The “30 x 30” Land Grab

By Norman D. James, ESQ

In a sweeping Executive Order addressing global climate change, issued on January 27, President Biden imposed a number of requirements on federal agencies, while halting oil and natural gas leasing on federal land and offshore waters and promising to create “well-paying” union jobs for workers.

An overlooked aspect of this EO is Mr. Biden’s commitment to an objective called “30 x 30,” buried in section 216 of the EO. The term “30 x 30” refers to conserving 30% of our country’s lands and waters by the year 2030. While the EO’s language is fuzzy, “conserving” apparently means preserving these areas in a natural or undisturbed state.

A “fact sheet” issued by the Department of the Interior in support of the EO provides additional detail. It explains that the “30 x 30” goal has been recommended by “scientists” (who are unnamed). It also states that although 60% of the land in the continental United States is in a natural state, we are losing an entire football field worth of this land every 30 seconds. Moreover, only 12% of the land in the U.S. is “permanently protected,” according to the U.S. Geological Survey. We also are told that the loss of undisturbed land threatens nearly one-third of all U.S. wildlife with extinction. Therefore, 30% of the county’s land base must be preserved in the next decade.

To appreciate what this really means, let’s start by examining land ownership in the United States. According to the Congressional Research Service, Federal Land Ownership: Overview and Data (updated 2020), there are about 2.27 billion acres of land in the U.S. The federal government currently owns and manages about 640 million acres, or about 28% of all land. Four federal agencies manage over 600 million acres or about 95% of all federal land. Those agencies are the Bureau of Land Management, Forest Service, Fish and Wildlife Service, and National Park Service.

Federal land is not evenly distributed across the United States. For example, only 0.3% of the land in Connecticut and Iowa is federally managed, compared to over 80% of the land in Nevada. In fact, 15 states, mainly in the Northeast and Midwest, each have less than 500,000 acres of federal land. On the other hand, the 11 states in the western U.S., along with Alaska, contain more than 560 million acres of federal land. In those states, the average percentage of federal land is nearly 46%. Notably, this does not include Tribal land, which comprises a significant percentage of the land base of most western states.

This extremely uneven distribution of federal land and its associated resources has created numerous issues, including, most critically, achieving a fair balance between our national
interests and those of the states and localities, where federal land is often integral to the local economy.

Under Mr. Biden’s new EO, however, at least 30% of all land in the U.S. would be permanently set aside and maintained in a natural state. Activities such as energy development, forest management, livestock grazing, mineral exploration and development, and many recreational uses would be prohibited. This would require at least 680 million acres of land to be set aside – more land than the entire federal government currently manages.

Where will land be obtained for this program? The Department of Interior states that the new administration “will work to achieve this 30 x 30 goal by supporting local, state, private, and tribally led nature conservation and restoration efforts that are underway across America.” This is far-fetched, at best. These “efforts,” while commendable, are limited in scope and will not come close to meeting the objective of preserving 30% of all land in the U.S.

The EO does not mention any land acquisition program, under which state and private land would be acquired by the federal government and permanently preserved, although such a program will almost certainly be needed to achieve the President’s goal.

But in reality, most of the land dedicated to achieving the 30 x 30 goal necessarily will be the federal land found in the 11 western states and Alaska. Forcing rural communities and businesses that depend on the use of public lands and national forests to bear the brunt of the program would be inequitable. There is no other alternative, however.

Is this incredibly disruptive program really necessary? As noted above, the Department of Interior’s “fact sheet” emphasizes – in bold letters – that we are losing a football field worth of undisturbed land every 30 seconds. That sounds like a lot of land. Let’s do the math.

A football field is slightly larger than an acre. So, losing a football field of land every 30 seconds amounts to losing roughly 2 acres per minute, or about 3,000 acres per day. That equals 1.1 million acres per year, or 11 million acres per decade. Eleven million acres is just 0.5% of all land in the U.S., and 1.7% of the land already owned by the federal government. Does that justify permanently preserving some 680 million acres of land, concentrated in the western states?

The “fact sheet” also states that only 12% of the land in the U.S. is already “permanently protected.” That amounts to over 270 million acres of land. It is 25 times the amount of land that purportedly will be lost over the next 10 years.

The bottom line is that “30 x 30” is an excuse to end the productive use of our public lands and national forests and to set aside massive tracts of land for non-use. This is not how Congress has required our public lands and national forests to be administered.

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