centers and park units flow through the respective region to the Regional Directors or designee. Some staff outside of the Regional Land Resources Program Centers, but within the Regional Offices or park units work on realty management activities on an as needed basis. They do not work for the broader Land Resources Program but coordinate with the Regional Land Resources Program Centers when appropriate. For example, a park Realty Specialist may be responsible for monitoring a conservation easement within a park boundary to ensure compliance with the easement terms. Coordination and assistance may be needed from the Regional Land Resources Program Center to address infractions and/or identify appropriate enforcement measures. Figure 2 below provides a map of NPS regions and park units.

¹³ Other lands related functions exist outside of the Land Resources Program. For example, park protection, natural resource stewardship, and research on lands already under NPS ownership. Grant programs that interact with the Lands Program exist in the American Battlefield Protection Program in Cultural Resources, Partnerships, and Science Directorate (CRPS) (included in this effort) and the State and Local Assistance Programs for LWCF are in the Partnerships and Public Engagement Associateship (not included in this effort). Chapter 3 of this report addresses interactions between the Lands Program and the CRPS granting programs. See: "Land Resources Division," National Park Service, accessed April 4, 2023, <https://www.nps.gov/orgs/1860/index.htm>; "Regions 3, 4, and 5: Learn about Regional Programs," National Park Service, accessed April 4, 2023, <https://www.nps.gov/orgs/1671/learn-about-Regional-programs.htm>; "American Battlefield Protection Program: What We Do," National Park Service, accessed April 4, 2023, <https://www.nps.gov/orgs/2287/whatwedo.htm>.

¹⁴ The National Park Service refers to individual parks as "units"; "Land Resources Divisions," National Park Service.

¹⁵ Two offices located in in the Intermountain Region provide technical and cartographic support nationwide.

Figure 2: Map of NPS Regions and Park Units



Source: National Park Service¹⁶

The land acquisition process includes multiple planning and compliance stages and is dependent on the availability of funds for acquisitions. The entire process can take up to three years from the time funding is obtained. Listed below in Figure 3 are the key stages involved in the process.¹⁷

Figure 3: NPS Land Acquisition Process

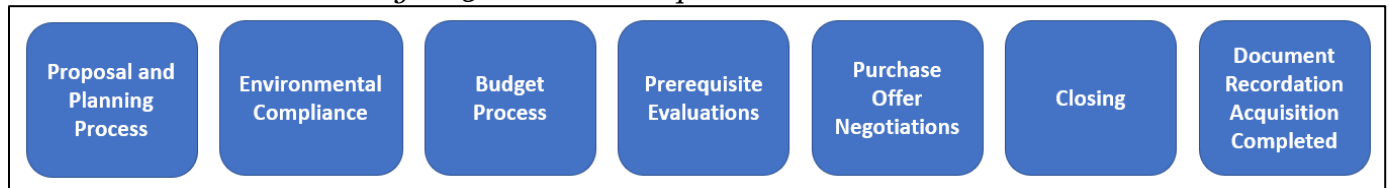


Figure adapted by the National Academy of Public Administration

Source: National Park Service¹⁸

¹⁶ “National Park Service Regions,” National Park Service, accessed April 4, 2023, https://www.nps.gov/gis/documents/nps_regions_11x8-5-new.pdf.

¹⁷ “Land Acquisition Process,” National Park Service, accessed April 4, 2023, <https://www.nps.gov/subjects/lwcf/land-acquisition-process.htm>.

¹⁸ Ibid.

Budget

Funding for the Land Resources Program comes from the LWCF, which was established by Congress in 1964 to safeguard natural areas, water resources and cultural heritage, and to provide recreation opportunities to all Americans.¹⁹ In addition to NPS, LWCF resources are used by DOI's Bureau of Land Management and the Fish and Wildlife Service, as well as the Department of Agriculture's Forest Service.²⁰ More specifically, NPS is authorized to use the LWCF to "acquire lands, waters, and interests therein necessary to achieve the natural, cultural, wildlife and recreation management objectives of NPS."²¹ The LWCF operates on royalties paid by companies that engage in offshore drilling for oil and gas instead of taxpayer appropriations.²² The Dingell Act of 2019 permanently reauthorized the LWCF and the 2020 Great American Outdoors Act (GAOA) fully and permanently funded it at a level of \$900 million for each fiscal year (FY).²³ The Regional Land Resources Program Centers are centrally funded by LWCF through the LRD, but report to their respective Regional Director or designee. Some activities that follow the land acquisition process, such as continued monitoring, operations and maintenance, and boundary enforcement, are not authorized for use of LWCF funds since they are not considered part of the land acquisition process.

Department of the Interior Roles in Land Acquisition

Two offices in the Department of the Interior have roles in the land acquisition process: the Office of the Solicitor (SOL) and the Appraisal and Valuation Service Office (AVSO). SOL provides legal assistance for the Land Resources Program in reviewing and providing legal opinions regarding quality of title, and other legal instruments, as necessary.²⁴ Its primary role in support of the NPS land acquisition process is to collaborate with LRD on preliminary and final title evidence and opinions. SOL also provides NPS LRD staff with guidance regarding park specific land acquisition authority.

AVSO is a centralized professional service team to aid with land appraisals. It was formed in 2018 to "...provide credible, timely, and efficient valuation services... to uphold trust in federal real property transactions."²⁵ The appraisal function previously existed in DOI but was administered

¹⁹ "LWCF: Protecting Lands and Giving Back to Communities," National Park Service, accessed April 4, 2023, <https://www.nps.gov/subjects/lwcf/index.htm>.

²⁰ "Land and Water Conservation Fund," Department of the Interior, accessed April 6, 2023, <https://www.doi.gov/lwcf>.

²¹ "Land and Water Conservation Fund: Federal Land Acquisition," National Park Service, accessed April 6, 2023, <https://www.nps.gov/subjects/lwcf/federalside.htm>.

²² "About LWCF," The Land & Water Conservation Fund Coalition, accessed April 6, 2023, <https://lwcfcoalition.org/about-lwcf>.

²³ "LWCF: Protecting Lands and Giving Back to Communities," National Park Service.; "Land and Water Conservation Fund," Department of the Interior.

²⁴ "Office of the Solicitor: About," Department of the Interior, accessed April 6, 2023, <https://doi.gov/solicitor/about>.

²⁵ "AVSO: About Us," Department of the Interior, accessed April 6, 2023, <https://www.doi.gov/valuationservices/about-us>.

by AVSO's predecessor organizations from 2002 to 2018.²⁶ AVSO is responsible for executing the appraisal function for NPS and the other DOI bureaus.²⁷ Appraisals for federal land acquisition are prepared under the Uniform Standards for Professional Appraisal Practice and, if appropriate for the assignment, the Uniform Appraisal Standards for Federal Land Acquisitions or "Yellow Book." Most federal land transactions must comply with the Yellow Book standard.²⁸ With landowner consent, NPS may prepare waivers for proposed acquisition of properties estimated at \$25,000 or less under 49 CFR §24.102 (c) (2) to conduct valuations for properties using methods outside of the AVSO appraisal process.

Realty Specialists in the Land Resources Program prepare requests for appraisal packages that include the information compiled during the planning and prerequisite evaluations stages of the acquisition process. The Realty Specialists send these appraisal request packages to AVSO. AVSO is responsible for ensuring the package is complete for the purposes of securing a contract with an external appraiser to perform the property valuation. More information about how Land Resources Program employees works with AVSO is provided in section 2.5 below.

2.1 Land Resources Program Assessment: Policy

Structural, policy, and strategic alignment are all essential components of organizational effectiveness, and a consistent policy framework is an important foundation for organizations to

²⁶ Prior to DOI retaining the function, appraisals were conducted by the bureaus themselves. In brief, DOI determined that it posed a conflict of interest for the bureaus to perform their own appraisals for real estate transactions. "AVSO Overview," Department of the Interior, accessed April 6, 2023, <https://www.doi.gov/valuationservices/overview>; U.S. Department of the Interior, Office of Inspector General, *Evaluation Report on the Department of the Interior's Appraisal Operations*, Report No. WR-EV-OSS-0012-2009, December 2009, <https://www.doioig.gov/sites/default/files/2021-migration/WR-EV-OSS-0012-2009.pdf>, and Secretary of the Interior, Department of the Interior, *Consolidation of the Office of Appraisal Services and the Office of Valuation Services into the Appraisal and Valuation Services Office*, Director's Order No. 3363, March 19, 2018, https://www.doi.gov/sites/doi.gov/files/elips/documents/3363_-_consolidation_of_the_office_of_appraisal_services_and_the_office_of_valuation_services_in_the_appraisal_and_valuation_services_office_o.pdf.

²⁷ AVSO's other DOI clients are the Bureaus of Indian Affairs, Land Management, Reclamation, and Fish and Wildlife Service. "AVSO: About Us," Department of the Interior.

²⁸ In acquiring property, the federal government must impartially protect the interests of all parties by ensuring fair compensation to both the property owner and the public taxpayer. As a matter of legal precedent, the United States court system has operated on the concept of market value as the standard for just compensation. As DOI's Office of Inspector General states "for this reason, it is the general policy of the United States that all Federal land acquisitions be based on market value appraisals." See: U.S. Department of the Interior, Office of Inspector General, *Evaluation Report on the Department of the Interior's Appraisal Operations*. DOI bureaus are allowed to prepare a waiver for appraisals for the acquisition of properties estimated at \$25,000 or less. Basic acquisition policies, 49 CFR 24.102 (c)(2)(2005), <https://www.law.cornell.edu/cfr/text/49/24.102>.

build their structure, plans, and procedures for implementation around.²⁹ This subsection focuses on policy specifically. Three documents contain all these elements for the Land Resources Program. They are Director's Order (DO) #25, Land Protection; Reference Manual (RM) #25; and the Land Acquisition Procedures guide (LAPS). DO #25 and RM #25 are particularly important for staff inside and outside the Land Resources Program, as well as external partners and stakeholders to understand the land acquisition process, roles and responsibilities, and how the process differs from other DOI bureaus.

This subsection highlights areas of land acquisition that have changed since DO #25 was signed and should be reflected in updated policy guidance to continue to promote clear goals, objectives, and roles and responsibilities in the Land Resources Program. LRD is already working to make updates to RM #25 and LAPS is reviewed and modified on an ongoing basis. Since DO #25 and RM #25 are public documents and LAPS is restricted to staff in the Land Resources Program, **Recommendations 2.1, 2.2, and 2.3** should be considered as part of an interconnected strategy for updating policies for different audiences.

Director's Order (DO) #25

DO #25 deals with land protection through acquisition and sets the framework for the land acquisition program, including the roles and responsibilities of LRD, the Regional Directors, Realty Officers, Land Resources Program Centers, and park unit Superintendents.³⁰ It also includes policy guidance about land protection plans, cartography, environmental site assessments (ESAs), appraisals, and partnerships with external stakeholders.

Many aspects of the land acquisition program have changed and evolved since DO #25 was signed in 2001. For example, GAOA and the Dingell Act of 2019 provided mandatory and permanent funding for LWCF. The Land Resources Program can now plan differently with appropriated funds that carry over each fiscal year. Aspects of DO #25 that are out-of-date include:

- The DOI Appraisal Streamlining Working Group's recommended changes to NPS's authority under 54 U.S. Code § 200309 to purchase options for land it plans to acquire from sellers (refer to **Recommendation 2.6** on purchase options below for more information).
- Guidance to include options for follow-up ESA work in contracts and credit card transactions for initial Phase I ESAs (refer to **Recommendation 2.16** below).
- Guidance on procedures for acquiring land that was already acquired by an external partner through ABPP LWCF grant funding opportunities. Incorporate important

²⁹ Hal G. Rainey, *Understanding and Managing Public Organizations*, Fifth Edition, (San Francisco, CA: Jossey-Bass, A Wiley Brand, 2014) pages 88, 90-91, 457-458; Thierry Nautin, "The aligned organization," *The Lean Management Enterprise: A system for daily progress, meaningful purpose, and lasting value*, (2014): 136-142, https://www.mckinsey.com/~/media/mckinsey/industries/consumer%20packaged%20goods/our%20in%20sights/the%20consumer%20sector%20in%202030%20trends%20and%20questions%20to%20consider/2014_lean_management_enterprise_compendium.pdf.

³⁰ Department of the Interior, National Park Service, *Land Protection: Reference Manual 25, DRAFT* (Washington, DC: National Park Service, February 2012), <https://www.nps.gov/policy/DOrders/RM25.pdf>.

elements of discussions between LRD and ABPP on this issue (refer to **Recommendation 3.4** on Battlefield Transfers and Conversions below).

- Identification and description of SOL, its role in property title work for acquisition projects, as well as its new responsibility to work on pre-preliminary title opinions for the Land Resources Program. (Refer to **Recommendation 2.4** for more information on pre-preliminary title opinions).

Other Information

- Identification and description of the ROW Program and its interactions with the Land Resources Program is absent. DO #53B explains the ROW Program and its alignment under LRD. Any updates to DO #25 should make reference to DO #53B for continuity.³¹
- Identification and explanation of the role of AVSO is absent in the section explaining the importance of appraisals.
- Acknowledgement of the full scope that the cartography function provides for the Land Resources Program is absent. In addition to preparing maps to identify ownership of lands within park boundaries, the cartography function collects parcel level data that is helpful for realty staff during the land acquisition process. For example, the data is used to anticipate environmental compliance activities or considerations about existing structures on land to be acquired. LRD also articulated a vision to transition to an enterprise-wide system for sharing and managing all spatial and non-spatial data in LAPS in 2017.

Terminology

- References “Level I, II, and III Surveys” to describe the levels of ESAs that apply to the environmental compliance step during acquisition. The old terminology does not track EPA’s standards and regulations for ESAs, which are required by Departmental Manual Part 602, Chapter 2, or industry practice for ESAs.³² In its draft updates to LAPS, LRD recommends using the current terminology “Phase I, II, III ESAs” to ensure the appropriate degree of due diligence is taken during the applicable review. LRD also stresses the importance of using the updated terms to mitigate confusion over terminology.
- References the Land Resources Offices, which are now referred to as “Land Resources Program Centers”. LAPS includes updated and additional roles and responsibilities for each of the units involved in the Land Resources Program.

³¹ Department of the Interior, National Park Service, *Reference Manual 53B: Rights-of-Way* (Washington, DC: National Park Service, June 2021) <https://www.nps.gov/subjects/policy/upload/RM-53B.pdf>.

³² “Brownfields All Appropriate Inquiries,” Environmental Protection Agency, accessed April 7, 2023, <https://www.epa.gov/brownfields/brownfields-all-appropriate-inquiries>; “Phase II Environmental Site Assessment,” Partner Engineering and Science, Inc., accessed April 7, 2023, https://www.partneresi.com/services/environmental-consulting/phase-ii-environmental-site-assessment-report?gclid=CjoKcQjwwtWgBhDhARIsAEMcxeCyOIyNYxPEM5kb7XOG-MGpPppQekbh5Ai5Z9QNIOSJpyvzgE8fswQaAjAuEALw_wcB.

Observation 2.1: Many aspects of the Land Resources Program have changed since DO #25 was signed in 2001.

Recommendation 2.1 (medium-term implementation): Revisit DO #25 and advocate for necessary updates. Use the updates made in RM #25 and LAPS in **Recommendations 2.2** and **2.3** below as support for the request.

Reference Manual (RM) #25

DOs typically refer to legislation, departmental memoranda and guidance, and NPS memoranda and guidance. However, they do not discuss such authorities in detail. NPS prepares RMs that accompany DOs to provide additional information about various references and add more details about topics covered. RM #25 provides an annotated list to expand on each of the topics covered by DO #25 on land acquisition.

LRD updated RM #25 in 2021 but did not distribute those changes as official guidance, in part due to its anticipation of the findings and recommendations offered in this report. The public-facing version of RM #25, which is linked to DO #25, is a document demarcated as a draft from 2012. The public version contains considerably less detail than the internal version. External stakeholders look to both DO #25 and RM #25 to understand the Land Resources Program, its policies and processes, roles and responsibilities, and how those differ from the land acquisition programs of the other bureaus that use LWCF resources.

Examples of updates LRD made to RM #25, but did not finalize, include:

- Addition of a dedicated section explaining “Appraisal and Valuation Services for Real Property” and the role and responsibilities of AVSO.
- Change to clearly identify a section articulating NPS’ policy on ESAs.
- Inclusion of appendices providing definitions and acronyms and copies of the policies referenced.

Possible updates to RM #25 in addition to LRD’s updates:

- Identification and description of the ROW Program and its role in LRD and the overall Land Resources Program as set forth in DO #53B on ROW.
- Inclusion of information on the Special Park Uses Program that would alleviate confusion about when special uses permits are applicable and appropriate and what the cost recovery requirements are as defined in DO #53 on Special Park Uses.
- Addition of guidance on using DOI’s Charge Card Program for purchases of land acquisition supplies and services under GSA’s micro-purchase threshold.³³ Explanation of the threshold and what positions are authorized to use the credit card.

