

NIOBRARA CONSERVATION DISTRICT BOARD OF SUPERVISORS

RESOLUTION 21-04

**A RESOLUTION DEMANDING SUBSTANTIAL COMPLIANCE WITH AND
IN OPPOSITION OF IMPLEMENTATION OF
PRESIDENTIAL EXECUTIVE ORDER 14008 DATED JANUARY 27, 2021**

WHEREAS, on January 27, 2021, President Joseph R. Biden, Jr., issued Executive Order 14008 entitled Tackling the Climate Crisis at Home and Abroad (86 Fed. Reg. 7,619); 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, Executive Order 14008 ("EO 14008"), Section 208, issues an immediate pause in all new oil and gas leases on public lands; and

WHEREAS, EO 14008, Section 209, directs termination of all federal subsidies to fossil fuels by budget request processing for Fiscal Year 2022; and

WHEREAS, the Niobrara Conservation District Board of Supervisors of Niobrara ("Board") herein recognizes and asserts that, in addition to existing oil and gas leases on public lands that may not be renewed and new oil and gas leases on public lands in Niobrara County, Wyoming, that a substantial percentage of citizens residing in Niobrara County, Wyoming, are employed in or by, trained for, and otherwise reliant upon the oil and gas industry; and

WHEREAS, the immediate pause enacted in EO 14008 of all new oil and gas leases on public lands has had an immediate and direct impact on the economy, welfare and wellbeing of the State of Wyoming and Niobrara County with the lay-off or terminations of employment, loss of business opportunities and growth, as well as additional cost of such fuels to all citizens of Niobrara County, Wyoming, for these vital resources; and

WHEREAS, the intent and purpose of EO 14008 appears to promote the use of alternative resources and fuel by 2030 and the immediate termination of the oil and gas industry, either with

WHEREAS, EO 14008, Section 216, refers to conserving one-third of all land and waters by 2030; and

WHEREAS, EO 14008, Section 214, asserts a policy of the Biden Administration to create a workforce to conserve federal public lands and waters with protection of America's natural treasures, increase reforestation, improve access to recreation, and increase resilience to wildfires and storms; and

WHEREAS, EO 14008, Section 214, further recognizes the vital role of farmers, ranchers, and forest landowners provide in "combating" the "climate crisis" by reducing greenhouse gas emissions, sequestering carbon in soils, grasses, trees, and other vegetation and sourcing sustainable bioproducts and fuels.; and

WHEREAS, EO 14008, Section 215, requires formation of a Task Force to create a Civilian Climate Corps Initiative, within existing appropriation for the effected agencies, to mobilize a workforce with the aim to "conserve and restore public lands and waters, bolster community resilience, increase reforestation, increase carbon sequestration in the agricultural sector, protect biodiversity, improve access to recreation, and address the changing climate;" and

WHEREAS, EO 14008, Section 216(a)(i), specifically mandates the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce to solicit input from State and local officials as well as agricultural and forest landowners and other stakeholders to identify strategies for implementation. The report generated by this communication with local governments and landowners must include a guideline as to how lands subject to the 30% conservation of federal land goal will be identified and a measure of progress; and

WHEREAS, EO 14008, Section 216(b)(i), requires the Secretary of Agriculture to collect input directly from farmers, ranchers, forest owners and other stakeholders as to how to best use existing Department of Agriculture program; 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

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.” and

WHEREAS, cooperative management, use and access to federal lands between various federal agencies and local government is essential to meet the obligations and intentions of both EO 14008, federal law and the goals of the Board. This cooperative management has been codified by the United States Congress including, but not limited to, The Multiple Use and Sustained Yield Act of 1960, 16 U.S.C. §583 *et seq.*; the National Environmental Policy Act of 1969, 42 U.S.C. §4321 *et seq.*; the National Forest Management Act of 1976, 16 U.S.C. §§1600-1614, as implemented in 36 C.F.R. §219 Subparts A and B; Public Rangelands Improvement Act of 1978, 43 U.S.C. §1901 *et seq.*; Executive Order 12898 entered February 16, 1994 by President Clinton for Environmental Justice, 59 FR 7629; 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, designating lands as wilderness does not assure its preservation. Left in an undisturbed or natural state, these lands are highly susceptible to wildland wildfires, noxious weeds, insect infestation and disease, all of which degrades the natural and human environment; and

WHEREAS, the well- being, health, safety, welfare, economic condition, and culture of Niobrara County, its businesses, and its citizens depend on private land ownership and the use of these resources; and

WHEREAS, many of Niobrara County’s businesses and its citizens are involved in or

