

RESOLUTION NO. 16 - 2021

RESOLUTION OPPOSING THE FEDERAL GOVERNMENT'S "30 X 30" LAND PRESERVATION GOAL

WHEREAS, Fergus County is a legal and political subdivision of the State of Montana for which the Board of County Commissioners ("Board") is authorized to act; and

WHEREAS, Fergus County contains about 2,715,000+ acres of land situated in Central Montana and

WHEREAS, the federal/state government owns approximately 25% of the land within the County, and the BLM, USFS, Corp of Engineering, USFWS, MT FWP and State are responsible for managing over 666,000 acres of these federal and state lands; and

WHEREAS, approximately 131,487 acres (nearly 7 percent) of privately owned land in Fergus County are also already protected with perpetual conservation easements;

WHEREAS, there are approximately 2,048,228 acres of private lands in Fergus County, of which approximately 781,236 acres are private in Sage Grouse habitat. Nearly 38% of private lands in some degree of protection; and

WHEREAS, Wilderness Study Areas, Upper Missouri River Breaks National Monument, Charles M Russel National Wildlife Refuge and Sage Grouse habitat areas are protected areas; and

WHEREAS, designating lands as wilderness does not assure its preservation. Left in an undisturbed or natural state, these lands are highly susceptible to wildland wildfires, insect infestation and disease, all of which degrades the natural and human environment; and

WHEREAS, because of the predominance of federal land in Fergus County, the well-being, health, safety, welfare, economic condition, and culture of the County, its businesses, and its citizens depend on the manner in which these lands and their resources are used and access to these lands; and

WHEREAS, many of Fergus County's businesses and its citizens are involved in or otherwise depend on industries that utilize federal lands and their resources, including the forest products industry, livestock grazing, oil and gas exploration and production, mining and mineral development, recreational industries, hunting and other outdoor recreation; and

WHEREAS, these industries are important components of the Montana economy, and are major contributors to the economic and social wellbeing of Fergus County and its citizens; and

WHEREAS, on January 27, 2021, President Joseph R. Biden, Jr., issued Executive Order 14008 entitled Tackling the Climate Crisis at Home and Aboard (86 Fed. Reg. 7,619); and

WHEREAS, in Section 216 of Executive Order 14008, President Biden directed the Secretary of the Interior, in consultation with the Secretary of Agriculture and other senior

officials, to develop a program to conserve at least 30 percent of the lands and waters in the United States by 2030, which is called the “30 x 30” program; and

WHEREAS, under the 30 x 30 program, some 680 million acres of our Nation’s lands would be set aside and permanently preserved in its natural state, preventing the productive use of these lands and their resources; and

WHEREAS, 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 permanently preserve 30 percent of all land and water in the United States, and no such authority is referenced in Executive Order 14008; and

WHEREAS, the 30 x 30 program, if implemented, is likely to cause significant harm to the economy of Fergus County, and injure the County’s businesses and its citizens by depriving them of access to public lands and national forest system lands and preventing the productive use of these lands’ resources; and

WHEREAS, the withdrawal of some 680 million acres of federal lands from multiple use and placement of such lands in permanent conservation status will cause dramatic and irreversible harm to the economies of many western states, including Montana, and in particular rural counties such as Fergus County whose citizens depend on access to federal lands for their livelihoods; and

WHEREAS, the 30 x 30 program, if implemented, will conflict with the plans, policies and programs of Fergus County as expressed in Fergus County Land Use Plan, adopted/revised June 10, 2021 which obligates the federal government to coordinate its policy development with Fergus as also required by the Federal Land Management and Policy Act (FLPMA) and the National Forest Management Act (NFMA); and

WHEREAS, Executive Order 14008 at 216(a) directs the Secretary of the Interior, in consultation with other relevant federal agencies to “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.”

WHEREAS, the Executive Order is silent about what “conservation” means.

WHEREAS, the Executive Order is silent about where the Administration plans to get the 30 percent of American land to lock up.

WHEREAS, the report submitted in obedience to the Executive Order does not answer either of those questions, and Administration officials now say it is too difficult to define “conservation,”⁹ but they plan to do it, whatever it is.

WHEREAS, the Administration has not answered questions for state, local, tribal, and territorial governments, farmers, ranchers, forest landowners, fisherman, and other stakeholders. For some examples,

- A. They have not provided a scientific basis for a claim that unless we permanently lock up 30 percent of American in 9 years, more than one million species will become extinct.
- B. They have not provided an explanation of why, if the land that would be lost to development by 2030 would be 11 million acres, we must dictate the permanent lockup of 681 million more acres beyond the 274 million acres already deemed permanently protected. The gap between the 11 million acre loss and the 681 million acre lockup is well beyond fuzzy math.
- C. They have not provided a scientific explanation of how locking up 30 percent of American's land in 9 years will cure the immediate climate crisis. In other words, they have not shown that locking up America will not all have been for nothing, environmentally speaking.
- D. They have not answered questions 15 Governors asked President Biden in their letter to him in April 2021. The letter noted that very little information is being shared with states.¹⁰
- E. In response to a letter dated March 16, 2021 from 62 members of the U. S. House and Senate requesting that the White House provide a briefing to Congress, the White House staff on April 14, 2021 provided a ten-minute presentation and a round of questions, during which they said that what the President means by "conservation" of land in his Executive Order is too difficult to define.

WHEREAS, the so-called "science" that has been offered to justify 30-percent lockup of America as an interim goal toward a 50-percent lockup is not standard science based on such procedures as hypotheses testing, empirical observation, and repeatable experimental results. It is "models" that foreordain the conclusion by presupposing the assumptions fed into them: garbage in, garbage out. Most of the citations to supposed "science" are to press releases and opinion papers by environmentalist groups. The few references to actual scientific papers do not prove the core claim of 30 x 30 that human use of land threatens millions of species of that locking up 30 percent of American in 9 years will cure the climate crisis.

WHEREAS, a groundswell of grassroots local opposition to 30 x 30 has arisen beginning in the center of the county and spreading outward.

WHEREAS, already as early as April 8, 2021, the Nebraska and Kansas State Attorneys General co-signed a letter to the Secretary of the Interior putting the Administration on notice that they are prepared to defend their states' and landowners' property rights against 30 x 30.

WHEREAS, already as early as April 21, 2021 15 Governors had signed a joint letter to the President that Section 216 of the Executive order “infringers on the sovereignty of states and rights of the citizens.”¹¹

WHEREAS, the letter was signed by our Montana Governor Greg Gianforte and by the Governor of our neighbors in North Dakota, Doug Burgum.

WHEREAS, our Montana Attorney General Austin Knudsen has said that he also will defend Montana and its citizens against 30 x 30.

WHEREAS, U. S. Senators from the following states have announced their opposition to 30 x 30: Montana, North Dakota, Wyoming, Nebraska, Tennessee, Georgia, Idaho, Utah, and Alaska.

WHEREAS, U. S. Representatives from the following states have announced their opposition to 30 x 30: Montana, Washington, Oregon, California, Idaho, Arizona, Wyoming, Utah, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Illinois, Indiana, Ohio, Kentucky, Alabama, Georgia, Florida, South Carolina, Virginia, and Alaska.

WHEREAS, Montana U. S. Senator Steve Daines voted no on the confirmation of 30 x 30 proponent Debra Haaland as Secretary of the Interior.¹² In the online copy of his press statement concerning his no vote, Senator Daines includes a link to video of his examination of Haaland in her conformation hearing. In that video, Senator Daines opposes 30 x 30 and challenges Haaland’s support of it and her having been the chief proponent of it in the House of Representatives.¹³

WHEREAS, Montana’s U. S. Representative Matt Rosendale has announced his opposition to 30 x 30. He co-signed a letter from Representative Bruce Westerman, Ranking Member of the Committee on Natural Resources, to Secretary Haaland dated April 14, 2021 opposing 30 x 30, asking questions, and raising issues about non-answers from the Administration.¹⁴ He is reported as saying 30 x 30 is an “arbitrary top-down government mandate. Locking up millions of acres of land with unclear goals in mind would result in countless negative impacts on both our economy and our environment.”¹⁵

WHEREAS, On February 16, 2021, the County Commissioners of Garfield County, Colorado passed a resolution opposing 30 x 30.

WHEREAS, since that first county resolution, more counties, soil conservation districts, water conservation districts, and regional governmental associations have adopted resolutions opposing 30 x 30. Forty-one such resolutions have been adopted and 10 more are in the resolution-making process.

WHEREAS, in Montana, the Valley¹⁶, Richland, and the Pondera County Commissioners¹⁷ adopted resolutions opposing 30 x 30, and the Missouri River Basin Cooperative State Grazing District¹⁸ has adopted a resolution opposing 30 x 30.

WHEREAS, in Fergus County, ranchers, stock growers, farmers, public figures, and other citizens have raised awareness about 30 x 30¹⁹ and opposition to it is growing as people learn about it.

WHEREAS, following the widespread and growing opposition to 30 x 30 across the country, the Administration has rebranded and begun re-marketing it as the “America the Beautiful Initiative.” This is an appeal for political support in urban areas from people who have no skin in the game. They own none of the land that the Presidential dictate would permanently lock up.

WHEREAS, in the rebranding, America the Beautiful falsely claims.

A. 30 x 30 is a local initiative.

B. Permanently locking up land or water is voluntary.

WHEREAS, 30 x 30 is not a local initiative. The current administration unilaterally repealed a former provision that local governments could veto major federal land acquisitions in their jurisdictions. This repeal removed local government control of permanently locking up land and water.²⁰

WHEREAS, viewing 30 x 30 in the full context of the Administration’s other policies, it becomes clear that just as the meaning of words like “conservation” is kept mushy, the meaning of “voluntary” when the Administration uses that word is not what the people of Fergus County mean by “voluntary.” For example, the Administration’s policy of eliminating stepped-up basis for tax purposes on the event of death would force farmers, ranchers, and others to sell part or all of their land to pay hugely increased taxes. Selling the farm to be permanently locked up because of a tax gun-to-the-head is not voluntary. That is a land grab.

WHEREAS, 30 x 30 is contrary to the rights, interest, history, heritage, way of life, children, and grandchildren of Fergus County’s citizens and to the interest of Fergus County as a local government.

WHEREAS, because the rebranding of 30 x 30 tries to sell it as local initiative, it is essential that Montana’s Governor, Senators, Representative, Attorney General, Legislators, and others know they have the local support of Fergus County as they defend us by their opposition to 30 x 30. This resolution can help them refute the false claim that 30 x 30 is a local initiative.

WHEREAS, regarding habitat and welfare of species. Montana’s private landowners have provided the best habitat while producing the necessary food, fiber, minerals, and energy to support life, liberty, and the pursuit of happiness.

WHEREAS, 30 x 30 is an accusation that the landowners of Fergus County are unable or unwilling to care properly for the land, which we find to be simply not true.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Fergus County, MT, as follows:

1. The Board opposes the 30 x 30 program, every other similar program by any name, all separate parts or pieces of such programs, and Executive Order 14008.
2. The board supports passage of the “30 x 30 Termination Act” introduced in the United States Congress by Mrs. Representative Lauren Boebert. We urge Senator John Tester, Senator Steve Daines, and Representative Matt Rosendale to work for the passage of that act, to introduce additional measures heading in the same direction, and work for their passage.
3. The board supports continued private ownership of land in Fergus County and the private use of land in support of “life, liberty, and the pursuit of happiness” in accordance with the principles of the Declaration of Independence, the Constitution of the United States, the Enabling Act,²⁴ Montana’s Compact with the United States,²⁵ and the Constitution.
4. The Board further opposes the designation of public lands and national forests in Fergus County as wilderness, wilderness study areas, wildlife preserves, open space, or other conservation land, thereby restricting public access to such lands and preventing the development and productive use of the resources on or within such lands.
5. The Board supports the continued management of the public lands and the national forests under principles of multiple use and sustained yield, recognizing the Nation’s need for domestic sources of minerals, energy, timber, food, and fiber, and in careful coordination with Fergus County to ensure consistency with County land use plans and land management policies, as required by law.
6. The Board supports maintaining and enhancing public access to public lands and national forests and opposes road closures, road decommissioning, moratoria on road construction, and other limitations on public access for the purpose of fulfilling the 30 x 30 program’s objectives.
7. The Board recognizes and supports the State of Montana’s water rights system, including the doctrine of prior appropriation and other state laws and programs governing water rights and water use, and opposes any federal designation of waters and watercourses within the County that would impair or restrict water diversions and uses authorized under Montana law.
8. The Board supports reasonable national, regional, and global greenhouse gas emissions policies and goals that are comprehensive, practical, cost-effective, and do not unnecessarily single out specific industries or activities, but opposes the use of global climate change as an excuse to set aside large tracts of land as preserves or open space to fulfill the 30 x 30 program’s objectives.
9. The Board maintains that the designation of public lands and national forest lands as wilderness, wilderness study areas, wildlife preserves, open space, or other conservation land to fulfill the 30 x 30 program’s objectives may lawfully occur, if at all, only through the planning process mandated by the Federal Land Management and Policy Act (for public lands) or the National Forest Management Act (for national forest lands), including public notice and an opportunity to comment, analysis and disclosure of the impacts of such land acquisitions on the well-being, health, safety, welfare, economy, and culture of Fergus County, its businesses, and

its citizens, and careful coordination with Fergus County to ensure consistency with County land use plans and land management policies.