³³ “Charge Card,” Department of the Interior, Office of Acquisition and Property Management, accessed April 7, 2023, <https://www.doi.gov/pam/credit-card>.

- Conversion of “Appendix A: Land Acquisition Ranking System (LARS) Form” template elements to a format compatible with the new platform for LARS submissions, Project Management Information System (PMIS).
 - Addition of templates that LRD has already provided to help the regions and park units to account for all of the costs associated with maintaining improvements on a property following land acquisition.
- Articulation of the specific structure and function of the Land Resources Program cartographic function similar to how FWS lays out its cartographic function in 343 FW 1: Survey Policies, Authority, and Responsibilities.³⁴ This policy lays out roles and responsibilities, as well as the types of activities requiring survey or cartographic services. A similar Land Resources Program version in RM #25 would connect the updates to DO #25 on cartography recommended above with the specific procedures provided in LAPS.

Observation 2.2: LRD updated RM #25 in 2021 but did not distribute the changes as official guidance, in part due to its anticipation of the findings and recommendations offered in this report.

Recommendation 2.2 (short-term implementation): Finalize LRD’s updates to RM #25 and incorporate the possible updates noted in this report.

Land Acquisition Procedures Guide

Like RM#25, LRD updated LAPS in 2021 but did not provide notice of the changes to all Land Resources Program staff. Unlike RM #25, LAPS is a “living document”, meaning that LRD leadership update the document regularly and can post those updates to its internal website at any time. Since it details specific land acquisition procedures, it is only provided to the Land Resources Program staff with the appropriate job focus and authority. For example, a Realty Specialist working in LRD or a Regional Land Resources Program Center will have access to LAPS, but a Park Ranger will not. Many of the 2021 updates to LAPS are technical in nature. Examples of updates to LAPS that do not require technical expertise to deliberate include:

Terminology and Description:

- Identification and description of the Great American Outdoors Act;
- Clarification of the role of the ROW Program;
- Revision of the annual due date for responses to LRD’s Request for Project Funds for acquisitions through LARS (April instead of May); and
- Revision of the name of the software used for appraisal requests from the Interior Valuation Information System to the Appraisal and Valuation Information System.

³⁴ Department of the Interior, U.S. Fish and Wildlife Service, *Real Property: 343 FW1 Survey Policies, Authority, and Responsibilities*, (Washington, DC: U.S. Fish and Wildlife Service June 2022), <https://www.fws.gov/policy/343fw1.html>.

Other Possible Additions:

- Inclusion of expanded guidance on the additions and updates to DO #25 and RM #25 listed above. For example, an updated section on Option Acquisition Authority (3.4.5) that will conform with changes that result from recommendations of the DOI Appraisal Streamlining Work Group. Another example is a section including information on the Special Park Uses Program.
- Inclusion of clear instructions for completing LARS through PMIS. The instructions for PMIS could follow the format of instructions that already exist for use of the Master Lands Console (MLC) for the Tract Manager Program described in LAPS Chapter 4.
- Addition to articulate a strategy for an enterprise-wide system for cartography. In a 2017 revision, LRD included in Chapter 5 on Cartographic Procedures a reference to a long-term focus for LRD on transitioning to an enterprise-wide system for the distribution of all spatial and non-spatial data produced by the Land Resources Program cartographic function.

Observation 2.3: LRD updated LAPS in 2021 but did not provide final notice of those changes to all staff in the Land Resources Program.

Recommendation 2.3 (short-term implementation): Notify Land Resources Program staff of updates and changes to LAPS and incorporate other possible additions identified in this report. Provide quarterly notifications to all Land Resources Program staff summarizing updates to LAPS.

Title Opinions

The SOL provides legal counsel and advice and legal assistance in drafting and reviewing proposed legislation, regulations, contracts, title opinions, and other legal instruments.³⁵ The Land Resources Program relies on the SOL for title opinions during the land acquisition process.

Land Resources Program staff engage with the SOL on two formal functions regarding title opinions. First, the SOL provides a preliminary title opinion on a potential land acquisition. This process identifies any early title problems that may cause difficulties further along in the land acquisition process. Second, the SOL does a final title opinion for an acquisition. This is the closing step in the land acquisition process.

Title opinions are important because they identify potential problems in the land acquisition process before they arise and cause greater delays. While preliminary title opinions are geared to address this issue, they sometimes come too late in the land acquisition process and could be better informed if the SOL was engaged earlier on. To meet these challenges, the Intermountain Region (IMR) established a pilot program to use pre-preliminary title opinions. The introduction

³⁵ “About,” U.S. Department of Interior, Office of the Solicitor, accessed March 21, 2023, <https://doi.gov/solicitor/about>.

of pre-preliminary title opinions has resulted in an improved process that fosters collaboration and standardization between the Land Resources Program staff and their SOL counterparts. Pre-preliminary title opinions help identify early into the transaction process future problem issues and thus enhance timely acquisitions.

A tract can be brought into the federal estate prior to the completion of a final title opinion. It is the Land Resources Program staff's responsibility to submit final title opinion packages to the SOL. Research indicates that many final title opinion packages are not being submitted in a timely fashion. As a result, many regions have a backlog of final title opinions. Despite being perceived as immaterial, it is critical that the backlog is addressed before it becomes unmanageable.

Observation 2.4: Adoption of pre-preliminary title opinions suggests greater efficient transactional flow. Additionally, there is a backlog in obtaining final title opinions.

Recommendation 2.4 (medium-term implementation): LRD should work with the Regional Lands Resources Program Centers to adopt pre-preliminary title opinions and place greater emphasis on addressing the backlog of final title opinions.

Schedule-Based Appraisals for Linear ROW Permits

The ROW program has evolved into the largest permitting program within the Land Resources Program. Consistent staffing and dedicated ROW Coordinators are essential to the program's success due to the increased workload brought on by GAOA and the Bipartisan Infrastructure Act, which is discussed further in Section 2.3; however, the required market value appraisal for ROW permitting currently relies on services provided by AVSO.

A ROW permitting request includes a variety of steps and discussions between the potential permittee, NPS, and AVSO. The use and occupancy fee for the permit is an annual rental based on the market value of the rights authorized and is generally established by an appraisal done by AVSO.³⁶ NPS staff who currently oversee ROW responsibilities in the regions find the appraisals process consumes both the longest time and the largest cost for the permittee in contrast to a relatively low-cost permit rate. For example, a ROW appraisal might cost \$5,000 and take months to complete while the final permit may only generate \$100 per year for 10 years.

While NPS still has high-cost ROW appraisals, the Bureau of Land Management (BLM) has developed a more cost and time efficient solution to circumvent the burdensome appraisals for ROW permits. BLM developed a system using a set of schedule-based appraisals for all linear ROW permits. Linear ROWs, which exist on both BLM and NPS lands, are ROW permits that occur in a straight line, such as roads, pipelines, or transmission lines. A schedule-based appraisal allows BLM to make appraisals based on a formula that calculates the appropriate appraisal through various data inputs such as location, length, and other factors. This appraisal system has been cited as a successful practice by BLM and is currently only applicable to ROW permits that

³⁶ "About Us: Right-of-Way Permit," National Park Service.

are linear. BLM is currently exploring other opportunities to apply schedule-based ROW appraisals.

Observation 2.5: ROW appraisals can take significant amounts of time compared to the fee they generate.

Recommendation 2.5 (medium-term implementation): Explore the potential adoption of schedule-based appraisals, in coordination with BLM, for ROWs to help expedite the process.

Option to Purchase Agreement

An option to purchase agreement gives a buyer the exclusive right to procure a property within a specified time period and for a fixed or variable price.³⁷ It is a tool that conservation organizations, as well as the Land Resources Program, can use to delay and thus reduce the risks of acquisition of a property.³⁸ An option to purchase agreement could allow realty staff to commit a portion of monetary resources toward a land acquisition prior to when the federal land acquisition process begins. This would be beneficial because the Land Resources Program cannot execute a purchase for the full value of a property before LWCF monies set aside for acquisition of that property are appropriated and obligated.³⁹ In some cases, a landowner will prefer to sell property to private parties instead of NPS because the federal land acquisition process often takes longer and does not provide the sellers with incentives to wait, including a downpayment or other monetary compensation upfront. Improved authority for the Land Resources Program to conclude option to purchase agreements could help the Land Resources Program to secure future purchases of priority property while it works to complete subsequent stages of the land acquisition process.

NPS's current authority to enter option to purchase agreements with sellers (under 54 U.S. Code § 200309) can be challenging for the Land Resources Program to implement. It states:

“The Secretary may enter into contracts for options to acquire land, water, or interests in land or water within the exterior boundaries of any area the acquisition of which is authorized by law for inclusion in the System. The minimum period of any such option shall be 2 years, and any sums expended for the purchase of an option shall be credited to the purchase price of the area. Not more than \$500,000 of the sum authorized to be appropriated from

³⁷ “Option to Purchase & Right of First Refusal,” Goosmann, Rose, Colvard & Cramer, P.A., accessed April 7, 2023, <https://www.grclaw.com/option-to-purchase-and-right-of-first-refusal/#:~:text=An%20option%20to%20purchase%20agreement,them%20within%20this%20time%20period.>

³⁸ “Purchase Options,” WeConservePA, accessed April 7, 2023, <https://conservationtools.org/guides/27-purchase-options.>

³⁹ NPS cannot execute a purchase for the full value of a property before LWCF monies for acquisition of that property are appropriated and obligated without violating the Antideficiency Act. However, it has the authority to make a portion of the payment for the full value of a property to willing sellers under option to purchase agreements. 31 U.S. Code § 1347, <https://uscode.house.gov/view.xhtml?path=/prelim@title31/subtitle2/chapter13/subchapter3&edition=prelim.>

the Fund by section 200303 of this title may be expended by the Secretary in any one fiscal year for the options.”⁴⁰

The statement about the period of the option means that the Land Resources Program must wait two years from the date it enters an option to purchase agreement to conclude the property purchase. The standard period of an option to purchase agreement in the private sector ranges between 1 and 5 years. However, it should be noted that in option to purchase agreements, the buyer is usually permitted to purchase the property at any point during the option period.⁴¹

The 2-year minimum restriction is seen to be problematic because it hinders NPS in acquiring tracts of land as they become available. The Land Resources Program identifies, prioritizes, and receives funding to acquire land each year through the LARS process and federal budget cycle. However, tracts of land also become available throughout each year, even when the submission deadline for the formal process has already closed. For example, a tract NPS deems critical becomes available for sale and is in threat of commercial ownership and development inconsistent with the agency mission. In this scenario, the Land Resources Program may seek to enter an option to purchase agreement to incentivize the seller to allow time for NPS to conduct its full due diligence process to occur, which would likely take longer than the process for a private buyer. The requirement that option periods have a 2-year minimum makes option to purchase agreements less appealing to sellers.

As a result, the minimum could create a backlog of critical tracts for the Land Resources Program to acquire on behalf of the federal government. Land Resources Program staff find it difficult to come to initial agreements with landowners, as they are not guaranteed any monetary compensation until the acquisition process is near complete.

In addition to the misalignment of the options restrictions and NPS’ charge to acquire land under threat of development inconsistent with that of its mission, the provision limits the expenditure to a maximum of \$500,000 annually. This is problematic as well, as some parcels of land can be valued well in excess of that maximum. Finally, option to purchase agreements in the private and non-profit sectors typically allow a buyer to cancel the purchase at the end of the option period.⁴² This right is often exercised in cases when a major issue with the property not disclosed previously arises, such as environmental hazards.

LRD leadership is aware of these challenges and have dedicated a section of the DOI Appraisal Streamlining Working Group that is currently meeting on a regular basis to addressing them. The working group is recommending striking the options period minimum to allow for actual use of the provision within the NPS budget cycle.

⁴⁰ 54 U.S. Code § 200309, [https://uscode.house.gov/view.xhtml?req=\(title:54%20section:200309%20edition:prelim\)%20OR%20\(g:ranuleid:USC-prelim-title54-section200309\)&f=treesort&edition=prelim&num=0&jumpTo=true](https://uscode.house.gov/view.xhtml?req=(title:54%20section:200309%20edition:prelim)%20OR%20(g:ranuleid:USC-prelim-title54-section200309)&f=treesort&edition=prelim&num=0&jumpTo=true).

⁴¹ “Option Contract Real Estate: How They Work,” ContractsCounsel, accessed April 7, 2023, <https://www.contracts-counsel.com/b/option-contract-real-estate>.

⁴² “Model Grant of Purchase Option with Commentary,” WeConservePA, accessed April 7, 2023, https://conservationtools.org/library_items/1211; “Purchase Options,” WeConservePA.

Observation 2.6: While LRD has authority to enter into option to purchase agreements with landowners, restrictions applying to some terms are more restrictive than those commonly used in private sector property transactions.

Recommendation 2.6 (short-term implementation): Explore how option to purchase agreements are used in the public and private sectors and evaluate options to shorten or remove contract period minimums and allow for more flexible practices allowing for advance payments preceding final purchases.

2.2 Land Resources Program Assessment: Systems

This section addresses issues connected with systems used by the Land Resources Program. Focus is on LARS, PMIS, MLC, and LandsNet.

Land Acquisition Ranking System (LARS) and Project Management Information System (PMIS)

The LARS is used to determine the national land acquisition priority list. The initial information for each project is provided by the park unit and reviewed by Regional Land Resources Program Center staff. The Regional staff rank the requests using guidelines provided by LRD. This list is submitted to LRD, who convene a panel of subject matter experts to rank and review each project against national criteria. LRD then combines scores from the LRD and Regional Land Resources Program Centers to determine one combined national project priority list. This system has existed since its implementation in the FY2001 budget process. At the time of this report, the Land Resources Program is in the process of transitioning to the NPS's PMIS.

PMIS is NPS's service-wide intranet application system that enables staff to manage information requests for project funding and allows for staff to submit project proposals to be reviewed and approved by Regional and LRD leadership. An upgrade from LARS Adobe PDF forms process, PMIS activities will be completely electronic.

While the transition of LARS into PMIS provides promising improvements, field staff expressed initial concerns about the transition impacting their ability to successfully submit projects due to the learning curve associated with mastering a new system. To mitigate any negative impact from this transition, LRD leadership worked in close collaboration with the PMIS system managers to develop a video module, provide training sessions to teach staff the new system, and provide on-call assistance throughout the development of the FY2025 budget process. While a promising start, there is an expressed need for continued specific training and examples to help employees understand how to use the new system.

Furthermore, reliable PMIS support will contribute to the transition process. PMIS experts can assist staff through direct contact or video recordings addressing particular process steps.

Observation 2.7: The reported absence of interactive training available to help facilitate the transition from LARS to PMIS is cause for concern; however, LRD leadership recognized this concern and PMIS system managers provided on-call assistance throughout the development of

the FY 2025 budget formulation process and made training materials in various formats available to Land Resources Program employees.

Recommendation 2.7 (short-term implementation): LRD should continue a comprehensive training plan for the transition of LARS into PMIS. This training plan should continue to include:

- Practice submissions presented by PMIS experts to Regional Offices to illustrate how Regional staff should submit a project particular to their region;
- Communication about the availability of PMIS experts' contacts to provide support to the regions.
- Video recordings LRD uses to train staff on PMIS; and
- Communication on all other information about the transition, such as updates, arising issues, and other emerging developments in the PMIS.

Master Land Console

The MLC is a Land Resources Program system that tracks all relevant information for a land acquisition. LRD relies on the MLC to know what stage an acquisition is. The information is critical to LRD when reporting on land acquisition progress to DOI, Congress, and NPS leadership.

The MLC is seen as a useful tool that has improved project status tracking of land acquisitions. Dedicated staff supporting the MLC help ensure it operates consistently and responds to field staff questions.

While seen as useful, there is concern over the consistency with which staff fill out the information fields. Some staff finish the acquisition and afterwards fill out the MLC data rather than using it as a tracking system of day-to-day progress. The inability to have up-to-date, complete, and consistent information can negatively impact LRD leadership who may need regular updated information. Additionally, staff at Lands Resource Program Centers do not currently have MLC data entry requirements incorporated into their employee performance appraisal standards (EPAPs). EPAPs outline the specific elements and standards that an employee is expected to accomplish during the rating cycle. LRD and Lands Resource Program Centers do not use EPAPs as an accountability mechanism for timely data entry to the MLC.⁴³ On the other hand, field staff can find it burdensome to regularly fill out information fields on the progress being made.

Observation 2.8: The MLC is a useful tool to track individual projects for LRD leadership, to monitor project progress, and have data readily available to respond to NPS, DOI, and Congressional inquiries; however, data entry to the MLC is inconsistent.

Recommendation 2.8 (short-term implementation): Require consistent use of the MLC by making timely entries into it a priority for all Land Resources Program staff. LRD leadership, in consultation with Regional Realty Officers, should identify and prioritize the most important

⁴³ *The Department of Interior's Performance Appraisal Handbook*, Office of the Secretary, Office of Human Resources, Department of Interior, October 4, 2004, https://www.doi.gov/sites/doi.gov/files/elips/documents/doi_performance_appraisal_handbook_10-2016.pdf

data entries to the MLC. LRD should work with the Lands Resource Program Centers to hold staff accountable by making prioritized data entries into the MLC a part of employee's EPAPs.

LandsNet

LandsNet is an online interface that contains general resources, guidelines, acreage reports, data downloads, and archived documents that are relevant to the lands acquisition process. It additionally includes references to DOI and NPS policies and budget materials.

While LandsNet is seen as a critical tool for land acquisition, the user interface is deemed to be outdated because it was developed in the early 2000s. The user interface is seen as unattractive despite its sufficiency of functionality. As the federal government moves into a more modern technological environment, the decades-old system of LandsNet may become so outdated that transition to a newer system may require a costly system rebuild.

While an update to the interface is desirable, staff also expressed a desire to retain the easily understandable organization that they are familiar with in LandsNet. As is the case with changes to any known system, the learning curve can be flattened if the newer system is similar to the organization of the original.

Observation 2.9: While LandsNet is cited as an important and frequented location to find policy documents and other useful materials, the website user interface is outdated.

Recommendation 2.9 (medium-term implementation): Update the user interface of NPS's internal website, LandsNet, while retaining ease of access and maneuverability for staff who are familiar with the structure of the current system. The Land Resources Program should convene internal discussions with representation from new hires and longer-tenured staff to identify specific recommendations on updates to LandsNet's user interface.

2.3 Land Resources Program Assessment: Human Resources (HR)

Three dimensions of HR topics are addressed in this subsection: training; staffing and contracting; and hiring tools.

Training

Realty training is a critical function for the Land Resources Program, as the procedures and responsibilities for NPS realty staff are different from other realty professionals in both the federal and non-federal sectors. In response to staff interest in training opportunities, LRD will be conducting the inaugural Lands Academy in June 2023. This event reflects well on LRD leadership for both recognizing a training gap and developing a comprehensive program to address it.

Desired opportunities and outcomes for the Lands Academy sessions include providing more opportunities to engage with and learn about the appraisal process conducted by AVSO. For some, the appraisal process appears somewhat vague and opportunities to be trained and informed on how AVSO conducts its work could provide clarity. AVSO staff will be present and provide a co-

facilitated session. Additionally, AVSO leaders express interest in participating in future Lands Academy sessions and providing information and training sessions with NPS staff. This partnership will benefit both Land Resources Program and AVSO, as it also provides opportunities to further build a positive working relationship between the two groups on land acquisition.

In addition to appraisals training and information sessions, the Land Resources Program staff agree that realty training opportunities should be extended to non-Land Resources Program staff involved in the land acquisitions process, such as park staff, who are involved in the land acquisition process. Some park staff will benefit from developing fundamental knowledge of the land acquisition process, especially as they are often the primary initial point of contact with a potential land seller. Their engagement with sellers is critical to realty staff success in acquiring the property. While the upcoming Lands Academy is intended primarily for Land Resources Program staff, there remain opportunities for future training sessions and developments to include non-Land Resources Program staff who are involved in the land acquisition process.

The Lands Academy will provide a venue for Land Resources Program staff to develop professionally. The training can also serve as a setting to foster relationships between the Land Resources Program and other stakeholders that will be in attendance (such as Federal Highway Administration staff, NGO partners, Washington Contracting Office staff, and members of the DOI Solicitor's Office). Within LRD, the Lands Academy will serve as a forum to convene lands experts in a community of practice. Park, Regional, LRD, and other stakeholders have the opportunity to learn and adopt best practices from one another. Due to the decentralized nature of NPS, regions and parks can have different approaches and tactics in land acquisition. The Lands Academy could serve as the bridge to communicate different approaches and share best practices for NPS land acquisitions.

Observation 2.10: There is staff demand for more training on both the land acquisition and the appraisals processes for the Land Resources Program and non-Land Resources Program staff who are involved in land acquisitions.

Recommendation 2.10 (medium-term implementation): The NPS Lands Academy should include:

- Opportunities to identify Regional and park best practices that can be shared throughout NPS;
- Training on how NPS and AVSO staff can better support each other;
- Question and answer sessions held by AVSO on the appraisals process; and
- Sessions for Lands Academy coordinators and participants to develop training opportunities and modules for non-Land Resources Program staff who are involved in the lands acquisition process.

In addition to potential learning opportunities in the Lands Academy, a critical component to the training's current and future success is establishing strategic training goals, continuity plans, and feedback mechanisms to evaluate progress.

In addition to these long-term strategic initiatives, ensuring that feedback mechanisms exist provides opportunities for training programs to develop and improve based on the staff's needs. Additionally, it will help Lands Academy planners tactically address the topics staff find helpful.

Observation 2.11: Due to the high interest in a training program, formalizing goals, objectives, and outcomes of the Lands Academy, and soliciting participant feedback, will be important. Lands Academy coordinators have developed a comprehensive plan for the upcoming Lands Academy; however, there remains a need for long-term goals and objectives, as they will be critical to success for future sessions.

Recommendation 2.11 (medium-term implementation): For future training sessions, Lands Academy coordinators and leaders should:

- Leverage goals and objectives from the upcoming Lands Academy to inform future sessions;
- Establish a continuity plan to ensure future training sessions are held for both realty and non-realty staff; and
- Issue a survey to staff at the end of Lands Academy sessions to help inform future training sessions, goals, and objectives.

Staffing

The breadth of scope and timetable for this study did not allow an opportunity to conduct a rigorous, empirical assessment of staffing levels and priority needs. Instead, there are indications of staffing needs that should be explored. This section focuses on ROW staffing followed by realty specialist staffing in Regional Land Resources Program Centers.

A ROW is a permit issued by the NPS that allows a utility to pass over, under, or through NPS property. The permit may be issued only pursuant to specific statutory authority and generally if there is no practicable alternative to the use of NPS lands, regardless of whether the equipment is serving the NPS and its visitors or crossing the park to reach other communities. A ROW permit is needed any time someone wants to build or install a utility on NPS lands. Projects could include electrical transmission lines, telephone lines, canals, and sewer lines. Broadband equipment, such as telecommunication sites, microwave, and fiber optic, requires a ROW permit as well.⁴⁴

The ROW Program has become the largest portion of NPS permitting and Regional Land Resources Program staff report an increase in workload for the ROW program resulting from the recently passed GAOA and Bipartisan Infrastructure Act. As NPS acquires more land, it oversees a greater area where ROW permits could be requested subsequently increasing ROW workload. The increase in workload has not been met by increases in staffing to address the increased demand.

The ROW program is continuously growing, and many ROW responsibilities are performed at the park level as collateral duty. Most regions have a dedicated Regional ROW coordinator who is responsible for providing technical expertise to the region's parks. Additional capacity is needed

⁴⁴ "About Us: Right-of-Way Permit," National Park Service.

throughout NPS to successfully manage the workload in addition to improved coordination with the rest of the ROW program at the park, Regional, and WASO levels.

Observation 2.12: There is an increase in ROW program workload resulting from GAOA and the Bipartisan Infrastructure Act. While LRD has created open positions for ROW Coordinators, expected increased permitting demand may exceed current staff capacity.

Recommendation 2.12 (medium-term implementation): The LRD, in coordination with the Regional Land Resources Program Centers, should create at minimum, one dedicated ROW Coordinator position in each region. In addition, identify regions that require more ROW support, and staff up those regions struggling with ROW workload. These needs can be highlighted through the annual call for additional new and critical funding requirements and LRD's review and approval of all Regional Land Resources Program Center organizational charts.

The increased land acquisition workload linked to permanent funding of GAOA is not unique to the ROW program, and the growth in work is observed by many of the other expert areas within the Land Resources Program. As a result, many of the Regional Land Resources Program positions have been stretched to maximum capacity. The impacted positions include land surveyors, cartographers, cartographic technicians, and GIS specialists. They play essential roles in not only the land acquisition process but also the land management process after property is acquired. For example, land surveyors are needed to help solidify and mark exactly where park boundaries lie. This helps both realty specialists, who may be exploring options to purchase the adjacent land, and park rangers, who are charged with enforcing laws specific to NPS boundaries, accomplish their responsibilities.

Land surveyors, cartographers, cartographic technicians, and GIS specialists are critical to the Land Resources Program. Some regions may have the capacity to address all cartographic needs while others do not. As stated earlier, the study scope of work did not include a rigorous, empirical assessment of staffing levels and priority needs; however, there may be a need to identify specific capacity gaps and fill them with full-time staff.

Observation 2.13: Some regions appear to have staffing capacity shortfalls.

Recommendation 2.13 (short-term implementation): LRD should work with the regions to conduct regular staffing assessments and add staff to identified capacity needs. Potential staffing additions might include land surveyors, cartographers, cartographic technicians, and GIS specialists. LRD should make recommendations on staffing to each region as needed.

Contracting and ESAs

This subsection focuses on contracting capacity, policies on contracting, and environmental site assessments. These three interconnected topics relate to staff capacity, and they in turn factor into human resources strategies.

The Regional Land Resources Program Centers use contracting actions to complete certain aspects of due diligence during the land acquisition process. Examples of common land acquisition due diligence activities that may require issuing a federal contract include: contracting with an external party to perform an ESA on a property during the environmental compliance step, obtaining title opinions for properties, and conducting land boundary surveys. While each

region has its own contracting office or staff, Regional contracting staff provide services for the larger portfolio of the Regional projects, not just for land acquisition projects.⁴⁵ As one part of their portfolio, the Regional contracting offices provide services for initiatives to address deferred maintenance for facilities in park units across the country.⁴⁶ The contracting office typically is one component of larger mission support offices like financial management or park planning in a region. Contracting capacity differs by region. At times, the lack of capacity and competing priorities make it difficult for certain Regional Land Resources Program Centers to complete contracting actions on a timely basis. There is also a need for a contracting function with more expertise in land acquisition projects, specifically.

In FY2022, PPFL executed a service-level agreement (SLA) with the Washington Contracting Office (WCO) to provide a Land Resources Program-dedicated contracting function. The purpose of the SLA is to bolster contracting capacity and expertise to support land acquisitions by adding one Contracting Officer position in the WCO that will focus solely on Land Resources Program procurement and contract management activities. One potential benefit of the dedicated function is that it could help to alleviate pressure during the busiest time of year for land acquisition contracting actions, which is the lead up to the procurement request deadline in mid-July.⁴⁷ Since the SLA dedicates capacity in the WCO to Land Resource Program activities, and LWCF funding comes from no-year appropriations, WCO does not need to adhere to the mid-year deadline for activities that are authorized for funding through LWCF. Beginning in FY2024, NPS Regional contracting offices will be centralized in the WCO, and LRD's FY2023 implementation of a Land Resources Program-dedicated Contracting Officer in the WCO sets the program up well to undertake this agency-wide transition.

Some Regional Land Resources Program Center staff have alleviated capacity issues by using government credit cards, or "charge cards," instead of contracts to secure supplies and services for land acquisition activities. This method allows for purchases to be made much more quickly than in the traditional contracting method, which requires a more formal and extensive review and approval process. Under DOI's Charge Card Program,⁴⁸ authorized staff can use credit cards to make purchases that are below the General Services Administration's (GSA) "micro-purchase threshold" of \$10,000 for professional services.⁴⁹ The work involved in Phase I ESAs often falls

⁴⁵ Other land resource related functions exist outside of the Land Resources Program. For example, park protection, natural resource stewardship, and research on lands already under NPS ownership. "Regions 3, 4, and 5: Learn about Regional Programs," National Park Service.

⁴⁶ The Great American Outdoors Act also provided funding for the National Parks and Public Lands Legacy Restoration Fund to address NPS's maintenance backlog. "Infrastructure: National Parks and Public Lands Legacy Restoration Fund," National Parks Service, accessed April 6, 2023, <https://www.nps.gov/subjects/infrastructure/legacy-restoration-fund.htm>.

⁴⁷ The NPS and AVSO contracting functions generally cease operation between mid-July and end-September to focus on their end of fiscal year budgetary close-out responsibilities. LRD is currently working with AVSO and the WCO to reduce the close-out period for all land acquisition due diligence processes because the LWCF was converted to no-year funding by the Dingell Act of 2019 and 2020 Great American Outdoors Act.

⁴⁸ "Office of Acquisition and Property Management: Charge Card," Department of the Interior, accessed April 6, 2023, <https://www.doi.gov/pam/credit-card>.

⁴⁹ "Schedule Buyers: Purchase Card Holders," General Services Administration, accessed April 6, 2023, <https://www.gsa.gov/buy-through-us/purchasing-programs/gsa-multiple-award-schedule/schedule-buyers/purchase-card-holders>.

below that threshold, so credit card purchasing for services alleviates the need for contracting for them.^{50,51} As a result, there is little demand reported for a WCO-based contracting function for Phase I ESAs.

The level of demand for contracting services is relevant because the SLA includes the estimated number of contracts the WCO will work on each year for Land Resources Program activities, including ESAs. That estimate could be overstated because Regional Land Resources Program staff can use credit cards for most Phase I ESAs. Credit card purchasing does not require a contract, as discussed in the previous paragraph. The SLA itself acknowledges this point. The SLA estimate also accounts for some appraisal responsibilities returning to NPS pending the approval of a pilot project that NPS, BLM, and the Fish and Wildlife Service (USFWS) proposed to DOI. While that proposal would have returned some of the appraisal work to the DOI bureaus, it is unclear whether it will move forward since the DOI “Appraisal Streamlining Workgroup” provides a forum for NPS, other DOI Bureaus, and AVSO to explore ways to improve land acquisition appraisal services.⁵²

In addition to the LRD’s estimate on the WCO’s expected workload, the WCO already has baseline performance expectations for all contracting assignment types.⁵³ They are called the Procurement Acquisition Lead Times (PALT) and establish the range of days it will take to make contracting awards based on each assignment type. LRD will measure the actual performance of WCO on Land Resources Program contracting actions against those baseline expectations. LRD also invested in an electronic platform called the Lands Contracting PowerApp that pairs well with the PALT measure. Instituting this platform will ensure all Land Resources Program contracting requests are tracked and monitored throughout their lifecycles. It also provides LRD the ability to gather metrics related to the workflow of contracting actions with ease. Thus, LRD will be more able to understand why, or why not, WCO is meeting the PALT expectations by examining the more detailed data on contracting workflows in the Lands Contracting PowerApp platform.

Observation 2.14: Three observations on contracting include: (1) capacity for contracting services for land acquisitions at the Regional level is uneven; (2) LRD recently executed an SLA to dedicate contracting capacity and expertise for land acquisition activities in the WCO; and (3) the Regional Land Resources Program Centers have credit card purchasing authority that often provides an alternative to the relatively lengthier contracting process for many land acquisition due diligence services.

Recommendation 2.14 (short-term implementation): LRD should continue supporting the new WCO-based Land Resources Program-dedicated contracting service in line with the SLA between LRD and the WCO to drive standardization of process, as well as to add capacity and land

⁵⁰ In some cases, credit card purchasing authority can alleviate the need for contracting for Phase II ESAs as discussed in Subsection 2.4 of this chapter.

⁵¹ “Environmental Site Assessment – ESA,” Partner Engineering and Science, Inc., accessed April 6, 2023, <https://www.partneresi.com/resources/glossary/environmental-site-assessment-esa>.

⁵² *Accomplishments Fiscal Year 2022*, Land Resources Program, National Park Service, accessed April 6, 2023, <https://www.nps.gov/subjects/lwcf/upload/Lands-Accomplishments-Report-FY2022-reduced-size-2.pdf>.

⁵³ Some examples of contract assignment types include large acquisitions, special contracting methods like interagency agreements, and contract modifications.

acquisition-specific contracting expertise. NPS is centralizing all contracting functions, including Land Resources Program activities, in FY2024 and the SLA helps prepare the Land Resources Program for that change. While the WCO will add capacity by alleviating some of the regions' workload, LRD should continue to support credit card purchases for land acquisition activities that fall under GSA's micro-purchasing threshold to increase the overall efficiency of securing services for acquisitions.

Observation 2.15: While the SLA includes the estimated number of contracts the WCO will work on each year for Land Resources Program activities, including ESAs, there is not enough clarity about expected workloads.

Recommendation 2.15 (medium-term implementation): LRD should monitor the workload of the WCO contracting function with particular attention to identifying predictable peaks in demand throughout its first year. LRD should monitor the performance of WCO as planned by using the PALT as the baseline expectation for overall contracting actions and the metrics in the Lands Contracting PowerApp as a more granular measure. That performance information should be used to match the number of staff dedicated to the WCO with its expected workload.

