



Banner Associates, Inc.  
409 22nd Avenue South  
Brookings, SD 57006  
Tel 605 692 6342  
Toll free 855 323 6342  
[www.bannerasso.com](http://www.bannerasso.com)

May 17, 2023

Moody County Auditor's Office  
101 E. Pipestone Ave. Suite D  
Flandreau, SD 57028

RE: Comments on Ordinance No. 2023-01

Dear: Moody County Commissioners,

Banner Associates, Inc. is an engineering consulting firm that provides engineering services to rural water systems throughout the State of South Dakota. Banner has a great partnership of working with Big Sioux Community Water System which serves water to much of Moody County and a great working relationship with Moody County on watermain projects for Big Sioux in Moody County. We understand the commissions and residents' concerns of private pipelines and we are currently working with our clients on how the new carbon pipelines will cross drinking watermain lines not only in Moody County but throughout the State.

Big Sioux Community Water System recently applied for and received funding to build a new water treatment plant east of Trent in partnership with Minnehaha Community Water. These two systems have partnered together for years on providing water to the rural customers in the area. The new plant will need to distribute water throughout the county and with that clean drinking watermain lines will need to be constructed in Moody County. In addition, Big Sioux Community Water System will need to construct watermain lines outside of this larger project.

In Chapter 4.36 Pipeline Facility – Paragraph 1 states "Any pipeline facility requiring South Dakota Public Utility Commission approval shall also require a conditional use permit."

It is Banner and Big Sioux's understanding that this should not affect existing and future drinking watermain lines that provide clean drinking water to residents throughout Moody County as we currently do not have to go through South Dakota Public Utility Commission for approval. However, to further clarify Ordinance 2023-11 we would like the Commission to consider adding language to exclude watermain projects from Ordinance 2023-11. Thank you for your consideration of our comments.

Sincerely,

Joe Munson, PE  
Water Department Head  
Banner Associates, Inc.

Jodi Johanson  
General Manager  
Big Sioux Community Water System

## Kendra Eng

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**From:** Marty Skroch  
**Sent:** Friday, May 19, 2023 9:28 AM  
**To:** Kendra Eng  
**Subject:** FW: Comments for upcoming Pipeline Meeting

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**From:** Wayne Smith <wsmith@sdfbf.org>  
**Sent:** Friday, May 19, 2023 9:15 AM  
**To:** Marty Skroch <martys@moodycounty.net>  
**Cc:** Jane Smith <jfahlbergsmith@gmail.com>  
**Subject:** Comments for upcoming Pipeline Meeting

Good morning Marty - please find attached some written comments on behalf of the Moody County Farm Bureau related to the upcoming Pipeline Meeting on May 23. This is a joint effort, not from my pen alone.

Thanks and if you need further information, please give Jane a call 605-201-7621 or me at 605-201-4262.

## Date: May 19, 2023

## Moody County Farm Bureau Comments

Thank you for the opportunity to offer comments on the proposed CO2 Pipeline crossing agricultural land in South Dakota.

Given that carbon dioxide makes up 0.04 per cent of the atmosphere (source: noaa.gov) the argument that "sequestering CO2 is necessary" is weak. Sequestering CO2 to combat climate change is not a "one size fits all" situation. Here in the midwest where we grow corn, soybeans, wheat, alfalfa, grass, etc. we need CO2. Ag crops break down CO2 and produce oxygen. Inside of a greenhouse, CO2 levels are often increased to enhance plant growth. From an economic standpoint it does not make good sense to sequester a naturally occurring gas that enhances plant growth. The scientific community has provided only vague answers about short term and long term effects of CO2 sequestration. At what point does reducing carbon in the atmosphere hamper food production?

It should be noted that sequestering CO2 is economically feasible ONLY because of huge subsidies from the federal government. What happens when the subsidies are discontinued?

Pipelines crossing private property in South Dakota require the scrutiny of the Public Utilities Commission (PUC). Property rights of the landowner must be respected in all cases related to building a pipeline, electric line, communications line, waterline or any such structure that would cross private property (other than follow road rights of way). Eminent Domain procedures make allowances for such projects to be built to provide services for the common good. Electricity, water, gas, etc. are products and services that most citizens use for daily existence. To make allowances for these products and services to be delivered to the citizens, the PUC and its operating rules were developed to oversee such infrastructure. Sequestering CO2 at significant federal expense does not seem to fit this original intent.

Basic property rights require that the property owner(s) be fairly and equitably compensated should a need arise to access the private property. If it is justified, and eminent domain is used to gain access to private property contrary to the wishes of the property owner, it needs to be for the significant benefit of the citizens of South Dakota. Who is the main beneficiary of CO2 sequestration?

CO2 is a colorless, odorless, and tasteless gas. While CO2 does occur in the air the concentrations are not high enough for a health concern. If a pipeline is built to transmit CO2, especially under high pressure, safety becomes a huge factor should a leak occur for whatever reason because of the high concentration that most likely would occur during a high pressure leak. It would make good common sense to require some sort of a marker be injected in the gas to make it recognizable to one of the human senses. For example, propane has an odor added to it. If the CO2 pipelines are allowed to be built in South Dakota, could an odor be added to the CO2?