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

WHEREAS, any increase in Federal land ownership and subsequent loss of privately owned land in Niobrara County results in a loss to the local tax base, and

WHEREAS, placing private lands into permanent conservation status will cause dramatic and irreversible harm to the economies of many states, including Wyoming, and in particular rural counties such as Niobrara County whose citizens depend on private lands for their livelihoods; and

WHEREAS, on March 21, 1995, this Board entered Resolution 95-07, Resolution and Binding Action Supporting County Custom, Culture and Heritage in Decision Making regarding federal lands in, and adjacent to, Niobrara County, State of Wyoming, which established certain procedures and protocols which includes demands for notice and opportunity for comment on all actions of the federal government, through various agencies, that may affect the culture, environmental, and economic well-being and stability of Niobrara County and specifically notes that actions by a federal agency that alters current zoning regulations or creates an infeasibility of an existing operational business will be presumed to create a negative impact on Niobrara County, Wyoming, and its' residents; and

WHEREAS, pursuant to Wyoming Statute §11-16 District Law in its entirety, Niobrara County created and adopted the "Revised Niobrara County Land Use Plan" in October, 1996 and revised per statute every five years; and

WHEREAS, the compilation of the Niobrara County Land Use Plan clearly provides for the necessity and intent to assert and demand any federal agency notify, consult and consider the negative impact to the health, safety, welfare, custom, culture, heritage, economic viability and

WHEREAS, management and use of federal lands in and around Niobrara County, Wyoming, has a direct and broadly based impact on the general health, safety, welfare, custom, culture, heritage, economic viability and social stability of Niobrara County and its citizens; and

WHEREAS, the Environmental Protection Act of 1969 has further directed that any action taken by any party, which should and will include the federal government, mandates that any environmental impact statement prepared include effects on human environment, which, here, clearly includes the economic and social welfare and health of the citizens of Niobrara County, whenever the economic and social impacts of an action are interrelated to natural or physical environmental effects. 40 C.F.R. §1508.14. The Board specifically recognizes that any change, limitation or restriction as to the use of fossil fuels and restrictions or changes of management on public lands should require such an environmental impact statement; and

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board opposes the immediate pause in new oil and gas leases and the additional penalties associated therewith on our society in its entirety;
2. The Board expresses its opposition to imposition, in any way, of EO 14008 in any manner or means which limits or prohibits current access and productive use of lands within Niobrara County, Wyoming, and its surrounding lands;
3. The Board opposes the 30 x 30 program, including its objective of permanently preserving 30 percent of the Nation's lands in its natural state by 2030, or any similar program that will set aside and prevent the productive use of millions of acres of our lands.
4. The Board further opposes the designation of lands in Niobrara 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.

within the County that would impair or restrict water diversions and uses authorized under [State] law.

7. The Board also maintains that any 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 Niobrara County, its businesses, and its citizens.
8. The Board expresses its opposition to imposition, in any way, of EO 14008, which would increase designation of federal lands and national forest within and adjacent to Niobrara County, Wyoming, as wilderness, wilderness study areas, wildlife preservation/preserves, open spaces or other designations which would restrict, inhibit or prohibit the ability to access such federal lands for productive use;
9. The Board supports and encourages the continued management and use of federal lands in and adjacent to Niobrara County, Wyoming, that encourages the principles of multiple use and sustained yield, which fosters and encourages integral domestic security through the use, promotion and development of domestic resources of energy, minerals, food, fiber, timber and livestock production consistent with Niobrara County's Comprehensive Plan and Public Lands Policy;
10. The Board expresses its opposition to imposition, in any way, of EO 14008, that would result in road closure, road decommissioning, a moratorium on road construction or other limitation to public access to federal public lands;
11. The Board intends and will ensure that a copy of this Resolution is issued to the Secretary of the Interior, Secretary of Agriculture and the Secretary of Commerce as well as all other identified federal agencies assigned to a "task force" or other action by EO 14008;

13. In conformance with EO 14008 as well as existing federal law and precedence, it is expected and demanded that any federal agency seeking to implement any action contemplated by EO 14008 will be subject to appropriate notice as well as time and opportunity to participate, in writing or verbally, regarding any and all projects, work, policies or procedures anticipated to implement the goals and intentions delineated within EO 14008.

APPROVED, PASSED AND ADOPTED this 4th day of May, 2021.

NIOBRARA CONSERVATION DISTRICT BOARD OF SUPERVISORS



Matt Dockery, Chairman



Kevin Gaukel, Vice-Chairman



Odessa Mathias, Secretary



Bruce Kilmer, Treasurer



Carmen Boussu, Public Liaison

Attest:

