

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

April 14, 2020

The Honorable Debra Haaland
Secretary
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Haaland,

As you know, the Secretary of the Department of the Interior (DOI) is directed to propose guidelines and mechanisms to achieve the Biden Administration's arbitrary goal of conserving 30 percent of lands and waters by 2030 (30 by 30 initiative).¹ DOI hosted an engagement session with the purported objective to pursue dialogue with Congressional staff about the 30 by 30 initiative on March 30, 2021.² Administration officials, however, deflected questions, provided vague responses, or simply acknowledged inquiries as "really hard question[s]."³ The continued lack of information heightens concern from our constituents that the Administration will use the 30 by 30 initiative to facilitate a radical federal land and water grab.

Vague and Undefined

While DOI hosted the engagement session 28 days before its recommendations are due to the National Climate Change Task Force, Administration officials could not or refused to define basic components of the initiative.⁴ For example, the Administration had not yet determined how "conservation" will be defined in the initiative.⁵ Although the U.S. Geological Survey determined 12 percent of lands are permanently protected,⁶ according to an Administration official, "we need to collectively do some thinking and discussion of whether that is in fact the current baseline."⁷

¹ Exec. Order No. 14008, 86 Fed. Reg. 19, 7619 (2021).

² *30 x 30 Engagement Session*, Dep't of the Interior (Mar. 30, 2021) [hereinafter *Engagement Session*].

³ *Engagement Session*, Statement by Matt Lee-Ashley, Chief of Staff, Council on Environmental Quality.

⁴ *Id.* Statement by Matt Lee-Ashley, Chief of Staff, Council on Environmental Quality.

⁵ *Id.* Statement by Matt Lee-Ashley, Chief of Staff, Council on Environmental Quality (when responding to inquiries about target acreage totals and establishing a baseline amount of land that has already been protected, Matt Lee-Ashley responded, "no, we don't at this point. I think this gets to the question of how you measure and define what conservation means, which is going to be a challenging thing" and those are "really hard questions" that "comes back to how we collectively want to define as conserve and what should count towards the 30 percent goal").

⁶ Press Release, Dep't of the Interior, Fact Sheet: President Biden to Take Action to Uphold Commitment to Restore Balance on Public Lands and Waters, Invest in Clean Energy Future (Jan. 27, 2021), <https://www.doi.gov/pressreleases/fact-sheet-president-biden-take-action-uphold-commitment-restore-balance-public-lands>.

⁷ *Engagement Session*, Statement by Matt Lee-Ashley, Chief of Staff, Council on Environmental Quality.

Moreover, an acreage amount that would satisfy the 30 percent goal also remains a mystery.⁸ It is unclear how conservation efforts on private land will be accounted toward the 30 percent goal.⁹ In direct contravention to Executive Order 14008's direction, Administration officials could not articulate the metrics that would be used to assess success, noting "we probably are not going to be able to deliver a hard and fast answer to the question of how we are going to measure things."¹⁰ It remains unclear how any quantifiable goals can be met without a baseline or procedure to monitor progress.

Despite the fact that these basic questions could not be answered during the engagement session, in February the Administration released a Statement of Administration Policy endorsing H.R. 803, the Protecting America's Wilderness and Public Lands Act. The Administration's endorsement stated that as "consistent with the recommendation of scientists that . . . the Nation must pursue a goal of conserving at least 30 percent of U.S. lands and ocean by 2030."¹¹ It is extremely concerning that the Administration knew enough about what was "consistent" with 30 by 30 to endorse legislation being considered by the House of Representatives that would limit multiple-use and create millions of acres of new wilderness, yet did not know enough to answer rudimentary inquiries at a staff-level briefing.

Questions regarding the location of land impacted by the 30 by 30 initiative and which agencies will manage additional lands also remain unanswered. The feasibility of managing additional lands, regardless of the responsible agency, is called into question based on the existing \$19 billion of maintenance backlog.¹² Administration officials also failed to express whether western states will continue to bear the brunt of federal land acquisition,¹³ or if the effort to conserve 30 percent of land will be spread across the United States. For western states, many of which already experience far more than 30 percent federal ownership, the fact that these basic questions lack any semblance of an answer is deeply troubling.

During the engagement session, Administration officials acknowledged that "conservation works best when it is led at the local level."¹⁴ Despite this and instructions to consult local officials and stakeholders, Administration officials refused to confirm that local opposition would deter the Administration's action on community land.¹⁵

Inhibiting Resources Development

⁸ *Id.*, Statement by Matt Lee-Ashley, Chief of Staff, Council on Environmental Quality.

⁹ *Id.*

¹⁰ *Id.*

¹¹ OFF. OF MGMT. & BUDGET, EXEC. OFF. OF THE PRESIDENT, STATEMENT OF ADMINISTRATION POLICY, H.R. 803 PROTECTING AMERICA'S WILDERNESS AND PUBLIC LANDS ACT (Feb. 23, 2021), *available at* https://www.whitehouse.gov/wp-content/uploads/2021/02/SAP_HR-803.pdf.