To deal with possible CO2 pipeline failure issues, emergency personnel will also need extra training and equipment to deal with CO2 pipeline failure issues. In largely rural areas where the proposed pipeline is planned, many - if not most - of the emergency personnel that would be called upon to deal with problems such as leaks are volunteers. These people are very capable, but being volunteers puts an added dimension to the training and the cost of the training involved. How would this extra training and equipment be funded and handled?

Moody County Farm Bureau opposes use of eminent domain without compensation. We question the long-term viability of the CO2 pipeline.

We urge caution as these discussions progress.

Sent from my iPad



701 8th Street, NW, Suite 450, Washington, D.C. 20001

PHONE 202.545.4000 FAX 202.545.4001

GrowthEnergy.org

May 19, 2023

Moody County Commissioners  
Moody County Courthouse  
101 E Pipestone Avenue  
Flandreau, South Dakota 57028

Moody County Commissioners:

Thank you for your work to grow South Dakota's economy. My name is Emily Skor, and I serve as CEO of Growth Energy. Growth Energy is the world's largest association of biofuel producers representing 91 U.S. plants that produce nearly nine billion gallons of cleaner-burning, renewable fuel annually; 106 businesses associated with the production process; and tens of thousands of biofuel supporters across the country. Our ultimate objective is to work together to bring better and more affordable choices at the fuel pump, improve air quality, and protect the environment for future generations.

I am writing to you today to respectfully ask for your support of Carbon Capture Utilization and Storage (CCUS) projects in the state. These projects are vital to the long-term competitiveness of our industry in the carbon economy, and CO<sub>2</sub> has the potential to be just as valuable as a commodity of ethanol production as any of the co-products that come from our facilities. South Dakota's ethanol industry supports thousands of jobs, generates hundreds of millions of dollars for our economy, and, critically, purchases more than 75 percent of the corn grown in the state. Bioprocessing facilities have long been pioneers in carbon capture technology, providing pure streams of clean CO<sub>2</sub> for use by a range of industries and for multiple purposes, including for food, beverages, and dry ice. CCUS systems will be an important tool for many bioprocessing facilities allowing them to cut their carbon intensity by half, driving significantly more value for their product and making them more competitive. The biofuel industry, farmers, and rural communities are inextricably linked, and these projects will help the entire supply chain compete in a low-carbon economy. With better transport and storage infrastructure, ethanol plants can connect to a larger network of CCUS systems to get CO<sub>2</sub> where it is needed.

Ultimately, low-carbon biofuels coupled with CCUS will create thousands of high-quality clean energy jobs across the supply chain, in rural America, and throughout the country, while helping us meet our climate targets as quickly as possible. We hope that you will support our industry's ability to thrive and support the state's vibrant ag economy by carefully considering the unintended

consequences of any resolution and allowing important CCUS projects the opportunity to add more value to the great state of South Dakota.

We hope that you will help keep South Dakota's ethanol industry competitive and maintain its reputation as a state that welcomes business investment.

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Emily Skor", with a stylized flourish at the end.

Emily Skor, CEO  
Growth Energy

Spring 2023  
Eighth Edition

AMERICAN STEWARDS!  
*of Liberty*

*Exposing the Biden Administration's*

# 30 x 30 LAND GRAB

*A Call to fight the radical environmental agenda  
from taking 30% of America's land by 2030.*

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American Stewards  
of Liberty

[www.americanstewards.us](http://www.americanstewards.us)  
[asl@americanstewards.us](mailto:asl@americanstewards.us)

P.O Box 801  
Georgetown, Texas 78627  
512-591-7843

## WHAT IS 30 X 30?

The 30 x 30 program is an international agenda advanced by radical environmental activists to permanently protect 30 percent of the world's land and oceans in their natural state by 2030. The program in America was initiated by the Biden Administration through Executive Order 14008, "Tackling the Climate Crisis at Home and Abroad" (86 Fed. Reg. 7,619), signed January 27, 2021.

Proponents argue climate impacts are human-caused, and permanently preserving 30 percent of America's land and oceans is necessary to reverse climate change. This action must be taken immediately, they claim, to avoid impacts on the ecosystem and wildlife. However, the science and data do not justify these extreme policy measures.

30 x 30 is an unconstitutional policy shift, moving us from a nation founded on private property principles to one controlled by the administrative state.

This is the largest unauthorized federal land grab our nation has ever faced.

