

Proposed Criteria Tribal Consultation on Tribal LWCF Land Acquisition

During Tribal listening sessions held in 2021 on Land and Water Conservation Fund (LWCF) opportunities, one of the top priorities Tribes identified was direct access to LWCF funding for conservation and recreation projects, without existing program requirements to partner with or apply through States. The Bureau of Indian Affairs (BIA) has accordingly requested \$12 million from the LWCF in Fiscal Year 2024 to support a new Tribal land acquisition program administered by the BIA. The BIA will develop a process and criteria for allocating LWCF funding in consultation with Tribes. To facilitate dialogue on this topic, BIA has compiled the following list of potential criteria.

Common criteria Specified under the Land and Water Conservation Fund Act¹

1. Significance of the acquisition;
2. Urgency of the acquisition;
3. Management efficiencies;
4. Management cost savings;
5. Geographic distribution;
6. Threats to the integrity of the land; and
7. Recreational value of the land.

Proposed additional BIA criteria for Tribal land acquisition²

1. Strengthens Tribal sovereignty and self-determination
2. Facilitates Tribal climate resilience
3. Related to "nature-based solutions" to climate issues
4. Conserves and/or restores habitat or species
5. Conserves natural landscapes
6. Benefits water quality and/or quantity
7. Connects ecosystems
8. Protects cultural and/or historic resources and sites by restoring access to ancestral lands
9. Supports traditional uses (e.g., root gathering)
10. Enhances and improves recreational access and/or opportunities
11. Appraisal availability
12. Availability of willing seller
13. Addresses willing seller hardship/need to sell (financial or medical circumstances)
14. Cost-effectiveness
15. Operation & maintenance cost and savings
16. Local/community support
17. Outside contribution or assistance

¹ P.L. 116-9, §3001, codified at 54 U.S.C. §200306(d). Congress amended the LWCF Act in 2019 to establish these seven common criteria for agencies to take into account in considering which lands to acquire with LWCF funding.

² The proposed BIA criteria for Tribal land acquisition are open for discussion and are not listed in any specific order of priority.