¹² *Deferred Maintenance of Federal Land Management Agencies: FY 2009-FY 2018 Estimates and Issues* CONGRESSIONAL RESEARCH SERVICE (April 30, 2019) at 3.

¹³ *Federal Land Ownership: Overview and Data*, CONGRESSIONAL RESEARCH SERVICE (Feb. 21, 2020) at 7 (although 15 states contain less than half a million acres of federal land, the 11 western states and Alaska each have more than 10 million acres managed by these five agencies within their borders).

¹⁴ *Engagement Session*, Statement by Matt Lee-Ashley, Chief of Staff, Council on Environmental Quality.

¹⁵ Exec. Order No. 14008, 86 Fed. Reg. 19, 7619 (2021); *Engagement Session*.

The 30 by 30 initiative's lack of clarity raises apprehensions about access to our nation's resources. Administration officials failed to answer details about oil, gas, and mineral extraction prohibitions on land acquired under this initiative.¹⁶ Based on the Administration's prior actions,¹⁷ we are concerned about further attempts to stifle resource development and the consequences of their prohibition.¹⁸ Therefore, United States' dependence on foreign mineral and energy resources must be a factor in decisions impacting energy development.

The 30 by 30 initiative's detriment to renewable energy development is also undetermined. Both wind and solar energy require significantly more acreage to produce comparable amounts of energy from oil, gas, and coal resources.¹⁹ Restrictions under the 30 by 30 initiative could further hamper renewable development on federal lands.²⁰ Limited land access, however, is not the only risk posed to renewable development. Prohibiting access to critical minerals through the initiative, also indicates that the Administration is sacrificing the advancement of American-made clean energy, in the name of preservation.

Ignoring Economic Impacts

Finally, despite repeated assurances that the goal is to "pursue a conservation agenda that is indeed good for the economy," when asked, Administration officials indicated that no economic analyses were conducted in conjunction with the development of recommendations.²¹ Without these analyses, we are concerned this initiative will replicate the devastating economic impacts of the Administration's prior actions.²²

To ensure local communities are protected, revenue loss should be considered in the land and water designation decision process. The absence of economic analyses also raises concerns that local communities will lose infrastructure improvement opportunities due to restrictions placed on land and water under the 30 by 30 initiative.

¹⁶ *Id.* (No answer was provided to the following question, "Would these lands under this designation be with no surface occupancy, meaning no access for oil, gas mining, or other development there?").

¹⁷ Exec. Order No. 13990, 86 Fed. Reg. 14, 7037 (Jan. 20, 2021); Dep't of the Interior, Secretarial Order 3395.

¹⁸ *Engagement Session*, Statement by Kate Kelly, Deputy Chief of Staff for Policy, Dep't of the Interior.

¹⁹ Samantha Gross, *Renewables, land use, and local opposition in the United States*, Brookings (Jan. 2020) ("Wind and solar generation require at least 10 times as much land per unit of power produced than coal- or natural gas - fired power plants), available at https://www.brookings.edu/wp-content/uploads/2020/01/FP_20200113_renewables_land_use_local_opposition_gross.pdf.

²⁰ Briefing to H. Comm. on Nat. Res. from American Wind Energy Association (Sept. 2017) (at the time, only 1% of onshore wind production was on federal lands due to regulation and access limitations).

²¹ *Engagement Session*, Statement by Matt Lee-Ashley, Chief of Staff, Council on Environmental Quality.

²² See *A Federal Leasing and Development Ban Threatens America's Energy Security and Economic Growth, Undermines Environmental Progress*, API, <https://www.api.org/news-policy-and-issues/exploration-and-production/federal-leasing-and-development-ban-study> (Economic impacts of a permanent ban include a \$700 billion decrease in U.S. Gross Domestic Product, decreased natural gas exports, and increased reliance on foreign oil); Timothy Puko, Ken Thomas, & Andrew Restuccia, *Biden's Climate-Change Policy Targets Oil Industry*, THE WALL ST. J. (Jan. 26, 2021), <https://www.wsj.com/articles/biden-to-suspend-new-federal-oil-and-gas-leasing-11611672331?page=1> (revocation of Keystone XL Pipeline immediately led to loss of 1,000 jobs; Letter from Jillian Balow, Wyo. State Superintendent of Public Education, et al., to the Hon. Joseph R. Biden, President of the United States (Feb. 17, 2021) (on file with author) (detailing the importance of mining, gas, and oil industries' revenue generation and job creation).