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# 10 KEY POINTS

*... to know about the 30 x 30 Program*

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1. The 30 x 30 program is **advanced by radical environmental activists** calling for the permanent protection of 30 percent of America's lands and oceans by 2030. It is an international agenda, not a locally driven initiative.
2. The plan is being aggressively **pushed by the Biden Administration** using the politically motivated climate crisis agenda to gain control of American's land. They have promised to use every tool in the toolbox, from conservation programs to federal land acquisitions and withdrawals.
3. There is **no credible scientific reasoning** or facts that support the need to preserve any specific amount of land to "cure" climate change.
4. If restricting land solves climate change and prevents species from going extinct, as they claim, we should not be in a climate crisis today because **36 percent of the United States is already owned by Federal and State governments** and managed under restrictive land use protections.
5. **Their "crisis" math does not add up.** If we are losing a football field (1.32 acres) to development every 30 seconds, as they claim, this roughly totals 11 million acres in ten years. That is far short of the additional 400 million acres (and additional 18%) they say must be permanently protected by 2030 to avoid the forthcoming irreversible climate disaster.
6. There is **no constitutional or statutory authority** for the President, the Department of the Interior, or the Department of Agriculture, to set aside and preserve 30 percent of all land and oceans in the U.S., and no such authority is referenced in the Executive Order or the President's report.
7. Instead of working with States, local governments and stakeholders, the Biden Administration's first act to implement 30 x 30 was to **remove local governments' veto power over federal land acquisitions**, when they rescinded the Department of the Interior Secretarial Order 3388.
8. The advocates behind the program **do not have any "skin in the game,"** or property to conserve. They are seeking to place other people's land and property rights under the control of the administrative state.
9. Taking 30 percent of our lands and oceans is only the first step. Advocates are working towards the **international goal, known as the "Half-Earth" agenda**, to permanently conserve 50 percent of our lands and oceans by 2050. And, September 22, 2021, the IUCN Conservation Congress in France called for 70 percent of the worlds lands and oceans to be protected.
10. If proponents were truly concerned about the welfare of species and habitat, they would oppose placing more land under the control of federal management or environmental elites and instead remove the regulatory restrictions on **America's landowners who are the best stewards of the land**, while producing the food, fiber, minerals, and energy we depend on to create wealth, defend our liberties, and live free.

*"This is the largest, unauthorized federal land grab our nation has ever faced."*

# TAKE ACTION

*Protect your community by educating local elected leaders, citizens and associations — and by supporting those who are fighting this agenda.*

1

Research the organizations you support. If they endorse 30x30 or America the Beautiful, stop giving to them.

Go to [HuntFish30x30.com](http://HuntFish30x30.com) to see recreational groups supporting 30x30.

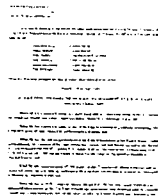
Consider sending your donation to American Stewards of Liberty.

2

Work with local elected officials and fellow citizens to pass the Local Resolution opposing 30x30.



Download model resolution at [Stop30x30.americanstewards.us](http://Stop30x30.americanstewards.us). Help elected leaders pass the resolution.



3

Sign-up for LIBERTY MATTERS to be a part of the national campaign to stop 30x30.

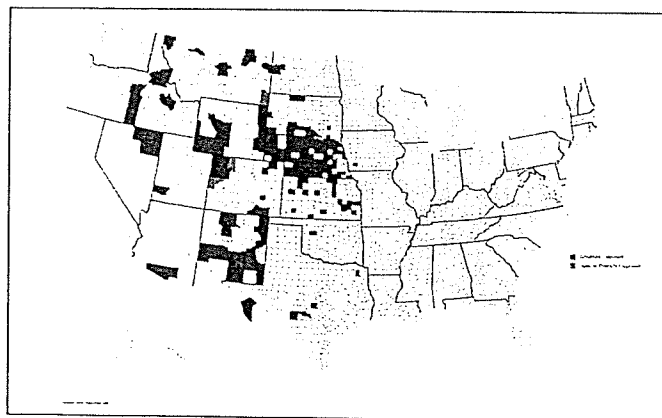
LIBERTY MATTERS is the bi-weekly online news service published by American Stewards of Liberty, keeping Americans updated and alerted on current property rights issues.

Sign-up at: [libertymatters.americanstewards.us/subscribe](http://libertymatters.americanstewards.us/subscribe).

Or Scan the QR Code with your camera app.



Send official resolution to [asl@americanstewards.us](mailto:asl@americanstewards.us) to be added to the national opposition map.



Also send a copy to:

- State and Federal Representatives
- The Secretary of the Department of the Interior
- The Secretary of the U.S. Department of Agriculture.



# QUESTIONS & ANSWERS

## 1. WHAT IS THE 30 X 30 PROGRAM?

The 30 x 30 program is an international agenda advanced by radical environmental activists to permanently protect 30 percent of the world's land and oceans in their natural state by 2030. The program in America was initiated by the Biden Administration through Executive Order 14008, "Tackling the Climate Crisis at Home and Abroad" (86 Fed. Reg. 7,619), signed January 27, 2021.

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30 x 30 is an unconstitutional policy shift, moving us from a nation founded on private property principles to one controlled by the administrative state.

## 2. WHO IS BEHIND 30 X 30?

In 2019, the progressive organization Center for American Progress (CAP) published the primary report supporting the 30 x 30 program in America, entitled "How Much Nature Should America Keep." This was followed by a Resolution calling for the 30 x 30 program to be introduced in both the U.S. House and Senate. One of the 10 Senators that co-sponsored the Resolution was current Vice President, Kamala Harris. On the House side, one of the five cosponsors was Representative Debra Haaland, now the Secretary of the Department of the Interior.

CAP was founded by John Podesta with funding from George Soros backed Foundations. It is directed by well-known progressive elites, such as Stacey Abrams, Julián Castro, and Senator Tom Daschle.

The author of the two CAP reports setting the 30 x 30 agenda is Matt Lee-Ashley. He currently serves as the Chief of Staff for the Chair of the Council of Environmental Quality, which is leading the White House's Climate Crisis Task Force 30x30 workgroup.

Podesta, CAP's founder, was appointed as Chairman of the National Climate Task Force September of 2022, by President Biden to implement 30x30 and other climate crisis programs through the administrative agencies.