If the service is underperforming, LRD can investigate to determine whether the root cause is a process issue or a capacity issue. In addition, LRD can fine-tune its performance expectations and measures each cycle.⁵⁴ LRD should revise its estimate for the number of Land Resources Program contracting actions the WCO will work on each year in the SLA. This should account for any changes in responsibilities between the Land Resources Program and AVSO, as well as credit card purchasing for ESAs under the micro-purchasing threshold. LRD should also include upper- and lower-bound estimates for the annual number of WCO contracting actions to account for uncertainties around the WCO's future workload.

ESAs

As provided in Section 2.1 on the land acquisition process stages, the Regional Land Resources Program Centers are required to undertake an ESA of any property being considered for federal land acquisition to determine (1) the potential presence of hazardous substances, and (2) the likelihood, nature, and extent of potential liability for cleanup costs in the event contaminated property is acquired as a matter of departmental policy.⁵⁵ Departmental Manual Part 602, Chapter 2, mandates that ESAs undertaken by DOI bureaus meet EPA's standards for evaluating a property's environmental conditions. Most of the time this obligation is fulfilled by a Phase I ESA because the Regional Land Resources Program Centers are working to acquire land with little to no history of industrial or commercial use. Though, the Land Resources Program is observing a recent trend of greater environmental contamination on more priority properties.⁵⁶ In some cases,

⁵⁴ Many SLAs include provisions that allow the parties involved to renegotiate terms in that SLA on an agreed upon interval of months, years, etc. The SLA between PPFL and the WCO is agreed to from FY2022-2026.

⁵⁵ Department of the Interior, Office of Environmental Policy and Compliance, *Departmental Manual, Public Lands, Part 602, Chapter 2* (Washington, DC: October 12, 2016) https://www.doi.gov/sites/doi.gov/files/elips/documents/602-dm-2_o.pdf.

⁵⁶ The Lands Resources Program could be observing more contamination on priority properties because it increased its due diligence requirements for environmental reviews to better align with EPA's standards.

the Phase I ESA activity will uncover information about a given property that prompts the need for a Phase II ESA (further investigation and analysis of the cost of related cleanup activities) and a Phase III ESA (site remediation activities). It is common for Land Resources Program staff to consider Phase II and III ESAs to be one phase, since Phase II ESAs encompass the planning for Phase III ESA remediation activities.⁵⁷

EPA's standards include the requirement for ESAs to be performed or updated within 180 days of closing on a property. Since Phase I ESAs are conducted during the relatively early stages of land acquisition, delays in subsequent stages, such as the appraisal process, can result in the need for ESAs to be redone to comply with the 180-day requirement. Land Resources Program staff try to conduct Phase I ESAs on properties during or after the appraisal process to avoid issues connected with adhering to the 180-day requirement, where appropriate. However, if the Land Resources Program deems that past uses of a given property will likely necessitate environmental cleanup activities, it conducts a Phase I ESA prior to the appraisal process. LRD lacks sufficient internal expertise to support the seven Regional Environmental Coordinators to make such decisions around the sequence of Phase I ESAs in relation to the appraisal process. While the Regional Environmental Coordinators support the activities of the Land Resources Program, their scope is not specific to the Land Resources Program. The Land Resources Program recently created an Environmental Protection Specialist position embedded in the IMR Land Resources Program Center to begin building internal expertise.

There are still land acquisition process stages that necessarily follow ESAs and appraisals that can cause delays in closing on a property, thereby preventing Land Resources Program from closing on a property within the required 180-day timeframe. These include the negotiation and closing stages. Regional Land Resources Program Center staff have established a procedure to include an option for updating Phase I ESAs to deal with this issue. Notably, options for updated Phase I ESAs can be built into credit card transactions under micro-purchasing authority, and the time it takes to do so is significantly less relative to the time it would take to complete a transaction without this option. The Regional Land Resources Program Center staff can also build in options for Phase II and Phase III ESAs in their initial agreements with contractors for Phase I ESAs.

The lack of internal expertise in the Land Resources Program for environmental work can also make it challenging for LRD to promote uniformity in the standard of due diligence undertaken for ESAs across the regions and in accordance with the departmental guidance it receives from the DOI Office of Environmental Policy and Compliance (OEPC). Similarly, the previous subsection on "Contracting and ESAs" notes that there is a need in the Land Resources Program for contracting staff with expertise in land acquisition activities. LRD relies on the seven environmental coordinators in the Regional Offices to develop the scope of work for ESAs performed by external contractors. The new environmental protection specialist position created within the IMR Land Resources Program Center provides support to develop contract scopes of work for ESA services in that region. Nevertheless, expertise is also needed to support LRD in making decisions about ESAs at the headquarters level. When Regional Land Resources Program Center staff recognize that the necessary ESA Phases for a property are completed or planned,

⁵⁷ Internal National Park Service Land Acquisition Procedures guide provided directly to the Academy Study Team.

they send the attendant reports and plans to LRD for review, and approval, if needed. Even so, LRD must rely on the environmental expertise of the NPS Environmental Compliance and Cleanup Division (ECCD) and/or OEPC when reviewing and overseeing those activities.

Observation 2.16: As a matter of departmental policy, ESAs undertaken by DOI bureaus, including NPS, must meet EPA’s standards for evaluating a property’s environmental conditions.⁵⁸ Those standards stipulate that ESAs need to be completed or updated within 180 days of closing on a property. Since Phase I ESAs are conducted during the relatively early stages of land acquisition, delays in other parts of the land acquisition stages can result in the need for ESAs to be redone or updated. The Land Resources Program has made efforts to conduct ESAs after the appraisal process, when appropriate, to avoid issues complying with the 180-day requirement. Regional Land Resources Program Center staff have also built the option for updated Phase I ESAs into the later stages of some individual acquisition projects. They are also able to build in options for Phase II and Phase III ESAs in their initial agreements with contractors for Phase I ESAs.

Recommendation 2.16 (short-term implementation): LRD should encourage Regional Land Resources Program Centers to build options into procurement for Phase I ESAs. This would help Regional Land Resources Program Center staff to update, or redo, Phase I ESAs as quickly as possible in the event that other portions of the due diligence activities overrun the 180-day window. LRD should also encourage Regional Land Resources Program Centers and WCO to build future ESA phase I contracts to include options for Phase II and III ESAs to facilitate timely actions to complete them as soon as possible if the Phase I ESAs uncover issues with prospective acquisitions. Furthermore, LRD should encourage the Regional Land Resources Program Center staff to include options for updated Phase I ESAs, and subsequent Phases, in transactions that utilize their credit card purchasing authority.

Observation 2.17: LRD lacks internal expertise in environmental compliance activities, relying on the seven Environmental Coordinators in the Regional Offices to develop the scopes of work for ESAs performed by external contractors. LRD relies on the environmental expertise of ECCD when reviewing and overseeing those activities at WASO. ECCD seeks consultation and guidance from DOI’s Office of Environmental Policy and Compliance as needed. This can make it challenging for LRD to promote uniformity in the standard of due diligence undertaken for ESAs across the regions in accordance with the departmental guidance it receives from OEPC. The Land Resources Program has recently created an environmental protection specialist position embedded in the IMR Land Resources Program Center to begin building internal expertise.

Recommendation 2.17 (medium-term implementation): LRD should consider centralizing the ESA function to build expertise and capacity to support environmental compliance activities. This will help to ensure that ESAs are conducted in the most efficient sequence in relation to appraisals and that scopes of work for ESAs include the appropriate provisions for follow-up work. Centralizing the function would promote uniformity in the

⁵⁸ Department of the Interior, Office of Environmental Policy and Compliance, *Departmental Manual, Public Lands, Part 602, Chapter 2* (Washington, DC: October 12, 2016) https://www.doi.gov/sites/doi.gov/files/elips/documents/602-dm-2_o.pdf.

standard of due diligence required for ESAs across the NPS in accordance with departmental guidance from OEPC.

Hiring Tools

The Land Resources Program has experienced turnover in leadership, management, and staff in recent years. Previously, experienced staff advanced knowledge of realty and land acquisition procedures over the years. They relied on that knowledge to do their work but did not take steps to record it for the purpose of training successors, resulting in a loss of institutional knowledge across the Land Resources Program when they began to retire. The attrition in Realty Specialists over the past 20 years, approximately, helps illuminate this point. Many worked on property appraisals when the function still resided in the DOI bureaus prior to 2002. They continued in their roles after DOI retained responsibility for appraisals. The Realty Specialists continued to rely on that knowledge for their work with AVSO's predecessors, albeit in a reduced role. The departure of that cadre diminished NPS' ability to support AVSO in work for appraisals. Flexible hiring tools like the NEW Solutions experienced workers contract, Presidential Management Fellows Program, and PPFL Technical Internship are producing results as LRD looks to increase capacity and rebuild institutional knowledge.⁵⁹ Leadership and supervisors at the regional level that are aware of these tools can hire qualified staff in a more efficient manner.

Offering remote and telework options for roles is frequently cited as an important incentive to attract candidates for the Land Resources Program. For example, the Alaska Region allows its staff to work from park units in Alaska instead of the Alaska Regional Office, where appropriate and feasible. Hiring for flexible work arrangements like remote and telework broadens the talent pool because such arrangements remove geographic restrictions. This is especially true for remote work. Flexible work arrangements are also key to being competitive when recruiting high quality candidates because a significant percentage of the workforce prefers flexible arrangements. To illustrate, "In a 2019 survey by the International Workplace Group, 83% of global respondents reported that the ability to work flexible at least some of the time would be the deciding factor between two similar job offers, and 32% stated that having a choice of work location would matter more to them than being given a more prestigious role within their company."⁶⁰

Observation 2.18: Adoption and use of flexible hiring tools can benefit the Land Resources Program.

⁵⁹ NEW Solutions is 501 (c)(3) nonprofit organization that "promotes an age-diverse workforce through expanding the employment opportunities in federal agencies for individuals 55 and over." "About NEW Solutions," NEW Solutions, accessed April 7, 2023, <https://newsolutions.org/about-new-solutions/>; The Presidential Management Fellows Program matches graduate students across all academic disciplines with job opportunities in the federal government. "About Us: History and Overview," U.S. Office of Personnel Management, Presidential Management Fellows Program, accessed April 7, 2023, <https://www.pmf.gov/about-us/history-and-overview/>.

⁶⁰ Lynn Kier, "Remote Work: The Ultimate Equalizer For Talent Acquisition And Employee Experience," Forbes Communications Council Post, accessed April 10, 2023, <https://www.forbes.com/sites/forbescommunicationscouncil/2020/08/10/remote-work-the-ultimate-equalizer-for-talent-acquisition-and-employee-experience/>; Adam Ozimek, "The Future of Remote Work," (Upwork, 2020), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3638597.

Recommendation 2.18 (medium-term implementation): Encourage use of creative hiring tools like the Technical Internship Program, Presidential Management Fellows Program, and New Solutions experienced workers contract. Target communications on hiring tools to the Regional Directors or designees over the Land Resources Program in their region. The email list and regular meetings discussed in **Recommendation 2.22** below should be the channel for such communications.

Observation 2.19: Remote flexibilities can help attract high quality candidates to work in the Land Resources Program.

Recommendation 2.19 (short-term implementation): Encourage the Regional Land Resources Program Centers to ensure that as many open and existing positions as possible have the option for remote work arrangements.

Position Descriptions

Position descriptions, in tandem with annual EPAPs, are critical to ensuring an employee's responsibilities, skills, and objectives both accurately reflect their daily activities and direct them to the work leadership has prioritized. Additionally, position descriptions help HR find and hire individuals who are both accurately qualified and prepared to handle the responsibilities they will be given.

Due to the specialized nature of the Land Resources Program's mission, position descriptions are important to ensure that the vast number of responsibilities held in the organization are attended to. Typically, organizations can take one of two approaches towards position descriptions. First, the position description could be very specific with individual tasks and responsibilities spelled out for that individual. That position description would serve as a rigid performance mechanism that the employee is held to. Second, the position description could be more general and standardized across the organization, allowing for leadership to move the employee to different tasks and responsibilities depending on the circumstances and priorities that may arise from them. The LRD has taken the latter approach, as the division's staff faces a constantly changing real estate environment with different legislation, stakeholders, and acquisition opportunities shifting around them; however, the Land Resources Program does not have standardized position descriptions across all regions. Standardized position descriptions across regions allow NPS hiring personnel to send out uniform hiring announcements for the same position in multiple regions. Thus, LRD leadership has cited the current lack of standardization as a challenge in the hiring process.

While LRD leadership has taken the approach of more general position descriptions to address emerging needs, some staff expressed concern with a lack of clarity on what their position entails and what responsibilities they are being asked to perform. Many are asked to take on collateral duties not listed in their position description. This circumstance can result in confusion over whether collateral duty has become a principal part of their position's responsibilities.

EPAPs outline the specific elements and standards that an employee is expected to accomplish during the rating cycle. They may be used to counteract confusion caused by a broader position description and help codify and establish responsibilities that are unique to that specific position.

Land Resources Program positions are unique depending on both the region geographically and the staffing allocations within the region.

Observation 2.20: Position descriptions lack uniformity across the regions. The position descriptions also lack specificity and can lead to uncertainty in setting employee performance expectations and work goals.

Recommendation 2.20 (medium-term implementation): Position descriptions should be standardized across the Land Resources Program and subsequently paired with specific EPAPs that encompass that position's responsibilities even if they are not outlined in the position description or are perceived as collateral duties. The responsibilities listed in the EPAPs should be updated frequently to prevent confusion arising from the standardized position descriptions.

2.4 Land Resources Program Assessment: Communications

There are opportunities for LRD to improve the degree of clarity and awareness among the Regional Land Resources Program Centers and external partners with respect to LRD policy changes and transactional tools. For example, LRD considered implementing a policy requiring each proposed land acquisition with an improvement (e.g., house or other structure) to go through an Investment Review Board (IRB) review for approval. LRD intended to use the IRB to better understand future operations and maintenance costs for land acquisition priorities. However, some staff and external partners saw the policy as contrary to the legislative intent around LWCF funding. They argued that the criteria for prioritizing acquisitions do not include operations and maintenance (O&M) costs, and that LRD can assess those costs outside of the IRB process.

LRD decided not to pursue the IRB policy and revised its policy in FY2022 to exclude IRB review from the land acquisition process. Nonetheless, some Regional Land Resources Program Center staff and external partners mistakenly believe that the requirement is either in place or on hold until a later date. This impression persists despite communications to the contrary by the Associate Director of the PPFL Directorate to Regional Directors and stakeholders. Some external partners deem that the communication lacked clarity and that staff in the Regional Land Resources Program Centers do not have a uniform understanding of the status of the IRB policy.

LRD already had an established requirement to capture future O&M costs as part of the annual LARS process. To assist with identifying future O&M cost, LRD developed two O&M templates. While this requirement is performed as part of LARS process, the O&M costs is not a factor considered when establishing priorities for acquisition. Instead, they are provided to assist the Regional Offices with the development of defensible, comprehensive cost estimates for their proposals during the annual budget cycle. LRD provided the O&M templates to the Land Resources Program Centers in January 2022, but research for this study reveals that some realty staff are unaware of them.

External partners also suggest LRD explore additional methods to eliminate some O&M costs. For example, some external partners can secure and execute contracts for demolition faster than NPS can. This would allow external partners to remove unwanted structures on a property even before the Land Resources Program completes the land acquisition process.

Observation 2.21: LRD communication about its requirement to understand O&M costs as part of the LARS process, and not as one of the criteria for deciding whether to acquire property, is not universally understood among external partners nor Regional Land Resources Program Center staff.

Recommendation 2.21 (short-term implementation): LRD should work with external partners to refine its methodology for understanding the lifecycle O&M costs of land acquisition projects; explore how external partners can perform work on properties before the Land Resources Program acquires them; and encourage the Regional Land Resources Program to improve coordination and communication with stakeholder organizations at the Regional and park unit levels. **Recommendation 2.22** below provides more suggestions for LRD to improve internal communications with the Regional Land Resources Program Centers.

While LRD has an open line of communication to the Regional Land Resources Program Centers, there is no direct line of authority from LRD to the Regional Land Resources Program Centers and their staff. As discussed in Chapter 2.0 of this report, LRD has authority to establish the roles and responsibilities for the Regional Land Resources Program Centers but does not supervise them. They report to the Regional Director or designee, who is often an Associate Regional Director (ARD) with oversight of Regional Land Resources Program Center activities. This has resulted in a gap in the chain of communication, as LRD communications are primarily with the Regional Land Resources Program Center employees. Some ARDs feel that it is difficult to encourage updates to, and best practices for, Land Resources Program policies and procedures because they are omitted from LRD's line of communication. In recent months, LRD and the ARDs created an email list for ARDs to receive policy updates, training modules, and tools relevant to the Land Resources Program. The email list has the potential to be an effective method for promoting greater clarity among Land Resources Program staff around LRD resources.

Observation 2.22: Challenges exist in communications between LRD and Regional Land Resources Program Centers and with Regional and Associate Regional Directors.

Recommendation 2.22 (medium-term implementation): LRD should institute a regular, voluntary meeting of the ARDs who have responsibility to oversee the Regional Land Resources Program. It should use that regular meeting and the ARD email list to ensure clarity on current policies and procedures among the Regional Land Resources Program Centers so it can communicate accurate and consistent information to external partners and stakeholders.

2.5 Land Resources Program Assessment: Appraisals

Whenever DOI acquires property within an authorized NPS boundary, it must be done at a fair market value. Currently, AVSO is the only office within DOI with delegated authority from the Secretary to conduct appraisals to determine fair market value.⁶¹ Due to AVSO's responsibility for

⁶¹ "About Us," Appraisal and Valuation Services Office. U.S. Department of Interior. Accessed March 21, 2023. <https://www.doi.gov/valuationservices/about-us>

providing appraisal services to the bureaus, the Land Resources Program must rely on them for accurate and timely services.

During this study, the appraisal function is often cited as lacking transparency and the most time-consuming part of the land acquisition process. With the fast pace that characterizes today's real estate market, timeliness has become one of the most critical components to land acquisition. The Land Resources Program leadership team has reported losing several land acquisition opportunities due to lengthy transaction timelines, often sighting a long appraisal time.

Appraisals are often cited as the most complicated and time-consuming part of the land acquisition process by Land Resources Program staff. AVSO's current practice is to require all appraisals procured or undertaken on behalf of NPS' land acquisition priorities be prepared in accordance with the supplemental "Yellow Book" appraisal standards rather than Uniform Standards of Professional Appraisal Practice (USPAP), which is the required legal standard.⁶²

Some challenges with the appraisal process and its impact on property acquisitions are being addressed between AVSO and the Land Resources Program. As a result, an active working dialogue has been fostered by leaders of both organizations. This collaboration has taken shape in the form of the DOI Appraisal Streamlining Working Group.⁶³ In accordance with language contained in the Joint Explanatory Statement accompanying the FY 2023 Appropriations Act (P.L. 117-328):

*"The working group shall evaluate processes to improve uniform Departmental appraisal policies, options for returning some appraisal or valuation functions to the bureaus, if any, utilizing third party contracting, and clarifying the roles and responsibilities of federal and non-federal parties. AVSO should incentivize recruitment, invest in retention and apprenticeship, improve process efficiency, and improve collaboration with its client bureaus. Requesting bureaus may release unredacted appraisal reports to intended users after a report has been reviewed and approved for agency use after consultation with AVSO."*⁶⁴

Additionally, if accepted by LRD leadership, **Recommendation 2.10** will result in a training engagement between the Land Resources Program and AVSO and would be another positive step towards fostering a strong working relationship between the two organizations.

Dedicated leadership of the DOI Appraisal Streamlining Group, supporting regular metrics and reports to Congress, and fostering a positive relationship between AVSO and the Land Resources Program will all remain critical to future land acquisition success. It should be noted that neither AVSO nor NPS wish to unduly sacrifice the quality or accuracy of an appraisal in exchange for time; however, some overly burdensome AVSO requirements and business practices have proven

⁶² "What is USPAP?," The Appraisal Foundation, accessed May 31, 2023, https://www.appraisalfoundation.org/imis/TAF/Standards/Appraisal_Standards/Uniform_Standards_of_Professional_Appraisal_Practice/TAF/USPAP.aspx?hkey=a6420a67-dbfa-41b3-9878-fac35923d2af

⁶³ Participants serving on the working group represent both DOI and its bureaus.

⁶⁴ Explanatory Statement Submitted by Mr. Leahy, Chair of The Senate Committee on Appropriations, Regarding H.R. 2617, Consolidated Appropriations Act, 2023, 117th Cong., 2nd sess., *Congressional Record* 168 (December 20, 2022), no. 198, <https://www.congress.gov/congressional-record/volume-168/issue-198/senate-section/article/S8553-2>.

to cause delays. Based on the actions already being taken, it appears that leadership from the Land Resources Program is committed to improving this function of the land acquisition process.

Observation 2.23: Appraisals are the most problematic part of the land acquisition process, and the DOI Appraisal Streamlining Working Group is a positive step taken to help improve the working relationship between the Land Resources Program and AVSO.

Recommendation 2.23 (short-term implementation): LRD leadership, in coordination with AVSO, should continue collaborating through the DOI Appraisal Streamlining Working Group and establish it in perpetuity. LRD leadership should use the group to draw upon AVSO staff expertise to enhance the Land Resources Program appraisal functionality.

Recommendation 2.24 (short-term implementation): In consultation with DOI and AVSO leadership, LRD should explore whether there might be circumstances when NPS could undertake appraisals with AVSO retaining some oversight authority. LRD should seek authority to hire certified appraisers to support appraisal-related activities such as conducting internal appraisal assignments, advising and supporting realty staff, helping prepare statements of work for contracted appraisals, and serving as knowledgeable liaisons to AVSO.

Chapter 3: American Battlefield Protection Program

This chapter focuses on the American Battlefield Protection Program (ABPP). It is divided into two main segments. The first provides high-level background of the program and the second is an assessment of four aspects of the program: staffing; outreach and applicants; metrics; and battlefield transfers/conversions and congressional intent. The four categories of assessments are sub-divided to include an observation and recommendation. Finally, each recommendation is incorporated into an Implementation Plan (IP) that is based upon an estimated timing of when each recommendation should be initiated following the submission of this report: short-term (within one year); medium-term (during the second year); and long-term (starting during third year). The suggested implementation designation is noted for each recommendation.

3.0 ABPP Background: Mission, Functions, and Organization

Created in 1991 and authorized by Congress in 1996, the ABPP currently services four grant programs: Battlefield Restoration Grants, Battlefield Interpretation Grants, Preservation Planning Grants, and Battlefield Land Acquisition Grants. The Civil War Battlefield Preservation Act of 2002 established the Battlefield Land Acquisition Grant (BLAG). Prior to 2002 the ABPP focused on developing studies of Civil War and Revolutionary War sites.^{65,66}

Today, BLAG awards offer eligible state and local grantees 50 percent of the purchase price for land parcels through dollar-for-dollar match grants. These parcels of land must be locations of battles from the American Revolution, the War of 1812, or the American Civil War and they must be outside the boundaries of the NPS. As such, 37 states have land that is eligible for a BLAG award (see Figure 4).

⁶⁵ American Battlefield Protection Act of 1996, Pub. L. 104-333 16 USC 469k, <https://www.congress.gov/104/plaws/publ333/PLAW-104publ333.pdf>.

⁶⁶ Civil War Battlefield Preservation Act of 2002, Pub. L. No. 107-359, 116 Stat. 3016 (2002). <https://www.congress.gov/107/plaws/publ359/PLAW-107publ359.pdf>.

Figure 4: Map of States with Eligible BLAG Battlefields

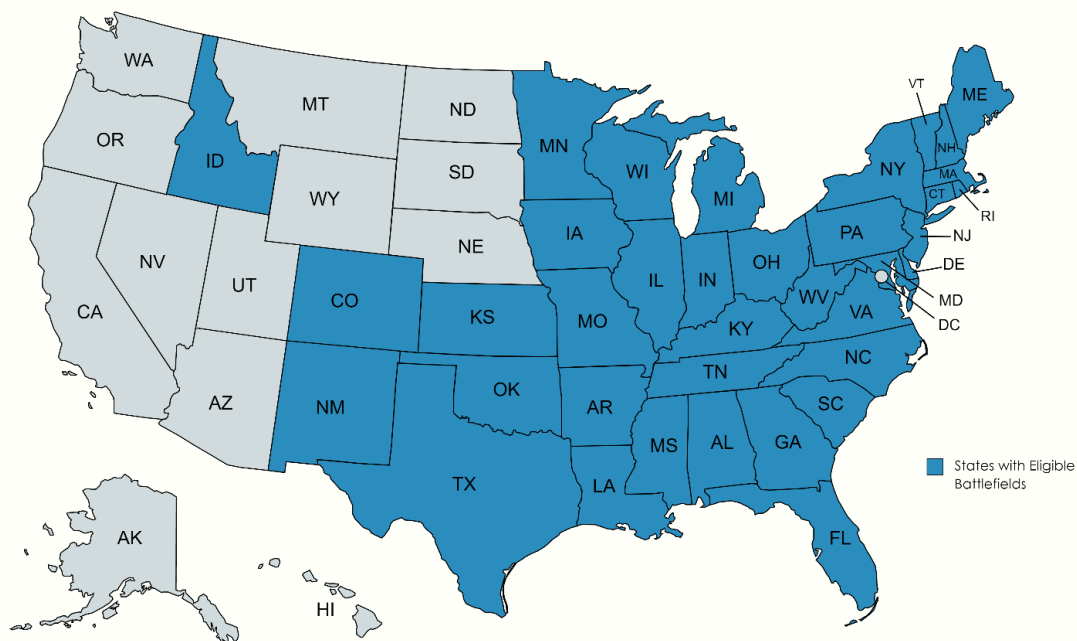


Figure Adapted by the National Academy of Public Administration
Source: National Park Service

While this report focuses on BLAG awards, a summary of the other three grant programs is provided below:

- Battlefield Restoration Grants help support efforts to bring battlefields that have received BLAG awards up to “day-of battle conditions.”⁶⁷
- Battlefield Interpretation Grants help support efforts to bring technology to battlefields education and increasing access for visitors.
- Preservation Planning Grants help support for all aspects of battlefield preservation including research and planning activities for battlefields during any period in American history.

Budget

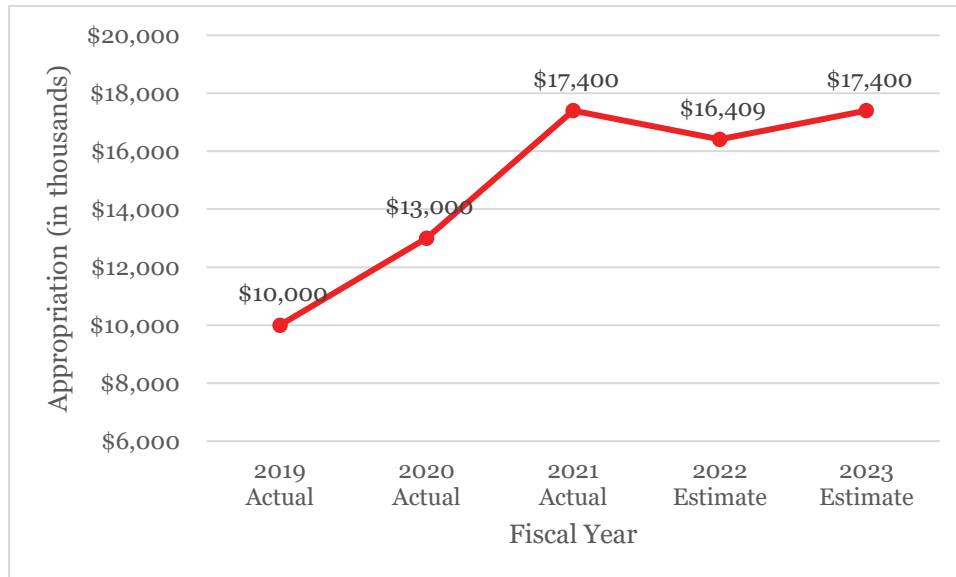
ABPP is part of the NPS’s Cultural Resources, Partnerships, and Science Directorate and is funded by the Land and Water Conservation Fund (LWCF). Until enactment of the Great American Outdoors Act (GAOA) in 2020, ABPP received annual discretionary funding. GAOA’s permanent funding guarantees that LWCF will receive \$900 million per year without Congressional

⁶⁷ “Battlefield Restoration Grants,” National Park Service, accessed April 10, 2023, <https://www.nps.gov/orgs/2287/battlefield-restoration-grants.htm>.

authorization.⁶⁸ In prior years, as discretionary funding, LWCF was subject to funding cuts by Congress, and programs like ABPP faced uncertainty year to year. In short, permanent funding allows ABPP to engage and invest in long-term planning.

In FY 2023, in total, ABPP received an estimated \$20 million. Of the four grant programs, the BLAG program receives roughly 87 percent of this funding. Over the last five years, the BLAG program has seen an increase in funding with a sustained amount \$17.4 million per year over the last three years (see Figure 5).⁶⁹

Figure 5: ABPP Battlefield Land Acquisition Grant (BLAG) Appropriations by Fiscal Year



Source: National Park Service Budget Justifications FY 2020-2023

As of this report, ABPP is staffed by five employees (these employees work on all four grant programs) including a Preservation Planner, Lead Grants Management Specialist, and three Grants Management Specialists. This staff team supports the entire grant life cycle including the notification of funding, fielding applicant questions, reviewing applications, and awarding grant funds. Based on 54 U.S.C. § 308103(b), only state and local governments are eligible to apply for BLAG awards. However, “nonprofit organizations may acquire an interest in an eligible site by partnering in an application from a state or local government which has jurisdiction over the property interest to be acquired. The government agency will be the grant recipient and serve as a pass-through entity for federal funds to the nonprofit organization.”⁷⁰

⁶⁸ Carol Hardy Vincent, Laura A. Hanson, and Anne A. Riddle, *Land and Water Conservation Fund: Processes and Criteria for Allocating Funds*, CRS Report No. R46563 (Washington, DC: Congressional Research Service, 2020), <https://crsreports.congress.gov/product/pdf/R/R46563>.

⁶⁹ FY 2022 estimate reflects a reduction in funding due to sequestration. U.S. Department of the Interior, “Budget Justifications and Performance Information Fiscal Year 2023, National Park Service, accessed April 10, 2023, <https://www.doi.gov/sites/doi.gov/files/fy2023-nps-greenbook.pdf#page=67>.

⁷⁰ American Battlefield Protection Program, “Grant Notice: ABPP FY2023 Battlefield Land Acquisition Grant,” Funding Opportunity Number: P23AS00469, accessed April 10, 2023, <https://www.grants.gov/web/grants/search-grants.html?keywords=15.928>.

Application Process

Prior to applying, applicants or their sub-applicants must initiate a Section 106 process.⁷¹ In 2016 ABPP developed a programmatic agreement with The National Conference of State Historic Preservation Officers (NCSHPO), and The Advisory Council on Historic Preservation (ACHP), increasing focus on Section 106 of the National Historic Preservation Act (NHPA) by requiring a Section 106 review to be completed with each application. This review requires applicants to evaluate the impact on historic properties. These reviews are completed by the state or local government if it is to become the landowner, or the non-governmental organization if the state and local government acts as the pass-through entity.

As outlined in the programmatic agreement,⁷² for some applicants, location of the land may also necessitate a tribal consultation as part of its Section 106 review (a tribal consultation is used to determine the possible effects on tribal land that may hold “cultural and religious significance”⁷³). When appropriate the tribal consultation may result in an Effects Determination letter, drafted by ABPP staff, that is incorporated into the final grant agreement. Under the previous ABPP Programmatic Agreement, the Section 106 process needed to be initiated prior to application submission and completed prior to awarding the grant.

A completed application includes 25 documents (see [Appendix C](#) for a list of required documents). Once all documentation has been submitted, ABPP reviews the application and uses a rating system to award points based on the following four criteria (applicants receive 0, 1, or 2 points based on whether the application “does not meet,” “meets,” or “exceeds” each criterion).⁷⁴

1. Historical Significance and Integrity
2. Resources Analysis and Proposed Activities
3. Statement of Threat, Preservation Strategy and Future Sustainability
4. Qualification, Experience and Capacity of Applicant and partners

After points are awarded, an application is categorized based on whether it meets or exceeds ABPP’s programmatic interests. Applications fall into one of evaluative three categories:

⁷¹ Section 106 of the NHPA requires that each federal agency identify and assess the effects its actions may have on historic buildings. Under Section 106, each federal agency must consider public views and concerns about historic preservation issues when making final project decisions. “Section 106: National Historic Preservation Act of 1966,” U.S. General Services Administration, accessed April 10, 2023, <https://www.gsa.gov/real-estate/historic-preservation/historic-preservation-policy-tools/legislation-policy-and-reports/section-106-national-historic-preservation-act-of-1966>.

⁷² A programmatic agreement “allows federal agencies to govern the implementation of a particular agency or program...through negotiation of an agreement between the agency, appropriate SHPO(s), and ACHP.” “Programmatic Agreements,” Advisory Council on Historic Preservation, accessed April 10, 2023, https://www.achp.gov/program_alternatives/pa.

⁷³ “Second Amendment to Programmatic Agreement Among the National Park Service, American Battlefield Protection Program and the National Conference of State Historic Preservation Officers and the Advisory Council on Historic Preservation Regarding the American Battlefield Protection Program's Grants,” October 12, 2022, page 13, https://www.nps.gov/orgs/2287/upload/NPS-ABPP-Programmatic-Agreement-Amend-2_2022.pdf.

“Grant Notice: ABPP FY2023 Battlefield Land Acquisition Grant,” Funding Opportunity Number: P23AS00469.

“Category 1: Proposal meets or exceeds the program interests of the NPS with a strong confidence that the objectives of the agreement will be met based on the demonstrated qualifications, experience and capabilities of the applicant.

Category 2: Proposal meets some of the program interests of the NPS, or there is a marginal confidence that the objectives of the agreement will be met based on the demonstrated qualifications, experience and capabilities of the applicant.

Category 3: Proposal either does not meet the program interests of the NPS, or there is low confidence of meeting the objectives of the agreement based on the demonstrated qualifications, experience and capabilities of the applicant.”

Projects in Category 1 are expected to be fully funded. After all Category 1 projects have been awarded, Category 2 projects may be funded with the remaining funds. Category 3 projects will not be funded.

Applicants selected to receive funding are notified and a grant agreement is executed. This grant agreement requires an SF-429B form which identifies the property appraisal and appraisal review to begin drawing down on BLAG award funds. Grantees are responsible for conducting an appraisal which can be reviewed by AVSO.⁷⁵ The appraisal, appraisal review and SF-429B must be received by ABPP before drawdown of any Federal funds. ABPP follows the advice of AVSO that the appraisal and appraisal review should be completed within one year of closing on the property. There is no time limit for completion in the grant agreement.

Grantees are subject to post-award reporting including the submission of an SF-425 Federal Financial Report, performance reports, significant development reports, real property reports, conflict of interest disclosures, and other mandatory disclosures.

Post Award Activities

The grant agreement requires recordation of the easement or preservation letter of agreement 90 days prior to the end of the period of performance with a final report due 120 days after the end of the period of performance. Per the Notice of Funding Opportunity (NOFO), “All recipients must agree to record with or in the deed and record in the easement (as applicable) the following:

- That the property was acquired with assistance from Federal Land and Water Conservation Act funds pursuant to the American Battlefield Protection Act (16 USC 469.k.).
- That the property is subject to provisions of Section 200305(f)(3) of the Land and Water Conservation Act.
- That the property, therefore, may never be converted to other than preservation uses without the written approval of the Secretary of the Interior.”

⁷⁵ Not all appraisals and appraisal reviews are sent to AVSO at this time. Appraisals and appraisal reviews are accepted by ABPP grant specialists.

Given the importance of the easement process, ABPP is drafting a toolkit to help state historic preservation offices (SHPOs) and Non-governmental organizations (NGOs) navigate the grant process including how to write easements, language that should be included, and reinforcing the responsibilities for easement holders, such as the development of a monitoring system to identify, review, and approve any activities that may take place on land. It also helps explain how the terms of the easement should be enforced should there be any violation. Over the last two years, ABPP has held webinars for SHPOs, received feedback on the draft toolkit, and continues to work on tailoring the toolkit to meet the needs of its partners.

3.1 ABPP Assessment: Staffing

ABPP's employees are responsible for the entire grants management lifecycle from the notification of funding development to grant closeout. They also compile and support GeoDatabases which identify American Revolution, War of 1812, and Civil War battlefield boundaries.⁷⁶ This boundary information is critical to quickly identify if properties may be eligible for BLAG awards.⁷⁷ At various points in its history ABPP has employed archaeologists, historians, and other non-grant related positions as the scope of work has shifted over time. At present, the ABPP staff focus the majority of their work on grants management activities as they support not only the BLAG program, but the other three programs as well.

Over the past few years, ABPP staffing has fluctuated between four and six positions. Of the current five employees, three are in permanent positions and two are in term positions. Term positions are four-year contracts that are not eligible for transfer to a permanent position. As a grant program, term positions are used given the uncertain nature of grant funding. As previously discussed, prior to GAOA, ABPP funding was discretionary and as such some grants management positions were approved to reflect the uncertainty of grant funding year-to-year. Despite the passage of GAOA which reduced the uncertainty of ABPP funding, grants management positions continue to be hired as term positions. These positions are also hired at the General Schedule (GS)-10 or -11 grades with no ability to move to permanent GS-12 or higher positions.⁷⁸ Combined with the GS grade ceiling, the temporary nature of term positions lead to high turnover and additional staffing challenges. For example, it takes several months to on-board and train employees. Furthermore, at the end of the four-year term it results in a loss of institutional knowledge. With only four to six positions staffed at one time, the lengthy hiring process also can leave the program shorthanded in-between hires.

⁷⁶ NPS DataStore, "Collection Profile – Collection ID 7874," National Park Service, accessed April 10, 2023, <https://irma.nps.gov/DataStore/Collection/Profile/7874>.

⁷⁷ GeoDatabases for the American Revolution and War of 1812 battlefields have been confirmed and "is organized in the NPS cultural resource spatial data transfer standards." As such land identified in these databases are eligible for ABPP grants. The Civil War GeoDatabase has not been approved for use in determining eligibility and grant applicants are required to use the Civil War 1993 Survey feature datasets to determine eligibility. NPS DataStore, "Updated Civil War Battlefield Boundaries, National Park Service, April 10, 2023, <https://irma.nps.gov/DataStore/Reference/Profile/2279739>.

⁷⁸ The Office of Personnel Management classifies federal employees using General Schedule grades from 1-15 with increasing responsibilities, supervisory duties, and required skills as employees increase in grades. "General Schedule Overview," U.S. Office of Personnel Management, accessed April 10, 2023, <https://www.opm.gov/policy-data-oversight/pay-leave/pay-systems/general-schedule/>.

Additionally, as BLAG awards are provided for easements that are held in perpetuity, the grant management life cycle also does not end. BLAG awards require a real property report to be submitted every five years as the federal government will hold an interest in the property for more than 15 years. Hiring permanent employees also reflects the long-term nature of BLAG awards.

Observation 3.1: Reliable LWCF funding should result in a sustained higher volume of grant applications. Appropriate staffing to address this anticipated increase will enhance mission performance.

Recommendation 3.1: ABPP should seek approval to fill term grants management positions with permanent employees.

3.2 ABPP Assessment: Outreach and Applicants

Since its development, ABPP has primarily focused on historical narratives that highlight the battles themselves but do not always include stories of individuals living in the areas near the battlefields. Over the last three years ABPP focused on diversifying its applicant pool with the goal of expanding preservation stories beyond traditional battlefield experiences. In addition to state and local governments, ABPP engages sub-applicants from NGOs like the American Battlefield Trust (ABT). Historically organizations like ABT have sought ABPP grants as part of their efforts to tell the traditional stories of the Civil War and the American Revolution. Essentially these historical narratives focus on the battles themselves but do not always include stories of individuals living in the areas near the battlefields.

In FY 2021, ABPP prioritized outreach for diverse applicants for their Preservation and Planning Grants (PPG). Focusing on the use of social media with regular messaging, ABPP developed a communication strategy designed to “encourage applicants to explore underrepresented stories, sites, and perspectives of armed conflict.”⁷⁹ ABPP also added a special criterion in the NOFO that prioritized proposals that focus on experiences from underrepresented groups. This effort resulted in 80 percent of FY 2021 PPGs going to first-time applicants.⁸⁰

Broadening relationships with a more diverse set of NGOs also supports the Biden Administration’s “America the Beautiful” initiative that focuses on conserving 30 percent of lands and water by 2030.⁸¹ A key effort in this initiative is “pursuing a collaborative and inclusive approach to conservation,”⁸² which has been identified as a priority of ABPP. BLAG awards require 50 percent of the land to have been directly involved in the battle itself, and land purchased with a BLAG grant must have a conservation easement placed upon it which restricts development activities, conserving the land. BLAG awards would be one way that the Administration would be able to reach its goal of conserving 30 percent of American land by 2030. Part of this conservation also provides an opportunity to tell the story of the communities in the

⁷⁹ Internal FY 2021 Annual Programmatic Report provided directly to the Academy Study Team.

⁸⁰ PPGs were awarded to eight first time grant recipients. In total, ABPP received 48 responses and awarded 11 grants. Internal FY 2021 Annual Programmatic Report.

⁸¹ “Executive Order No. 14008 of January 27, 2021 on Tackling the Climate Crisis at Home and Abroad,” *Code of Federal Regulations*, title 3 (2021): 7619-7633 <https://www.doi.gov/priorities/america-the-beautiful>.

⁸² *Ibid.*

land surrounding the battlefield which may include information on the lives of marginalized groups including enslaved populations.

Observations 3.2.1 and 3.2.2: ABPP focuses on increasing the diversity of its applicant pool to tell the stories of underrepresented groups. Using a communication strategy focused on social media engagement and webinars, ABPP has been able to expand its PPG applicant pool.

Recommendation 3.2.1: ABPP should continue to identify and engage organizations that focus on the histories of underrepresented groups during the times of the American Revolution, War of 1812, and the Civil War.

Recommendation 3.2.2: ABPP should build upon the existing communication strategy used for PPGs to continue developing quality content including success stories, short videos, and podcasts to create greater awareness among targeted applicant pools.

3.3 ABPP Assessment: Metrics

ABPP lacks formal, written goals and metrics and as such, there is an absence of defined outcomes that measure mission impact.⁸³ When evaluating the effectiveness of BLAG awards, ABPP currently measures the number of grants awarded and the number of acres protected. ABPP does not provide additional information as to how the land is protected. Leaders can report on how many acres are protected and how many easements have been executed but do not report on how well easements are enforced, the status of unacquired properties, nor what percent of the property is protected outside of the acquisition grant by another federal agency or a nonprofit organization.

Observation 3.3: ABPP lacks metrics to measure program impact and only uses the number of grants awarded each year and the subsequent number of acres covered by easements to account for the amount of land conserved.

Recommendation 3.3: ABPP should identify and develop additional measurable outcomes for its Battlefield Land Acquisition Grants. Given the importance of external stakeholders, ABPP should consult with representatives from a variety of stakeholders including the NPS Cultural Resources Directorate, LRD, the National Council of State Historic Preservation Offices (NCSHPO), and non-profit partners when developing additional program evaluation metrics.

3.4 ABPP Assessment: Battlefield Transfers/Conversions and Congressional Intent

There are differences in the interpretation of the congressional intent for BLAG awards and whether, after using BLAG funding to purchase a parcel of land, that parcel should ever become part of the federal estate. ABPP eligibility stipulates that land purchased with BLAG funding must

⁸³ Deborah Mills-Scofield, "It's Not Just Semantics: Managing Outcomes Vs. Outputs," Harvard Business Review, November 26, 2012, accessed April 10, 2023, <https://hbr.org/2012/11/its-not-just-semantics-managing-outcomes>.

be outside the border of NPS park legislative boundaries.⁸⁴ Applicants are made aware of this policy as it is stated in the BLAG NOFO that, “funds may not be used to acquire land or interests in land within the legislative boundary of a unit of the National Park System.”

However, while not common, there have been cases where land was initially purchased through a BLAG award, but years later was acquired by NPS as part of LRD’s land acquisition process. In these cases, when NPS acquires land previously purchased with BLAG award funds, the purchase price of the land must be adjusted to take into account the BLAG award amount.⁸⁵

It is important to clarify the congressional interpretation of ABPP’s BLAG program and whether land purchased using a BLAG award should ever become part of the federal estate. ABPP understands its role as that of a partial funding source to support state and local governments, along with NGOs, to offset the initial cost of the land purchase. The understanding is that after the conservation easement is in place, as required by the grant agreement, that the grantee becomes the steward of the land, incurring any maintenance or upkeep related costs in permanence. Despite the program leadership’s current interpretation that the land should never become part of the federal estate, some parcels have been later acquired by NPS through LRD’s land acquisition process.

Observation 3.4: Some BLAG award grantees have later sold land to NPS through LRD’s land acquisition program. Such acquisitions conflict with ABPP’s current understanding of the congressional intent of its program which is that land purchased with a BLAG award should never become part of the federal estate.

Recommendation 3.4: ABPP should engage with LRD to reaffirm a common understanding of the intention around transfers and conversions of land acquisitions receiving federal financial assistance through ABPP. The DOI solicitor’s office should be included to interpret and clarify regulations. Once this understanding has been agreed upon by all parties, this information should be included in all grant agreements and regularly communicated as part of the program outreach.

⁸⁴ “A legislative boundary represents a park’s maximal extent as defined by Congress.” “Style Reference,” National Park Service, accessed April 10, 2023, <https://www.nps.gov/maps/tools/park-tiles/style-reference/index.html#:~:text=A%20legislative%20boundary%20represents%20a,therefore%20managed%20by%20the%20NPS>.

⁸⁵ “Transfer title to the Federal awarding agency or to a third party designated/approved by the Federal awarding agency. The non-Federal entity is entitled to be paid an amount calculated by applying the non-Federal entity’s percentage of participation in the purchase of the real property (and cost of any improvements) to the current fair market value of the property.” 2 CFR §200.311(c)(3)

Chapter 4: Report Conclusion

This assessment of the two NPS programs (1) for acquiring land and (2) for granting funds to outside parties for battlefield land acquisition is both thorough and national in scope. The review includes program leaders, Regional and park unit staff, specialized transactional support units housed in DOI, and external stakeholders. Given the distinct differences between the two programs, each is assessed separately. The Land Resources Program is addressed in Chapter 2 and ABPP is addressed in Chapter 3.

There is an overall conclusion that both programs presently benefit from forward-thinking leaders actively monitoring the breadth of technical operating steps and functional policies to consider how to improve effectiveness and mission success. Leaders take an active approach to review and creatively respond to how collaboration, communication, and efficient process improvements might combine to enhance speed and accuracy in the respective transaction processes. It is commendable that several recommendations addressed to the Land Resources Program and ABPP are already either in flight or are currently being planned. That said, there are still several areas where further opportunities to improve performance are noted. Important topics include human resource management, information technology systems, training, and better use of metrics to gauge progress and areas for improvement.

Enactment of GAOA in 2020, which provides substantial permanent funding to the LWCF, serves as a launch pad for what could be a future increase in transactions for both programs. As such, it is timely that this assessment offers actionable recommendations to expand work effectiveness, timeliness, capacity, and efficiency. More staff resources will be needed, particularly in regions, to further build capacity as transaction flow is increased by these added committed funds.

It is important to stress that the topics represented in these two programs - property acquisition and funding through grants - are an important operational touch point that NPS has with private sector norms and timelines. The property markets are very competitive spheres that can pit industry standards against what most would agree are more stringent rules and policies that guide federal land-related transactions. The team of NPS professionals who operate in the realty field, or who evaluate and manage grant requests in ABPP, are thus ever more acutely aware of the need to examine and consider how to eliminate unnecessary obstacles. In addition, staff training and close communications across working teams in the field, region, and in headquarters, and with DOI support teams, contribute in vital ways to driving success in this challenging mission environment.

Opportunities exist to continue building on the healthy track records that the Land Resources Program and ABPP have in place. These essential programs have actionable opportunities to improve and contribute in significant ways to the critical NPS mission.

The set of 24 recommendations directed to the Land Resources Program and five directed to the ABPP will help both continue on a course to achieve program missions. Given the numerous recommendations across several operational dimensions, this report also includes an Implementation Plan (IP) to help guide program leaders to prioritize and sequence their execution. The IP bundles recommendations into three time-period categories according to when actions should be initiated: short-term, medium-term, and long-term. Recommendations

designated as short-term should generally be initiated during the first year following submission of this report. Recommendations designated as medium-term should generally be initiated during the following year. Recommendations designated as long-term should generally be initiated starting during the third year following submission of the report. The adoption of an IP that is based upon time periods implicitly recognizes that not all recommendations should be introduced simultaneously. There are staffing constraints that are likely to make it difficult, if not impossible, to plan and execute all of the changes at once since there are limits to the number of operational changes that staff members can accommodate during a relatively short period of time. In addition, some actions outlined in this report logically or operationally build upon actions that should precede them.

The time periods proposed in the IP are intended as guidelines rather than strict and discreet start and finish periods. As such, program leaders should exercise discretion and monitor implementation progress in case there are unexpected delays, challenges, or even faster implementation than expected. Thus, program leaders should expect to contribute independent judgement vis-à-vis the report's suggested IP, as appropriate, over time.

A complete listing of all report observations and recommendations, as well as the category of approximately when each recommendation should be initiated following submission of this report, are provided in the Executive Summary. A list of recommendations organized by short-term (13 in total), medium-term (15 in total), and long-term (one in total) can be found in [Appendix D](#).