10. The Board also maintains that any non-federal lands or other rights that are acquired to fulfill the 30 x 30 program's objectives should be acquired only from willing landowners and for the payment full and fair market value for all rights and interests acquired, and not through regulatory compulsion, and only after analyzing and considering the impacts of such land acquisitions on the well-being, health, safety, welfare, economy, and culture of Fergus County, its businesses, and its citizens.

11. The Board shall send a copy of this Resolution to the Department of Interior, Department of Agriculture and all other relevant Federal and State agencies; and

DATED this 24th day of June, 2021.

BOARD OF COUNTY COMMISSIONERS OF FERGUS COUNTY, STATE OF MONTANA

Sandy Youngbauer, Chairman

Commissioner Ross Butcher

Commissioner Carl Seilstad

ATTEST:

Clerk and Recorder, Janel J. Tucek

⁹ White House staff response to letter dated March 16, 2021 by 62 members of the U. S. House and Senate asking for a briefing.

¹⁰ “Fifteen State Governors Respond to President Biden's Aggressive 30 by 30 Plan,” Protect the Harvest, provides full text and a PDF file of the letter, <https://protecttheharvest.com/news/open-letter-to-president-biden-about-30-by-30/> (accessed June 3, 2021).

¹¹ “Fifteen State Governors Respond to President Biden's Aggressive 30 by 30 Plan,” Protect the Harvest, provides full text and a PDF file of the letter, <https://protecttheharvest.com/news/open-letter-to-president-biden-about-30-by-30/> (accessed June 3, 2021).

¹² “Daines Votes No on Haaland Confirmation,” Press Statement, March 15, 2021, <https://www.daines.senate.gov/news/press-releases/daines-votes-no-on-haaland-confirmation> (accessed June 3, 2021).

¹³ The Press Statement says, “To watch Round Three of the hearing exchange on Haaland’s 30 X 30 Initiative and balancing multiple-use, click HERE,” providing the link <https://www.dropbox.com/s/mh4zexmmtznggez/02.24.21%20Haaland%20Questions%20Whole%20.mp4?dl=0> (accessed June 3, 2021).

¹⁴ Letter from Representative Bruce Westerman to Secretary Haaland, April 14, 2021, https://republicans-naturalresources.house.gov/uploadedfiles/2021-04-14_westerman_et_al_to_haaland_doi_re_30_x_30_engagement_session.pdf. (accessed June 3, 2021).

¹⁵ “GQP Whines 30 X 30 Lands Plan Lacks Details; Provide Nothing In Their Turn But Same Cliches,” Democratic Underground.com, <https://www.democraticunderground.com/1127144853> (accessed June 3, 2021)

¹⁶ Resolution No. 12-2021, April 21, 2021.

¹⁷ Resolution #38 – 2020/21, May 19, 2021.

¹⁸ Resolution Opposing the Federal Government’s “30 x 30” Land Preservation, April 29, 2021.

¹⁹ “Meeting Set To Explain The Biden Administration's 30 X 30 Program, Sidney, June 2,” *The Roundup*, May 26, 2021, <https://www.roundupweb.com/story/2021/05/26/news/meeting-set-to-explain-the->

biden-administrations-30-x-30-program-sidney-june-2/15469.html (accessed June 3, 2021).

²⁰ Rescission of Department of Interior Secretarial Order 3388.

²⁴ The Enabling Act by which Congress enabled Montana to be a state in the Union requires that Montana's "constitution . . . not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence." Act of February 22, 1889, Ch. 180, 25 Statutes at Large 676, Section 4.

²⁵ Montana's Compact with the United States set forth in the Constitution of Montana provides that "All provisions of the enabling act of Congress . . . continue in full force and effect." Constitution of Montana (1972), Art. I.