The League of Conservation Voters, The Nature Conservancy, World Wildlife Fund, Sierra Club, Wildlands Network, Center for Biological Diversity, and other environmental organizations have also been actively promoting the agenda.

## 3. WHAT LAW AUTHORIZES THE PROGRAM?

There is no constitutional or statutory authority for the President, the Department of the Interior, the Department of Agriculture, or any other federal agency to set aside and preserve 30 percent of all land and water in the United States, and no such authority is referenced in Executive Order 14008, or in the 30 x 30 report published May 6, 2021, entitled "America the Beautiful."

## 4. WHAT IS THE SCIENTIFIC BASIS?

There is no scientific reasoning cited in the Executive Order. The CAP report has numerous citations, but most of them are to press releases and opinion papers issued by like-minded advocacy groups and international reports. The same holds for the Administration's 30 x 30 May report. There are a few references to scientific papers relying on principles of conservation biology, none of which prove climate change theories or demonstrate that 30 percent of all land and oceans in the United States must be preserved to maintain biological diversity.

*The Heritage Foundation* released a report entitled "Lands and Habitat in the United States: A Reality Check," by Robert Gordon. This report debunks many of the 30x30 claims because it relies on factual data, not the unreliable climate crisis models that attempt to predict what nature will look like decades from today. (See report page 10.)

## Question & Answer (continued)

### 5. HOW HAVE THEY DETERMINED 30% MUST BE CONSERVED BY 2030?

The Department of Interior (DOI) released a Fact Sheet in conjunction with the Executive Order that mirrors the CAP report conclusions. DOI states:

*“Approximately 60% of land in the continental U.S. is in a natural state, but we are losing a football field worth of it every 30 seconds. The decline of nature threatens wildlife; across the globe, approximately one million animal and plant species are at risk of extinction in the coming decades, including one-third of U.S. wildlife.*

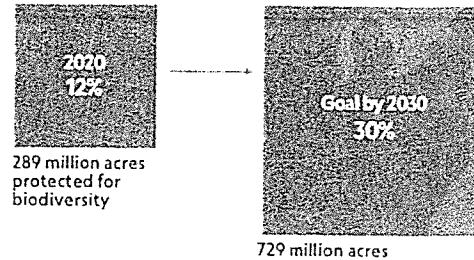
*The U.S. Geological Survey reports that only 12% of lands are permanently protected. Studies show that roughly 23% of America’s ocean is currently strongly protected, with the vast majority of ocean protections found in the western Pacific Ocean.”* (See citation, page 9)

Norman James, a natural resource attorney with Fennemore Law, ran the numbers to see if this theory is justified in his article “The 30 x 30 Land Grab” published in *Liberty Matters News Service*, February 16, 2021. Here is what he concluded:

- Proponents claim we are losing a football field of land every 30 seconds, or about 3,000 acres per day. That equals 1.1 million acres per year, or 11 million acres per decade.
- By contrast, 11 million acres is just 0.5% of all land in the U.S. (out of 2.27 billion acres), and only 1.7% of the land already owned by the federal government (640 million acres). That figure does not include Tribal land, which is likely to be unaffected by the 30 x 30 program due to the federal government’s trust responsibilities.
- Additionally, the U.S. Geological Survey reports that 12% of the land in the U.S. is already “permanently protected” — over 274 million acres of land. What is already protected is 25 times the amount of land that purportedly will be lost over the next 10 years.

If approximately 300 million acres of land are already permanently protected, and, according to the proponent’s numbers, only an estimated 11 million acres might be removed from its natural state by 2030, why must they add another 400 million acres in the next 9 years? The science does not justify this enormous taking.

Protecting 30 percent of the U.S. by 2030 would require 440 million more acres to be set aside.



Representation of how much land is already protected and how much more is required to achieve 30%.  
Published by National Geographic (2019)

Based on the numbers alone, it appears the program is being pushed not for scientific purposes, but rather to usher in a fundamental policy shift that erodes constitutional protections by placing vast tracts of land, both private and federal, off-limits to economic use and development.

### 6. IS THE LONG-TERM AGENDA TO TAKE 50% OF AMERICA'S LAND?

While 30 percent by 2030 is the current target proponents are aggressively pursuing, the CAP report sets a long-term goal of permanently preserving 50% of our lands and oceans by 2050. This is set forth as Principle number 8 in the report and has been promoted by other radical organizations that oppose land and resource development, such as the Center for Biological Diversity, the Wildlands Network and National Geographic.

The idea of 30 x 30 comes from the “Half Earth” philosophy, where it is advocated that 50 percent of earth must be returned to wilderness. This is an international goal that is being pushed on every nation. September 22, 2021, the IUCN World Conservation Congress went beyond this number and passed resolution number 101, which calls on all nations to work towards protecting 70 percent of the world’s lands and oceans.

In America, two States have also advanced this idea. The New Mexico Governor signed an executive order calling

## Question & Answer (continued)

for 50% protection of the land in the State. The Vermont Legislature passed a bill calling for 50 percent protection of the land by 2050. Fortunately, the Vermont Republican Governor Scott vetoed the bill.

