

STATE OF NORTH DAKOTA

COUNTY OF MCKENZIE

At a regular meeting of the Board of County Commissioners for McKenzie County, ND, held at the McKenzie County Court House on March 1, 2022, there were present:

RESOLUTION NO. 2022- 01

RESOLUTION OPPOSING THE “30 X 30,” “AMERICA THE BEAUTIFUL,” AND “HALF EARTH” LAND PRESERVATION PROGRAMS AND SUPPORTING CONTINUED PRIVATE OWNERSHIP OF LAND

WHEREAS, McKenzie County is a legal and political subdivision of the State of North Dakota for which the Board of County Commissioners (“Board”) is authorized to act; and

WHEREAS, McKenzie County is the largest county in North Dakota, containing 1,831,040 acres of land situated on the western border of the state; and

WHEREAS, the federal government owns 27% of the land within the County, the largest portion of this (503,000 acres) making up the Little Missouri National Grasslands managed by the U.S. Forest Service. Other federal holdings include the Theodore Roosevelt National Park managed by the National Park Service, and properties managed by the U. S. Army Corps of Engineers and the Bureau of Land Management as illustrated in ***Exhibit A***, attached hereto; and

WHEREAS, the Fort Berthold Reservation occupies approximately 140,000 acres of land within the northeast portion within McKenzie County; and

WHEREAS, because of the predominance of federal land in McKenzie County, the citizens depend on continued access and use of these lands to ensure the health, safety, welfare, economic condition, and culture of the County, and its businesses; and

WHEREAS, many of McKenzie County’s businesses and its citizens are involved in or otherwise depend on industries that utilize the 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 North Dakota economy, and are major contributors to the economic and social wellbeing of McKenzie County and its citizens; and

WHEREAS, placing federal conservation restrictions on lands, specifically those that allow the lands to be undisturbed or in a natural state, subjects these lands and those surrounding them to wildfires, insect infestation and disease, all of which degrades the natural and human environment; and

WHEREAS, in 2019, The Center for American Progress published a report, “How Much Nature Should America Keep?” calling for the permanent protection of 30 percent of America’s lands and oceans by 2030; and

WHEREAS, this report sets forth the 30 x 30 initiative as the initial step to achieving the “Half Earth” agenda, which calls for the permanent protection of 50 percent of the world’s lands and oceans; and,

WHEREAS, this report defines what lands qualify for permanent protection as follows: “According to the currently accepted international and domestic standards, for an area of land or ocean to be counted as protected, it must be permanently protected in a natural condition, and extractive uses must be limited or prohibited. U.S. lands and waters that fit this definition include national parks, wildlife refuges, national marine sanctuaries, national monuments, state parks, permanent conservation easements, and national wildlife refuges.”; and,

WHEREAS, based on this report, Vice President Harris, while serving as a U.S. Senator, and Secretary of the Interior Debra Haaland, while serving as U.S. Representative, co-sponsored resolutions in the United States Congress calling for the implementation of 30 x 30; and,

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, 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 condition, 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 McKenzie County, and injuring 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 North Dakota, and in particular rural counties such as McKenzie 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 McKenzie County as expressed in the 2025 Comprehensive Plan, adopted June 2016, as well as those of the McKenzie County Grazing Association as expressed in the McKenzie County Grazing Association Operations Manual, adopted in 1937, illustrated in *Exhibit B and C, attached hereto;*" and

WHEREAS, the State legislature has long recognized the need to restrict federal overreach and unreasonable restrictions on private lands including limiting the duration of conservation and preservation easements that restrict productive use of the land as set forth at NDCC 47-05-02.1.2, which states: "The duration of the easement, servitude, or no appurtenant restriction on the use of real property must be specifically set out, and in no case may the duration of any interest in real property regulated by this section exceed ninety-nine years. The duration of an easement for a waterfowl production area acquired by the federal government, and consented to by the governor or the appropriate state agency after July 1, 1985, may not exceed fifty years. A waterfowl production area easement that exceeds fifty years or which purports to be perpetual may be extended by negotiation between the owner of the easement and the owner of the servient tenement. A waterfowl production area easement that exceeds fifty years or which purports to be permanent and is not extended by negotiation is void. The duration of a wetlands reserve program easement acquired by the federal government pursuant to the Food, Agriculture, Conservation, and Trade Act of 1990 after July 1, 1991, may not exceed thirty years;" and,

WHEREAS, May 7, 2021 the White House released its report on 30 x 30 entitled "America the Beautiful," in which they failed to define "conserve," "restore," or "protect," and also failed to identify the lands that would count towards the 30 x 30 initiative; and,

WHEREAS, there is no valid science that supports the conclusion that conserving 30 percent of our lands will cure the climate crisis claimed by the proponents of 30 x 30; and,

WHEREAS, 30 x 30 is an international initiative seeking to impose international conservation goals on the citizens of McKenzie County; and,

WHEREAS, Governor Doug Burgum joined fourteen Governors on April 21, 2021 in opposing 30 x 30 and posing specific questions to the Biden Administration as to how the program will be implemented, which to date remain unanswered; and,

WHEREAS, Senator Kevin Cramer co-sponsored the 30 x 30 Termination Act in the Senate to prevent the authorization or funding for any program seeking to implement the 30 percent initiative.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of McKenzie County, North Dakota, as follows:

1. 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.

2. The Board further opposes the designation of public lands and national forests in McKenzie 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.
3. 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 McKenzie County to ensure consistency with County land use plans and land management policies, as required by law.
4. 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.
5. The Board recognizes and supports the State of North Dakota'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 North Dakota law.
6. The Board 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.
7. The Board requests 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 must be fully disclosed to the public and Board of Commissioners early in the process, and that all conservation plans be coordinated with the County for the purpose of achieving consistency with the County's plans.
8. The Board also maintains that there shall be a no net loss of private property in McKenzie County, and that any consideration of new federal land acquisitions includes an equal acreage release from the federal holdings within the County.
9. The Board requests 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 of full and fair market value for all rights and interests acquired, 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 McKenzie County, its businesses, and its citizens.
10. The Board requests that all North Dakota, State and Federal Representatives, elected and appointed, oppose the 30 x 30 initiative and utilize their respective authorities to prevent the implementation of the initiative in North Dakota.

11. The Board requests that all citizens of McKenzie County make the Board of Commissioners aware of any efforts being carried out that may increase federal controls, restrictions, or limitations of use on the lands within the County.

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 that it sees fit; and

DATED this 1st day of March, 2022.

ATTEST:

 Erica Johnsrud
Clerk of the Board

BOARD OF COUNTY COMMISSIONERS OF MCKENZIE COUNTY, STATE OF NORTH DAKOTA

By: , Howdy Lawlar, Chairman

Upon motion duly made and seconded the foregoing Resolution was adopted by the following vote:

Commissioners:

Howdy Lawlar

Kathy L. Skarda

Clint Wold

Joel Brown

Craig Hystad