There are concerns that the 30 by 30 initiative also disregards the economic and social impacts on our fishing communities. For example, in the last Congress more than 800 members of the seafood industry and marine scientists opposed H.R. 8632, Ocean-Based Climate Solutions Act, which could have banned fishing activity in 30 percent of federal offshore areas.²³ Meanwhile, the 30 by 30 initiative furthers the commitment to the undesirable goal envisioned by the Act.²⁴ Further, a diverse number of fisheries industry representatives recently wrote to you that the Administration's unilateral, non-transparent actions on reducing the metrics of what constitutes "conservation progress" in U.S. marine protected areas is a "stunning change" that "increases the distrust of stakeholders in the entire 30x30 process."²⁵

Grassroots organizations representing hunters and anglers also have legitimate questions about the implementation of the 30 by 30 initiative.²⁶ The engagement session mentioned access to hunting and fishing areas as a component, but provided no details whatsoever on how to achieve this goal. For example, the sportsmen and women have historically paid for conservation and state fish and wildlife agencies have led the way when it comes to managing biodiversity,²⁷ but their roles and efforts in the 30 by 30 initiative are entirely unclear.

Additionally, there are concerns that the 30 by 30 initiative will ignore the multiple use mandates of our federal lands and irreversibly impact local communities that depend on these lands. Our public lands are unhealthy, overgrown, and in desperate need of management. Tools like active forest management and grazing are vital to ensuring we have healthier, more productive lands. Generations of families have made a living this way and depend on working lands to sustain their way of life. While these impacts will be felt the most at the local level, the consequences will be far reaching. The 30 by 30 initiative has the potential to impact millions of acres of land and water across the United States, and refusing to seriously evaluate the economic consequences of this policy will only place another hurdle in front of rural America as the nation tries to recover from our current recession.

Ultimately, the engagement session raised more questions than were answered. Without clear parameters and defined foundational principles, the 30 by 30 initiative is simply another deeply irresponsible federal mandate with unknown, but likely disastrous consequences. We urge you to provide concrete definitions and processes in your recommendations in order to ensure that the extent of the initiative is clear. During the engagement session, Administration officials committed to continuing conversations about our concerns.²⁸

²³ Chris Chase, *Biden's "30 by 30" order could close-off 30 percent of US ocean to fishing*, SEAFOODSOURCE (Jan. 27, 2021), <https://www.seafoodsource.com/news/environment-sustainability/biden-s-planned-30-by-30-order-draws-widespread-opposition-from-commercial-fishing>.

²⁴ *Id.*

²⁵ Letter from Nat'l Fisheries Inst. et al to The Honorable Deb Haaland, Sec'y, U.S. Dep't of the Interior (Apr. 2, 2021) (on file with Comm.).

²⁶ Statement, Hunting & Fishing Community, Hunting & Fishing Community Statement on the 30 x 30 Initiative (April 5, 2021) available at <https://www.huntfish3030.com/hunting--fishing-community-statement.html>.

²⁷ *Id.*

²⁸ *Engagement Session*, Statement by Matt Lee-Ashley, Chief of Staff, Council on Environmental Quality ("This is a start, will continue talking"); *Engagement Session*, Statement by Kate Kelly, Deputy Chief of Staff for Policy, Dep't of the Interior ("absolutely appropriate" to continue conversations).

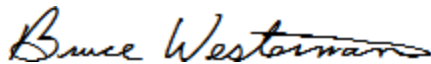
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A single, one-hour engagement session is woefully inadequate to address the full breadth of concerns we hear from our constituents. The inadequacy is compounded by the Administration's inability to articulate concrete details about this proposal. If the Administration is serious about engagement, we expect several more sessions as well as one-on-one meetings between you and the members of the House Natural Resources Committee. We look forward to those meetings and will continue to seek much-needed clarity on this initiative.

Sincerely,



Bruce Westerman
Ranking Member
Committee on Natural Resources



Don Young
Ranking Member
Subcommittee on Indigenous Peoples of
the United States



Paul Gosar, D.D.S.
Ranking Member
Subcommittee on Oversight
and Investigations



Russ Fulcher
Ranking Member
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Pete Stauber
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Subcommittee on Water, Oceans,
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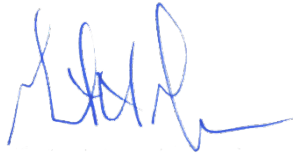


Tom McClintock
Member of Congress

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Daniel Webster
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Jennifer González-Colón
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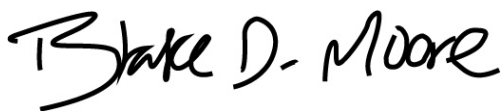
Tom Tiffany
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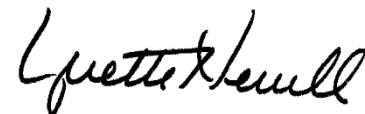
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Jay Obernolte
Member of Congress

cc: The Honorable Raúl Grijalva, Chair, House Committee on Natural Resources