### 7. WHAT QUALIFIES AS “PERMANENTLY PROTECTED IN ITS NATURAL STATE?”

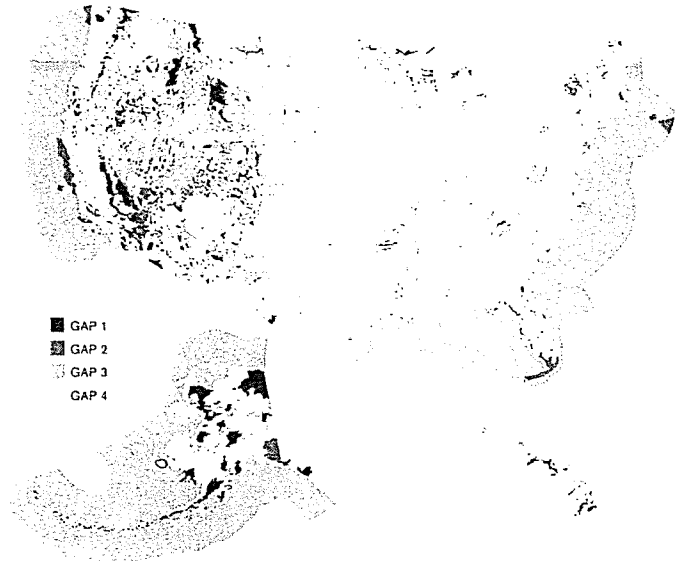
The Executive Order is not clear on what land is being targeted for the program or how it would be managed. But, it appears that this land would be set aside permanently and be off-limits to most human use. For example, the lands included in the 12% permanently protected figure cited in the DOI Fact Sheet is comprised of national parks, wilderness areas, private lands with permanent conservation easements, state parks, national wildlife refuges, national monuments, or other protected areas. These are the most restricted lands in America.

### 8. WILL PRIVATE LAND BE TARGETED?

The Biden Administration has not released specific targets it is considering for the program. However, the CAP report states that 60% of land in the contiguous 48 States is privately owned, but only 1% is permanently protected. They also conclude that “more than three-quarters of the natural area that the United States lost in the contiguous 48 states from 2001 to 2017 was on private lands.” (Page 11). This suggests programs to permanently protect lands that are currently privately owned, will be pursued.

Private lands are the most productive, ecologically diverse areas in the nation because they have been well managed, and therefore are a major target. Proponents have stated protecting these areas will be necessary to reverse their theory that over one million species will go extinct in the coming decades. This should alarm every landowner.

Additionally, Land and Water Conservation Fund (LWCF) monies are to prioritize projects and acquisitions near or adjacent to existing protected areas. That means those areas that already have large protected federal land holdings, or private lands with conservation easements, are also primary target areas for LWCF monies.



USGS Gap Map: Gap 1 & 2 total the 12% of lands DOI considers protected.  
Published by Defenders of Wildlife

### 9. WILL RESTRICTIONS INCREASE ON FEDERAL LANDS?

It is likely that a substantial portion of the land and water to be preserved will come from the land owned by the federal government in the 11 contiguous western states and Alaska. Specifically, the lands near or adjacent to areas already under permanent protection are vulnerable for inclusion in the program, as they help create the core reserves and connected corridors environmental activists have long been advocating.

In August of 2022, when Congress Passed the Inflation Reduction Act, environmentalists launched the “ReWilding of the American West,” campaign where they are advocating for the creation of 11 districts on federal lands, 5,000 square kilometers, to be connected through conservation easements and private land acquisitions. This will create wildlife corridors from Canada to Mexico, specifically designated for wolf and beaver introductions. The first uses to be eliminated are livestock grazing, mineral extraction and off-road vehicles.

The House of Representatives’ Select Committee on Climate Crisis produced a report in June of 2020, entitled



"ReWilding the American West" map showing the 11 districts advocates are working to have permanently protected for the wolf and beaver.

"*Solving the Climate Crisis*," where they called for policy changes to implement the 30 x 30 agenda. These include expanding the boundaries of national parks, monuments, and wildlife refuges. They advocate converting more lands into restrictive wilderness areas where the land must be managed in its natural state with no motorized vehicles, and where wildfires are allowed to freely burn.

### 10. HOW WILL THE PROGRAM BE FUNDED?

The Biden Administration is using existing funds, programs, and authorities to implement the agenda through the administrative state. Upon initiation of the program in 2021, the Administration quickly increased funding for many of the conservation programs through the U.S. Department of Agriculture, such as the Conservation Reserve Program, and conservation easements, both permanent and term, in an effort to entice more landowners to enroll their private acreages into programs creating a federal connection to the land.

The President's 2022 proposed \$6 Trillion budget identified "America the Beautiful" (i.e. 30 x 30) as one of

the programs the budget will fund. The U. S. Fish and Wildlife Service 2022 Budget made 37 appropriations for the program.

At the end of 2021, the Department of the Interior granted \$1 Billion to the National Fish and Wildlife Foundation to re-grant to land trusts, other conservation groups and government entities implementing programs that will help the Administration reach its 30x30 target. They reallocated funding already authorized by Congress to achieve this purpose.

Additionally, in 2019, Congress passed a bipartisan bill that fully and permanently funded the Land and Water Conservation Fund (LWCF), which receives \$900 million annually for land acquisition and conservation projects. Half of this funding is dedicated to federal acquisitions of private land.

