

Legislative and Regulatory Update –

GOVERNORS PUSH BACK ON BIDEN’S PUBLIC LANDS ACQUISITIONS

President Biden has a directive called his 30, 30 plan. He wants to conserve 30 percent of the land and waters in the U.S. by 2030.

Fourteen governors signed a joint letter to President Biden in opposition to his directive.

They stated that they were not aware of any constitutional or statutory authority for the President, the U. S. Department of Interior, the U. S. Department of Agriculture, or any other federal agency to set aside and permanently conserve 30 percent of all land and water in the U.S., and no authority is referenced in Executive Order 14008.

While the Order doesn’t identify which lands may be targeted by the program, the Department of Interior released a fact sheet that only 12 percent of America’s lands are currently conserved. Included in the figure are Wilderness lands, National Parks, National Wildlife Refuges, State Parks, National Monuments, and private lands with permanent conservation easements.

The governors are deeply concerned about any effort to enlarge the federal estate or further restrict the use of public lands in their states.

And even those states without swaths of federal land, oppose any increase in land use restrictions on lands under state jurisdiction. Assuming there is some authority which would allow the program, obtaining the 30 percent goal from state or private lands would require the Administration to condemn or otherwise severely limit the current productive uses of such lands, infringing on the private property rights of the citizens and significantly harming state’s economies. President Biden’s order directs the Department of Interior to submit a report to the National Climate Task Force within 90 days, recommending steps that the United States should take, working with state, local Tribal, and Territorial governments, agricultural and forest landowners, fisherman, and other key

stakeholders, to achieve the goal of conserving at least 30 percent of our lands and waters by 2030.

To date, the governors have not been consulted on the 30X30 program. Rather, instead of coordinating with the governors as the Order directs, on February 11, 2021, the Department of Interior rescinded Secretarial Order 3388, revoking the policy requiring consent from states and their local governments for federal land acquisitions under the Land and Water Conservation Fund.

The governors ask how the current administration plans to ensure the public maintains access for recreational activities and if livestock grazing, mining and energy development will be allowed?

The letter was signed by the governors of Alabama, Alaska, Arizona, Arkansas, Idaho, Iowa, Mississippi, Montana, Nebraska, North Dakota, South Dakota, Oklahoma, Tennessee, Texas, and Utah.

BREAK

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MEETING ADJOURNED