Appendices

Appendix A: Panel and Study Team Member Biographies

Panel of Academy Fellows

John Koskinen (Chair): Former Commissioner, Internal Revenue Service, U.S. Department of the Treasury. Former Chairman of the Board and Director, Freddie Mac; President, U.S. Soccer Foundation; City Administrator, Government of the District of Columbia; Assistant to the President of the United States and Chair, President's Council on Year 2000 Conversion; Deputy Director for Management, U.S. Office of Management and Budget; President and Chief Executive Officer, The Palmieri Company; Administrative Assistant to Senator Abraham Ribicoff; Assistant to Mayor John Lindsay and to New York City; Special Assistant to Deputy Executive Director, "Kerner Commission."

Hannah Sistare Clark: Friends of Acadia Interim Board Chair, National Affairs and Legislation-Garden Club of America, Vice President Academy Affairs National Academy of Public Administration, Executive Director Paul A. Volcker Commission on Public Service, Senior Fellow Brookings Institution, Staff Director and Counsel Senate Governmental Affairs Committee, Chief of Staff Senator Charles H. Percy, Adjunct Professor American University and George Washington University, Vice President Public Policy E. Seagram and Sons, Special Assistant to the Secretary of Health and Human Services.

Norman Dong: Managing Director, FD Stonewater. Former Commissioner, Public Building Service, General Service Administration; Deputy Controller, Office of Management and Budget, The White House; Chief Financial Officer, Federal Emergency Management Agency, U.S. Department of Homeland Security; Former Positions with ACS: Vice President-ACS State and Local Solutions, Inc., Vice President-ACS Public Safety Solutions, Vice President/Managing Director-ACS Government Records Management, Vice President/Chief Operating Officer-ACS Finance and Revenue Solutions; Former Managing Principal, Governmentum Partners, LLC; Former Positions with the District of Columbia Government: City Administrator/Deputy Mayor, Director-Office of Grants Management and Development, Chief of Staff-Office of the Chief Financial Officer; Special Assistant, Policy Development and Research, U.S. Department of Housing and Urban Development; Executive Assistant, State of Connecticut Office of the State Comptroller; Senior Analyst, ZS Associate.

Ingrid Reed: Founding Board Member and Senior Fellow, New Jersey Future; Chair of Board, New Jersey Spotlight. Former Director, New Jersey Project, Eagleton Institute of Politics, Rutgers University; Vice President for Public Affairs and Corporate Secretary, Rockefeller University; Administrative Director, Rockefeller Public Service Awards; Assistant Dean and Lecturer, Woodrow Wilson School of Public and International Affairs, Princeton University; Assistant for Special Projects to the Deputy Commissioner, New Jersey Department of Environmental Protection.

Yan Tang: Duggan Professor in Public Administration, Price School of Public Policy; Chair, Department of Public Policy and Management; Professor and Research Director, Bedrosian

Center on Governance and the Public Enterprise, School of Policy, Planning, and Development, University of Southern California. Professor & Director, Master of Public Administration Program, School of Policy, Planning, and Development, University of Southern California.

Study Team

Brenna Isman, Director of Academy Studies: Ms. Isman has worked for the Academy since 2008 and provides oversight across the Academy's studies. She recently served as the Project Director for the Academy's project that assisted a national regulatory and oversight board in developing and implementing its strategic plan. She also recently directed the Academy's statutorily required assessments of the NASA's use of its Advisory Council and the Environmental Protection Agency's practices for determining the affordability of regulatory mandates, as well as the Academy's organizational assessments of the U.S. State Department's Office of Inspector General and the Amtrak Office of the Inspector General. Ms. Isman has served as a Senior Advisor on strategic plan development for the Postal Regulatory Commission (PRC) and Social Security Administration (SSA), and organizational change consulting support for the Coast Guard. Her prior consulting experience includes both public and private sector clients in the areas of communication strategy, performance management, and organizational development. Prior to joining the Academy, Ms. Isman was a Senior Consultant for the Ambit Group and a Consultant with Mercer Human Resources Consulting facilitating effective organizational change and process improvement. She holds an MBA from American University and a Bachelor of Science in Human Resources Management from the University of Delaware.

Roger Kodat, Senior Project Director: Mr. Kodat has led more than 40 projects for the Academy. He brings twenty years of commercial and investment banking experience with JPMorgan Chase, and six years of senior level federal government experience at the Department of the Treasury. Appointed by President George W. Bush in 2001 to serve as Deputy Assistant Secretary of Treasury, he was responsible for Federal Financial Policy. Some of his tasks at Treasury included policy formulation for the 2006 Postal Accountability and Enhancement Act; rule making and oversight of Federal loan and loan guarantee programs; and management of the Federal Financing Bank (a \$32 billion bank at that time). Mr. Kodat holds a BS in Education from Northwestern University and both an MBA in Finance and Master of Arts (MA) in Political Science from Indiana University.

Kate Connor, Senior Analyst: Ms. Connor is a Senior Analyst at the Academy and has served on several studies, including work for the Agricultural Research Service, US Department of Commerce Office of Inspector General, and the Defense Nuclear Facilities Safety Board. Prior to joining the Academy, she served as an intern on the US Senate Committee on the Budget and taught high school social studies for several years before graduating from Georgetown University with a Master of Public Policy. Ms. Connor also holds a BA in History and Political Science and a Master of Arts in Teaching from the University of North Carolina at Chapel Hill.

Kyle Romano, Research Analyst: Mr. Romano has provided research support for several Academy studies. Most recently, he has served on Academy projects assessing the value of a potential non-profit foundation for the Department of Energy and high-level directions for the

National Marine Sanctuary System over the next 20 years. He graduated from the Indiana University School of Public and Environmental Affairs, where he earned a Master of Public Administration. He attended the University of Central Florida for his undergraduate studies, where he earned a B.A. in Political Science and a B.S. in Legal Studies.

Sean Smooke, Research Analyst: Mr. Smooke joined the Academy as a Research Associate in August of 2019. He has served on numerous Academy projects, including work for the National Nuclear Security Administration, National Park Service, United States Secret Service, and National Marine Fisheries Service, amongst others. Mr. Smooke also provides support to the Academy's Quarterly Working Capital Fund Symposium and is a member of the Intern Programming Team. Mr. Smooke holds a B.A. from Claremont McKenna College in Government and Legal Studies.

Appendix B: List of Interviewees

Advisory Council on Historic Preservation

- **Regan, Raina** – Program Analyst

American Battlefield Trust

- **Coussan, Paul** – Director of Government Relations
- **Roberston, Kathy** – Director of Project Management

Department of the Interior

- **Bloodsworth, Brian** – Director, Great American Outdoors Act Program Management Office
- **Hansen, Timothy** – Director, Appraisal and Valuation Services Office
- **Hoffman, Steven** – Attorney-Adviser, Office of the Solicitor
- **Lee, Ryan** – Chief Appraiser, Appraisal and Valuation Services Office
- **McInnis, David** – Central Regional Director, Appraisal and Valuation Services Office
- **Pulver, Dan** – Attorney-Adviser, Office of the Solicitor
- **Strickler, Matthew** – Deputy Assistant Secretary, Fish and Wildlife and Parks
- **Tittler, Andrew** – Attorney-Adviser, Office of the Solicitor
- **Whitetree, Heidi** – Program Analyst, Office of Budget
- **Underwood, Kelly** – Regional Director, Eastern Region, Appraisal and Valuation Services Office

Bureau of Land Management

- **Cartwright, Jeff** – Public Land Access Program Manager and LWCF Program Lead

Bureau of Reclamation

- **Krueger, David** – Land Resources Branch, Denver Federal Center, Bureau of Reclamation

Fish and Wildlife Service

- **Alvarez, Eric** – Chief, Division of Realty and National Wildlife Refuge System Budget, Performance, and Workforce

National Park Service – American Battlefield Protection Program

- **Arato, Christine** – Program Manager
- **Modrick, Jim** – Lead Grants Management Specialist, LWCF Grants Team
- **Sickler, Max** – Historic Preservation Specialist
- **Thomas, Hannah** – Preservation Planner, LWCF Grants Team

National Park Service – Cultural Resources, Partnerships, and Science Directorate

- **Bellew, Serena** – Deputy Associate Director, Preservation Assistance Programs

- **Beasley, Joy** – Associate Director, Cultural Resources, Partnerships, and Science

National Park Service - Land Resources Program

- **Atnes, Roger** – Land Surveyor, Intermountain Region
- **Arndt, Stephen (Kyle)** – Supervisory Cartographer, Cartography, Mapping, & Boundary Branch
- **Bockman, Michael** – Chief Realty Officer, Midwest Region
- **Bosacci, Jean** – Supervisory Realty Specialist, Pacific West Region
- **Bentley, Shaun** – Program Analyst, Land Resources Division
- **Cantrell, Erin** – Realty Specialist and Presidential Management Fellow
- **Cherry, Jennifer** – Realty Officer, Land Acquisition Policy and Support
- **Childers, Robert** – Chief Realty Officer, Alaska Region
- **Danner, John** – Regional Realty Officer, Southeast Region
- **Dean, Hannah** – Realty Specialist (ROW Coordinator), National Capital Region
- **Faught, Alex** – Realty Specialist, National Trails Resources Program Center
- **Funk, David** – Realty Specialist, Northeast Region
- **Gilmore, Adrian** – Supervisory Realty Specialist, Southeast Region
- **Giusti, Eric** – Realty Specialist, National Trails Land Resources Program
- **Geffre, Warren** – Program Analyst, Southeast Region
- **Himes, Tia** – Realty Specialist (ROW Coordinator), Midwest Region
- **Horton, Heather** – Deputy Chief Realty Officer, Intermountain Region
- **Kassman, Edward** – Right-of-Way Program Manager
- **Leisz, Nadine** – Chief, National Program Center, Budget Coordination & Controls Branch
- **Mazel, Miriam** – Deputy Chief, Land Resources Division
- **McKay, Kevin** – Realty Officer, Realty Management
- **McLay, Pam** – Chief, Land Resources Division
- **Mooza, Melissa** – Chief Realty Officer, National Capital Region
- **Morgan, William** – Chief Realty Officer, Intermountain Region
- **Murray, David** – Chief of Staff, Land Resources Division
- **Nicks, Maria Martinez** – Realty Specialist, Southeast Region
- **Pederson, Brian** – Realty Specialist (ROW Coordinator), Pacific West Region
- **Powell, Kelly** – Supervisory Realty Specialist, Pacific West Region
- **Purcell, Annabeth** – ROW Coordinator and Cartographer, Southeast Region
- **Sarver-Radnoti, Ann** – Environmental Protection Specialist, Intermountain Region
- **Senter, Travis** – Program Analyst, Land Resources Division
- **Steffey, Angela** – Program Analyst, Budget Coordination and Controls Branch
- **Stella, Truda** – Chief Realty Officer, Pacific West Region
- **Summerlin, Tonya** – Realty Specialist and Presidential Management Fellow
- **Thompson-Buchanan, Scott** – Chief Cartographer, Cartography, Mapping & Boundary Branch
- **Quattro, Jerry** – Realty Specialist and Presidential Management Fellow

National Park Service – National Heritage Area Program

- **Vehmeyer, Elizabeth (Liz)** – Program Coordinator

National Park Service – Office of the Comptroller

- **Bowron, Jessica** – Comptroller
- **Reilly, Sean** – Chief, Budget Formulation and Strategic Planning
- **Spernoga, John** – Budget Officer

National Park Service – Park Planning, Facilities and Lands Directorate

- **Caldwell, Mike** – Associate Director
- **Hoaglund, Jordan** – Division Manager, Park Planning and Special Studies

National Park Service – Partnership and Civic Engagement Directorate

- **Lynch, Joel** – State and Local Assistance Programs Division

National Park Service – Visitor and Resources Protection Directorate

- **Tyler, Maggie** – Program Manager, Special Park Uses, Regulations and Special Park Uses Division*

National Park Service – Park Units

- **Bolitho, Zach** – Chief of Resources, Gettysburg National Military Park
- **Dabney, Emmanuel** – Museum Curator, Petersburg National Battlefield
- **Doyle, Sapp** – Superintendent, Richmond National Battlefield
- **Krick, Robert** – Historian, Richmond National Battlefield
- **Mardorf, Carrie** – Superintendent, Vicksburg National Military Park
- **McCutchen, Brian** – Superintendent, Fort Donelson National Battlefield
- **Mink, Eric** – Cultural Resources Specialist, Fredericksburg and Spotsylvania National Military Park
- **Monteleone, Simone** – Minute Man National Historical Park

National Park Service – Associate Regional Directors

- **Abbett, Chris** – Associate Regional Director, Partnerships, Interpretation and Education, Southeast Region
- **Burkhart, Stephanie** – Associate Regional Director, Pacific West Region
- **May, Peter** – Associate Regional Director, National Capital Region
- **Mihata, Lindy** – Associate Regional Director, Alaska Region
- **Petrella, Paula** – Associate Regional Director, Park Operations and External Affairs, Northeast Region
- **Roth, Aaron** – Associate Regional Director, Intermountain Region

National Park Foundation

- **Katz, Jenny** – Senior Manager, Lands Program

National Park Trust

- **Selleck, Phil** – Director of Land Preservation

Subject Matter Experts

- **Cameron, Scott** – Senior Advisor, Cornea, Inc.; Former Principal Deputy Assistant Secretary for Policy, Management and Budget, Office of the Secretary, Department of Interior
- **Evangelou, Nadia** – Senior Economist, Director of Real Estate Research, National Association of Realtors
- **Galvin, Denis** – Former Deputy Director, National Park Service
- **Riggs, Russell** – Director, Environmental and Sustainability Policy, National Association of Realtors
- **Shaddox, Bill** – Former Chief, Land Resources Division
- **Westphal, Joseph** – Senior Global Fellow, The Lauder Institute; Former U.S. Ambassador to the Kingdom of Saudi Arabia; Former Under Secretary of the Army

Outdoors America

- **Kane Szynal, Lesley** – Executive Director, Outdoors America at Open Space; Institute Chair, Land and Water Conservation Fund Coalition

Conservation Pathways

- **Front, Alan** – Chief Executive Officer, Conservation Pathways, LLC

The Conservation Fund

- **Reed, Kelly** – Senior Vice President, Government Relations
- **Johnson, Michael** – Senior Government Relations Representative

The Trust for Public Land

- **Bybee, Myke** – Legislative Director

United States Department of Agriculture Forest Service

- **Vail, Jeffrey** – Acting Director, Lands, Minerals, and Geology Management

Appendix C: Required Documents for American Battlefield Protection Program Application FY2023

The following list of documents are required for a completed Battlefield Land Acquisition Grant submission.⁸⁶

- SF-424 Application for Federal Assistance
- SF-424A Budget Information
- Budget Narrative – including documentation of matching funds.
- SF-424B Assurances
- Project Narrative (must address criteria from Section E of NOFO) (Five (5) page limit)
- Application Cover Letter
- Schedule of Completion
- Preservation Tool Selection & Holder (Easement or Preservation Letter of Agreement)
- Willingness to Sell Documentation (contract or letter)
- Section 106 SHPO Assessment of Effects Letter
- Section 106 Initiation Letter(s) (Application to SHPO, consulting party letters)
- Battlefield and Parcel Maps
- GIS Shape files/ GIS geodatabase files including metadata (to confirm location of parcel)
- Photos of the Property
- National Register or National Historic Landmark documentation, if applicable

⁸⁶ American Battlefield Protection Program, “Grant Notice: ABPP FY2023 Battlefield Land Acquisition Grant,” Funding Opportunity Number: P23AS00469, accessed April 10, 2023, <https://www.grants.gov/web/grants/search-grants.html?keywords=15.928>.