### 11. ARE TRADITIONAL CONSERVATION PROGRAMS PART OF 30 X 30?

U.S. Department of Agriculture Secretary Vilsack has been actively encouraging landowners to sign up for conservation programs as a way to help achieve 30 x 30. However, what is not often publicized is that programs that use federal funds to pay landowners for conservation activities can create a federal nexus to the property, giving the Administration an avenue to control the use of private lands they otherwise would not have. Landowners are already seeing contracts under the Biden Administration that contain new restrictions for lands to be re-enrolled into these conservation program.

Regardless of whether a contract lists a specific issue that may trigger more federal oversight of the property, the fact that federal funds are used for the program can trigger potential restrictions. For instance, critical habitat for endangered species does not affect private property "unless" there is a federal nexus. The federal nexus is created when a landowner enrolls the private property into a program that is "authorized, funded, or carried out" by a federal agency. The Endangered Species Act requires "all" federal agencies to consult with the U.S. Fish and Wildlife Service when there are potential species' impacts or modification of the habitat through a federal program. This would include the programs administered through the Department of Agriculture (DOA). (16 U.S.C.A. § 1536(2)(a), Section 7 of the Endangered Species Act)

In August of 2022, Congress passed the Inflation Reduction Act (HR 5376) authorizing an additional \$20 Billion for conservation programs administered by DOA, such as the Conservation Reserve Program (CRP), Environmental Quality Improvement Program (EQIP), Agriculture Conservation Easement Program (ACEP), and others. Landowners have been using these programs since 1985, which were originally created to help improve soil conservation, water management and other productive purposes. However, while the names of the programs have not changed, the purpose for the funding has been significantly altered. The new funds under HR 5376 have been allocated to mitigate climate change, control agriculture production and reduce livestock emissions.

Landowners should be cautious and diligent in understanding the potential federal control and new purposes this new language can place on private property. The 2023 Farm Bill should be closely monitored as advocates for 30x30 have stated they aim to make this new language applicable to all future conservation funding.

### **12. ARE CONSERVATION EASEMENTS A PART OF 30 X 30?**

The Department of Interior includes conservation easements (CE) in perpetuity on private lands as a part of the 12 percent of lands in America that are currently “permanently protected.” When a landowner places their land in a CE, they are selling more than just the development rights. They are transferring control of the property to the land trust or federal government who will now ensure the land is managed for the priority of the conservation purpose. The landowner may still hold the title, but they no longer have the functional control of the property. While some agriculture activities may continue, these are limited to the existing activities and levels of these activities specified when the contract is finalized. This prevents the agriculture operation from adapting to changes in nature and technology as they normally would to ensure sound land management practices, and a profitable business.

### **13. DOES THE “AMERICA THE BEAUTIFUL” REPORT ANSWER LANDOWNER’S QUESTIONS?**

The Administration’s first report on 30 x 30, released May 6, 2021, entitled “America the Beautiful,” was intended to

be an implementation plan, as called for in the Executive Order. Instead, it is a carefully packaged message with lofty sounding goals that resonate with the urban public, such as “locally-led,” “stakeholder collaboration,” and “working lands conservation.” But their principles and goals are empty ideals with very few details of how they are to be achieved.

Although the Administration states we must “conserve” and “restore” our lands, it does not define what this means nor how this will be achieved. It does not even define what lands or land use designations qualify. The Department of Interior seemed certain only 12 percent of the nation was “permanently protected” when the Executive Order was released, but now the Administration will not confirm that these highly restricted areas are a part of the 30 x 30 plan.

The few specifics that are listed in the Report focus on enticements for urban and suburban communities who know little about the federal restrictions currently placed on our rural lands inhibiting good resource management. The Administration is marketing this program to these target audiences, counting on their buy-in and support.

For instance, they emphasize the need for more parks in urban areas, so people have access to open space within ten miles of their homes. They advocate for unlocking access to landlocked public lands for hunters and recreationists, which require public access across private lands. Further, they offer funding to tribal communities. The Administration needs these three constituencies to support the more aggressive land restrictions required to reach the 30x30 goal.

None of these small-sized actions will get them to a 30 percent goal alone. There must be more – a lot more – and although they are not telling us directly, they have been revealing what these are since taking office.

### **14. IS THE ADMINISTRATION IMPLEMENTING THE PROGRAM?**

Yes. February 11, 2021, the Acting Secretary of DOI rescinded an important policy that allowed local governments and the States to veto a federal land acquisition proposed through the LWCF. In Secretarial Order 3396, Biden’s Acting Secretary of the DOI revoked this protection, clearing a critical hurdle that would have protected private lands from federal acquisition.

## Question & Answer (continued)

June of 2022, the Bureau of Land Management announced it had made its largest private land acquisition in the State of Wyoming, acquiring 35,000 acres. Neither the County Commissioners nor the Governor were informed of the purchase until it was publicly announced.

February 26, 2021, a massive wilderness bill (H.R. 803) passed the House with the White House's endorsement, stating the bill would help the administration accomplish its 30 x 30 goal. This bill created 1.5 million acres of new wilderness, permanently withdrew 1.2 million acres of mineral reserves holding the rare earth minerals we now import from China and Europe, designated 1,200 miles of Wild and Scenic Rivers, and expanded 110,000 acres of National Monument Lands. Thankfully, the bill died in the Senate.

Additionally, the Administration has increased the monies being paid to set aside lands for conservation. They are directly competing with, and out-pricing, the working landowner with tax-payer money. The Federal government is attempting to convert land use from being based on private property rights, to a socialistic system. They are making it harder for landowners to stay in business, pushing them into the conservation programs where they must cede control of their lands to the environmental agenda.

### 15. WILL THE ADMINISTRATION WORK WITH LANDOWNERS?

While there is language in Executive Order 14008 stating the intent is to work with landowners and local representatives, there is no direction on how this will be carried out. Section 216 of the Executive Order simply states the intent as follows:

*"... and the heads of other relevant agencies, shall submit a report to the Task Force within 90 days of the date of this order recommending steps that the United States should take, working with State, local, Tribal, and territorial governments, agricultural and forest landowners, fishermen, and other key stakeholders, to achieve the goal of conserving at least 30 percent of our lands and waters by 2030."*

The EO and the 30 x 30 report state they intend to work with landowners, that the conservation efforts will be locally driven, that they want to help agriculture keep working lands working. Yet, they fail to define what they mean by "conserve," are pushing for more restrictive land designations, and have revoked States and local governments' ability to object to federal land acquisitions. Further, they expect landowners to believe 30 x 30, an international agenda, will be locally driven.

The Administration's actions do not match the rhetoric. Local governments directly impacted have been asking to meet with the Administration since early February 2021. Instead, the Administration has conducted "listening sessions" with environmental and stakeholder groups that support the program and promote conservation easements. Additionally, 15 Governors sent the President a letter with specific questions on how the program would be implemented, which remains unanswered.

The Administration has failed to provide the public with the most fundamental details about the program. Yet, they are actively pressing landowners to "voluntarily" sign up for federal programs to reach the 30x30 goal.

This is not about conservation. This is about control of our land and liberty.

#### Key Documents Cited:

- Executive Order 14008, "Tackling the Climate Crisis at Home and Abroad" (86 Fed. Reg. 7,619), January 27, 2021
- Department of Interior, Fact Sheet: President Biden to Take Action to Uphold Commitment to Restore Balance on Public Lands and Waters, Invest in Clean Energy Future, January 27, 2021
- "How Much Nature Should America Keep," Center for American Progress, August 2019
- "Solving the Climate Crisis," Majority Staff Report, US House Select Committee on the Climate Crisis, June 2020
- "Lands and Habitat in the United States: A Reality Check," by Robert Gordon, published by The Heritage Foundation, March 2022

# NEW REPORT DEBUNKS 30x30 BIODIVERSITY CRISIS CLAIMS

Published in Liberty Matters, March 8 2022

The Heritage Foundation has released a new report authored by Robert Gordon, a seasoned conservation and natural resource expert that answers the question of whether America's lands, habitat, and wildlife are declining as proponents of the 30x30 agenda claim. The report is titled, "Lands and Habitat in the United States: A Reality Check."

Using actual land use trends and wildlife populations as an indicator of habitat availability, the report finds the 30x30 advocates and the Biden Administration's claims are unfounded.

*"Contrary to the familiar, agenda-driven narrative, development or conversion of natural landscapes to agricultural and urban use in the United States is not rapidly growing, nor are all U.S. species generally becoming ever more endangered. Left unchallenged, misinformation regarding the environment provides undue support for those who wish to impose wrong-headed, economically harmful policies upon an already enormous government estate, to enlarge it even further, and to impose economically destructive and burdensome regimes on those private lands that escape. Americans should be generally optimistic about the state of our lands and wildlife." (Page 1)*

The comprehensive examination of land use and habitat trends in America debunk several myths advanced by the environmental community to push the international 30x30 agenda on the American people. A few of worth noting are as follows:

## **Myth # 1: "We are losing a football field of habitat every 30 seconds."**

During 2001 and 2016, the data shows that there has been no land cover change for 92% of America's land. Most of the land cover change of the remaining 7.6% of land was on forested lands due largely to harvest, fire, disease and pests.

Only 5.3 percent of America's land is considered developed. Over half of this is considered open space, which include large lots, parks, golf courses, and vegetation plantings for erosion.

## **Myth # 2: "Our food systems are the single biggest underlying source of decline in nature, responsible for three-quarters of deforestation."**

During the 2001-2016 period, the acres in agriculture use saw little change. In 2001, there were an estimated 449 million acres in production and by 2016, that figure ticked up only slightly to 450 million.

## **Myth # 3: "Over 1/3 of America's species will go extinct if we do not enact 30x30."**

Species in America are not in peril. In fact, key species that have substantial habitat requirements have been expanding outside of their historical areas as the population has moved from one that largely hunted and farmed in pre-colonial days, to a population that now largely resides in cities and relies on the more efficient agriculture industry.

## **Myth #4: "Only 12 percent of the land in the United States is protected."**

This figure is generated from the USGS PAD-US Gap Analysis Project (GAP), where lands in the United States are categorized into 4 levels, based on the level of regulatory protection. GAP 1 & 2 combined total 12 percent, the amount of land the Biden Administration considered protected. However, government owns an enormous amount of land in America – 36 percent when you combine federal, state, regional and local government holdings. Those not already in the 12 percent figure are largely Gap 3 lands. Additionally, the American Indian lands are substantial, and the known NGO-held conservation easements total an area larger than Maryland and Vermont combined.