Appendix D: List of Observations and Recommendations by Implementation Plan Recommended Time Frames

Chapter 2: Land Resources Division			
Sec. 2.1: Policy	Observation 2.2: LRD updated RM #25 in 2021 but did not distribute the changes as official guidance, in part due to its anticipation of the findings and recommendations offered in this report.	Recommendation 2.2: Finalize LRD's updates to RM #25 and incorporate the possible updates noted in this report.	Short-term
Sec. 2.1: Policy	Observation 2.3: LRD updated LAPS in 2021 but did not provide final notice of those changes to all staff in the Land Resources Program.	Recommendation 2.3: Notify Land Resources Program staff of updates and changes to LAPS and incorporate other possible additions identified in this report. Provide quarterly notifications to all Land Resources Program staff summarizing updates to LAPS.	Short-term

<p>Sec. 2.2: Systems</p>	<p>Observation 2.7: The reported absence of interactive training available to help facilitate the transition from Land Acquisition Ranking System (LARS) to Project Management Information System (PMIS) is cause for concern; however, LRD leadership recognized this concern and PMIS system managers provided on-call assistance throughout the development of the FY 2025 budget formulation process and made training materials in various formats available to Land Resources Program employees.</p>	<p>Recommendation 2.7: LRD should continue a comprehensive training plan for the transition of LARS into PMIS. This training plan should continue to include:</p> <ul style="list-style-type: none"> • Practice submissions presented by PMIS experts to Regional Offices to illustrate how Regional staff should submit a project particular to their region; • Communication about the availability of PMIS experts’ contacts to provide support to the regions. • Video recordings LRD uses to train staff on PMIS; and • Communication on all other information about the transition, such as updates, arising issues, and other emerging developments in the PMIS. 	<p>Short-term</p>
<p>Sec. 2.2: Systems</p>	<p>Observation 2.8: The Master Lands Console (MLC) is a useful tool to track individual projects for LRD leadership, to monitor project progress, and have data readily available to respond to NPS, DOI, and Congressional inquiries; however, data entry to the MLC is inconsistent.</p>	<p>Recommendation 2.8: Require consistent use of the MLC by making timely entries into it a priority for all Land Resources Program staff. LRD leadership, in consultation with Regional Realty Officers, should identify and prioritize the most important data entries to the MLC. LRD should work with the Lands Resource Program Centers to hold staff accountable by making prioritized data entries into the MLC a part of employee’s performance appraisal plans (EPAPs).</p>	<p>Short-term</p>

<p>Sec. 2.3: Human Resources</p>	<p>Observation 2.14: Three observations on contracting include: (1) capacity for contracting services for land acquisitions at the Regional level is uneven; (2) LRD recently executed a service-level agreement (SLA) to dedicate contracting capacity and expertise for land acquisition activities in the Washington Contracting Office (WCO); and (3) the Regional Land Resources Program Centers have credit card purchasing authority that often provides an alternative to the relatively lengthier contracting process for many land acquisition due diligence services.</p>	<p>Recommendation 2.14: LRD should continue supporting the new WCO-based Land Resources Program-dedicated contracting service in line with the SLA between LRD and the WCO to drive standardization of process, as well as to add capacity and land acquisition-specific contracting expertise. NPS is centralizing all contracting functions, including Land Resources Program activities, in FY2024 and the SLA helps prepare the Land Resources Program for that change. While the WCO will add capacity by alleviating some of the regions' workload, LRD should continue to support credit card purchases for land acquisition activities that fall under the General Services Administration's micro-purchasing threshold to increase the overall efficiency of securing services for acquisitions.</p>	<p>Short-term</p>
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<p>Sec. 2.3: Human Resources</p>	<p>Observation 2.16: As a matter of departmental policy, ESAs undertaken by DOI bureaus, including NPS, must meet EPA’s standards for evaluating a property’s environmental conditions. Those standards stipulate that ESAs need to be completed or updated within 180 days of closing on a property. Since Phase I ESAs are conducted during the relatively early stages of land acquisition, delays in other parts of the land acquisition stages can result in the need for ESAs to be redone or updated. The Land Resources Program has made efforts to conduct ESAs after the appraisal process, when appropriate, to avoid issues complying with the 180-day requirement. Regional Land Resources Program Center staff have also built the option for updated Phase I ESAs into the later stages of some individual acquisition projects. They are also able to build in options for Phase II and Phase III ESAs in their initial agreements with contractors for Phase I ESAs.</p>	<p>Recommendation 2.16: LRD should encourage Regional Lands Resources Program Centers to build options into procurement for Phase I ESAs. This would help Regional Lands Resources Program Center staff to update, or redo, Phase I ESAs as quickly as possible in the event that other portions of the due diligence activities overrun the 180-day window. LRD should also encourage Regional Lands Resources Program Centers and the WCO to build future ESA phase I contracts to include options for Phase II and III ESAs to facilitate timely actions to complete them as soon as possible if the Phase I ESAs uncover issues with prospective acquisitions. Furthermore, LRD should encourage the Regional Land Resources Program Center staff to include options for updated Phase I ESAs, and subsequent Phases, in transactions that utilize their credit card purchasing authority.</p>	<p>Short-term</p>
<p>Sec. 2.3: Human Resources</p>	<p>Observation 2.19: Remote flexibilities can help attract high quality candidates to work in the Land Resources Program.</p>	<p>Recommendation 2.19: Encourage the Regional Land Resources Program Centers to ensure that as many open and existing positions as possible have the option for remote work arrangements.</p>	<p>Short-term</p>

<p>Sec. 2.4: Communications</p>	<p>Observation 2.21: LRD communication about its requirement to understand Operations and Maintenance (O&M) costs as part of the LARS process, and not as one of the criteria for deciding whether to acquire property, is not universally understood among external partners nor Regional Land Resources Program Center staff.</p>	<p>Recommendation 2.21: LRD should work with external partners to refine its methodology for understanding the lifecycle O&M costs of land acquisition projects; explore how external partners can perform work on properties before the Land Resources Program acquires them; and encourage the Regional Land Resources Program Centers to improve coordination and communication with stakeholder organizations at the Regional and park unit levels. Recommendation 2.22 below provides more suggestions for LRD to improve internal communications with the Regional Land Resources Program Centers.</p>	<p>Short-term</p>
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<p>Sec. 2.5: Appraisals</p>	<p>Observation 2.23: Appraisals are the most problematic part of the land acquisition process, and the DOI Appraisal Streamlining Working Group is a positive step taken to help improve the working relationship between the Land Resources Program and AVSO.</p>	<p>Recommendation 2.23: LRD leadership, in coordination with AVSO, should continue collaborating through the DOI Appraisal Streamlining Working Group and establish it in perpetuity. LRD leadership should use the group to draw upon AVSO staff expertise to enhance the Land Resources Program appraisal functionality.</p> <p>Recommendation 2.24: In consultation with DOI and AVSO leadership, LRD should explore whether there might be circumstances when NPS could undertake appraisals with AVSO retaining some oversight authority. LRD should seek authority to hire certified appraisers to support appraisal-related activities such as conducting internal appraisal assignments, advising and supporting realty staff, helping prepare statements of work for contracted appraisals, and serving as knowledgeable liaisons to AVSO.</p>	<p>Short-term</p>
<p>Sec. 2.1: Policy</p>	<p>Observation 2.1: Many aspects of the Land Resources Program have changed since Director’s Order (DO) #25 was signed in 2001.</p>	<p>Recommendation 2.1: Revisit DO #25 and advocate for necessary updates. Use the updates made in Reference Manual (RM) #25 and Land Acquisition Procedures Guide (LAPS) in Recommendations 2.2 and 2.3 below as support for the request.</p>	<p>Medium-term</p>

Sec. 2.1: Policy	Observation 2.4: Adoption of provisional title opinions suggests greater efficient transactional flow. Additionally, there is a backlog in obtaining final title opinions.	Recommendation 2.4: LRD should work with the Regional Lands Resources Program Centers to adopt pre-preliminary title opinions and place greater emphasis on addressing the backlog of final title opinions.	Medium-term
Sec. 2.1: Policy	Observation 2.5: Right-of-way (ROW) appraisals can take significant amounts of time compared to the fee they generate.	Recommendation 2.5: Explore the potential adoption of schedule-based appraisals, in coordination with Bureau of Land Management, for ROWs to help expedite the process.	Medium-term
Sec. 2.1: Policy	Observation 2.6: While LRD has authority to enter into option to purchase agreements with landowners, restrictions applying to some terms are more restrictive than those commonly used in private sector property transactions.	Recommendation 2.6: Explore how option to purchase agreements are used in the public and private sectors and evaluate options to shorten or remove contract period minimums and allow for more flexible practices allowing for advance payments preceding final purchases.	Medium-term
Sec. 2.2: Systems	Observation 2.9: While LandsNet is cited as an important and frequented location to find policy documents and other useful materials, the website user interface is outdated.	Recommendation 2.9: Update the user interface of NPS's internal website, LandsNet, while retaining ease of access and maneuverability for staff who are familiar with the structure of the current system. The Land Resources Program should convene internal discussions with representation from new hires and longer-tenured staff to identify specific recommendations on LandsNet's user interface.	Medium-term

<p>Sec. 2.3: Human Resources</p>	<p>Observation 2.10: There is staff demand for more training on both the land acquisition and the appraisals processes for Land Resources Program and non- Land Resources Program staff who are involved in land acquisitions.</p>	<p>Recommendation 2.10: The NPS Lands Academy should include:</p> <ul style="list-style-type: none"> • Opportunities to identify Regional and park best practices that can be shared throughout NPS; • Training on how NPS and Appraisal and Valuation Services Office (AVSO) staff can better support each other; • Question and answer sessions held by AVSO on the appraisals process; and • Sessions for Lands Academy coordinators and participants to develop training opportunities and modules for non-Land Resources Program staff who are involved in the lands acquisition process. 	<p>Medium-term</p>
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<p>Sec. 2.3: Human Resources</p>	<p>Observation 2.11: Due to the high interest in a training program, formalizing goals, objectives, and outcomes of the Lands Academy, and soliciting participant feedback, will be important. Lands Academy coordinators have developed a comprehensive plan for the upcoming Lands Academy; however, there remains a need for long-term goals and objectives, as they will be critical to success for future sessions.</p>	<p>Recommendation 2.11: For future training sessions, Lands Academy coordinators and leaders should:</p> <ul style="list-style-type: none"> • Leverage goals and objectives from the upcoming Lands Academy to inform future sessions; • Establish a continuity plan to ensure future training sessions are held for both realty and non-realty staff; and • Issue a survey to staff at the end of Lands Academy sessions to help inform future training sessions, goals, and objectives. 	<p>Medium-term</p>
<p>Sec. 2.3: Human Resources</p>	<p>Observation 2.12: There is an increase in ROW program workload resulting from GAOA and the Bipartisan Infrastructure Act. While LRD has created open positions for ROW Coordinators, expected increased permitting demand may exceed current staff capacity.</p>	<p>Recommendation 2.12: The LRD, in coordination with the Regional Land Resources Program Centers, should create at minimum, one dedicated ROW Coordinator position in each region. In addition, identify regions that require more ROW support, and staff up those regions struggling with ROW workload. These needs can be highlighted through the annual call for additional new and critical funding requirements and LRD’s review and approval of all Regional Land Resources Program Center organizational charts.</p>	<p>Medium-term</p>

<p>Sec. 2.3: Human Resources</p>	<p>Observation 2.15: While the SLA includes the estimated number of contracts the WCO will work on each year for Land Resources Program activities, including environmental site assessments (ESAs), there is not enough clarity about expected workloads.</p>	<p>Recommendation 2.15: LRD should monitor the workload of the WCO contracting function with particular attention to identifying predictable peaks in demand throughout its first year. LRD should monitor the performance of WCO as planned by using the Procurement Acquisition Lead Times as the baseline expectation for overall contracting actions and the metrics in the Lands Contracting PowerApp as a more granular measure. That performance information should be used to match the number of staff dedicated to the WCO with its expected workload.</p> <p>If the service is underperforming, LRD can investigate to determine whether the root cause is a process issue or a capacity issue. In addition, LRD can fine-tune its performance expectations and measures each cycle. LRD should revise its estimate for the number of Land Resources Program contracting actions the WCO will work on each year in the SLA. This should account for any changes in responsibilities between the Land Resources Program and AVSO, as well as credit card purchasing for ESAs under the micro-purchasing threshold. LRD should also include upper- and lower-bound estimates for the annual number of WCO contracting actions to account for uncertainties around the WCO’s future workload.</p>	<p>Medium-term</p>
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<p>Sec. 2.3: Human Resources</p>	<p>Observation 2.17: LRD lacks internal expertise in environmental compliance activities, relying on the seven Environmental Coordinators in the Regional Offices to develop the scopes of work for ESAs performed by external contractors. LRD relies on the environmental expertise of the NPS ECCD when reviewing and overseeing those activities at WASO. ECCD seeks consultation and guidance from DOI’s OEPC as needed. This can make it challenging for LRD to promote uniformity in the standard of due diligence undertaken for ESAs across the regions in accordance with the departmental guidance it receives from OEPC. The Land Resources Program has recently created an environmental protection specialist position embedded in the Intermountain Region Land Resources Program Center to begin building internal expertise.</p>	<p>Recommendation 2.17: LRD should consider centralizing the ESA function to build expertise and capacity to support environmental compliance activities. This will help to ensure that ESAs are conducted in the most efficient sequence in relation to appraisals and that scopes of work for ESAs include the appropriate provisions for follow-up work. Centralizing the function would promote uniformity in the standard of due diligence required for ESAs across the NPS in accordance with departmental guidance from OEPC.</p>	<p>Medium-term</p>
<p>Sec. 2.3: Human Resources</p>	<p>Observation 2.18: Adoption and use of flexible hiring tools can benefit the Land Resources Program.</p>	<p>Recommendation 2.18: Encourage use of creative hiring tools like the Technical Internship Program, Presidential Management Fellows Program, and New Solutions experienced workers contract. Target communications on hiring tools to the Regional Directors or designees over the Land Resources Program in their region. The email list and regular meetings discussed in Recommendation 2.22 below should be the channel for such communications.</p>	<p>Medium-term</p>

<p>Sec. 2.3: Human Resources</p>	<p>Observation 2.20: Position descriptions lack uniformity across the regions. The position descriptions also lack specificity and can lead to uncertainty in setting employee performance expectations and work goals.</p>	<p>Recommendation 2.20: Position descriptions should be standardized across the Land Resources Program and subsequently paired with specific EPAPs that encompass that position’s responsibilities even if they are not outlined in the position description or are perceived as collateral duties. The responsibilities listed in the EPAPs should be updated frequently to prevent confusion arising from the standardized position descriptions.</p>	<p>Medium-term</p>
<p>Sec. 2.4: Communications</p>	<p>Observation 2.22: Challenges exist in communications between LRD and Regional Land Resources Program Centers and with Regional and Associate Regional Directors (ARDs).</p>	<p>Recommendation 2.22: LRD should institute a regular, voluntary meeting of the ARDs who have responsibility to oversee the Regional Lands Program. It should use that regular meeting and the ARD email list to ensure clarity on current policies and procedures among the Regional Lands Resources Program Centers so they can communicate accurate and consistent information to external partners and stakeholders.</p>	<p>Medium-term</p>

<p>Sec. 2.3: Human Resources</p>	<p>Observation 2.13: Some regions appear to have staffing capacity shortfalls.</p>	<p>Recommendation 2.13: LRD should work with the regions to conduct regular staffing assessments and add staff to identified capacity needs. Potential staffing additions might include land surveyors, cartographers, cartographic technicians, and geographic information systems specialists. LRD should make recommendations on staffing to each region as needed.</p>	<p>Long-term</p>
<p>Chapter 3: American Battlefield Protection Program</p>			
<p>Sec. 3.1: Staffing</p>	<p>Observation 3.1: Reliable LWCF funding should result in a sustained higher volume of grant applications. Appropriate staffing to address this anticipated increase will enhance mission performance.</p>	<p>Recommendation 3.1: ABPP should seek approval to fill term grants management positions with permanent employees.</p>	<p>Short-term</p>
<p>Sec. 3.2: Outreach and Applicants</p>	<p>Observations 3.2: ABPP focuses on increasing the diversity of its applicant pool to tell the stories of underrepresented groups. Using a communication strategy focused on social media engagement and webinars ABPP has been able to expand its Preservation Planning Grants (PPG) applicant pool.</p>	<p>Recommendation 3.2.1: ABPP should continue to identify and engage organizations that focus on the histories of underrepresented groups during the times of the American Revolution, War of 1812, and the Civil War.</p> <p>Recommendation 3.2.2: ABPP should build upon the existing communication strategy used for PPGs to continue developing quality content including success stories, short videos, and podcasts to create greater awareness among targeted applicant pools.</p>	<p>Short-term</p> <p>Short-term</p>

<p>Sec. 3.3: Metrics</p>	<p>Observation 3.3: ABPP lacks metrics to measure program impact and only uses the number of grants awarded each year and the subsequent number of acres covered by easements to account for the amount of land conserved.</p>	<p>Recommendation 3.3: ABPP should identify and develop additional measurable outcomes for its Battlefield Land Acquisition Grants. Given the importance of external stakeholders, ABPP should consult with representatives from a variety of stakeholders including the NPS Cultural Resources Directorate, LRD, the National Council of State Historic Preservation Offices (NCSHPO), and non-profit partners when developing additional program evaluation metrics.</p>	<p>Medium-term</p>
<p>Sec. 3.4: Battlefield Transfers/ Conversions and Congressional Intent</p>	<p>Observation 3.4: Some Battlefield Land Acquisition Grant (BLAG) award grantees have later sold land to NPS through LRD’s land acquisition program. Such acquisitions conflict with ABPP’s current understanding of the congressional intent of its program which is that land purchased with a BLAG award should never become part of the federal estate.</p>	<p>Recommendation 3.4: ABPP should engage with LRD to reaffirm a common understanding of the intention around transfers and conversions of land acquisitions receiving federal financial assistance through ABPP. The DOI solicitor’s office should be included to interpret and clarify regulations. Once this understanding has been agreed upon by all parties, this information should be included in all grant agreements and regularly communicated as part of the program outreach.</p>	<p>Medium-term</p>

Appendix E: Bibliography

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