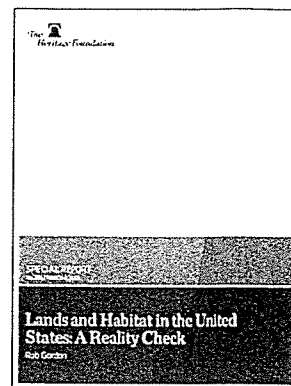
Add into this figure the vast areas regulated under endangered species critical habitat (110 million – 250 million acres), Wild and Scenic Rivers, Wetland's restrictions, international land designations, and other restrictions, and it is clear the Administrative state already regulates a substantial amount of America's lands.

The Gap 4 lands are largely the private lands, and are categorized as unprotected because the regulators and environmentalists do not know the “management intent.”

*“The consequences of the federal government consuming another 18 percent of the nation are hard to even contemplate, as are new or increased requirements for property owners to have land management papers explaining their “management intent” so the federal government may track it. Expanding the regulatory authorities over private lands or the portfolios of land management agencies that the Congressional Research Service reports already have a \$19.38 billion maintenance backlog would seem a factor to consider as well.” (Page 28)*

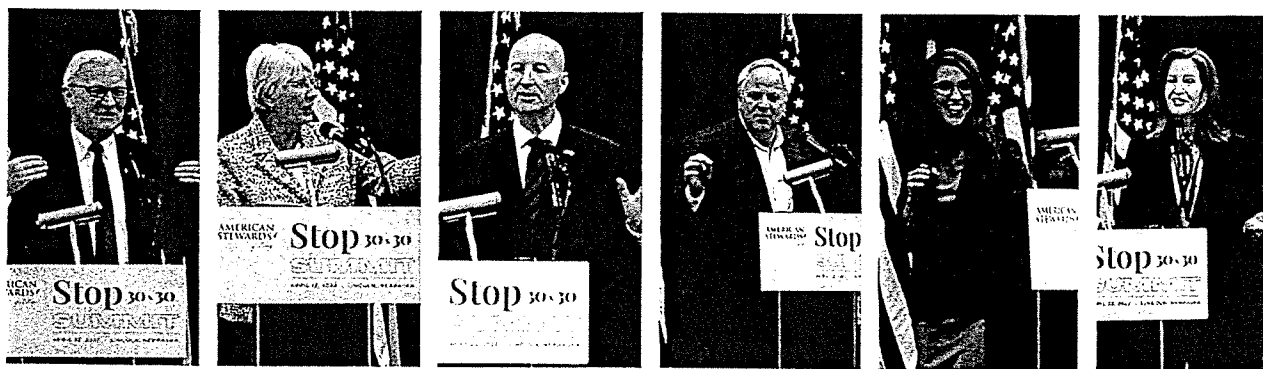
## It’s Not About Conservation

If 30x30 is about “conserving” the lands, as the Biden Administration claims, then there is definitive evidence that this bar has already been met. However, the Biden Administration continues to paint a dire and failing state of our lands, species, and biodiversity, despite the evidence to the contrary. This leads us to the obvious conclusion: 30x30 is about controlling the lands they do not yet possess and removing the last productive uses of those lands they already own.



Robert Gordon is a Senior Research Fellow in Heritage’s Center for Free Markets and Regulatory Reform.

## JOIN THE NATIONAL CAMPAIGN TO STOP 30X30



U.S. Senator Kevin Cramer   Heritage - Becky Norton-Dunlop   NE Governor Pete Ricketts   Frn. Sec. DOI, David Bernhardt   U.S. Rep. Lauren Boebert   ASL - Margaret Byfield

# 15

*Governors noticed the Biden Administration they would fight federal overreach in their States.*

# 2

*Bills filed in the U.S. Congress plus several Congressional letters including notice 30x30 was unauthorized.*

# 114

*National Conservative Leaders issue strong statement opposing the land grab.*

# 160

*Local governmental bodies formally oppose the agenda.*



## ADDITIONAL RESOURCES

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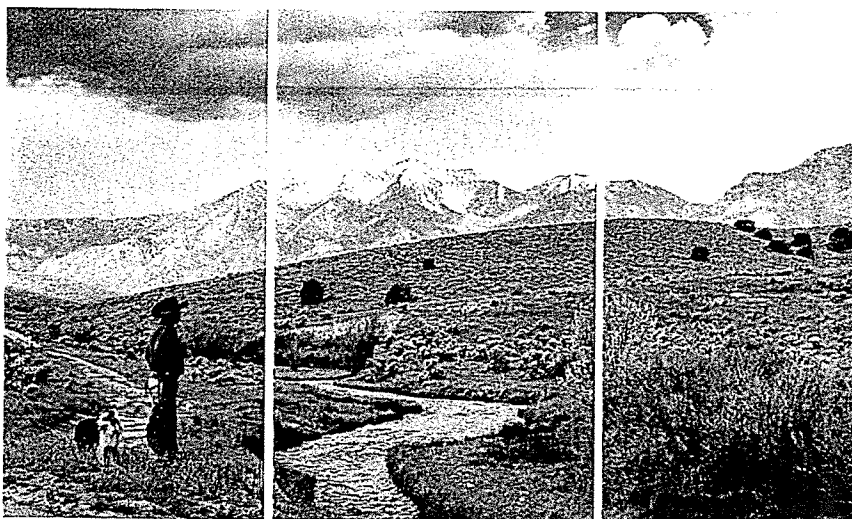
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