



Cornhusker Economics

The 30x30 Program: a Federal Land Grab?¹

In January 2021, the Biden Administration issued a climate policy executive order² [or EO].³ Section 216 of the Biden climate EO, *Conserving & Protecting our Nation's Lands & Waters*, directed the U.S. Department of the Interior, the U.S. Department of Agriculture, and the U.S. Department of Commerce (which includes NOAA, the U.S. National Oceanic & Atmospheric Administration) to prepare a report "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% of our lands and waters by 2030."

In May 2021, the Section 216 federal agency report, entitled *Conserving & Restoring America the Beautiful*,⁴ promised to listen to almost everyone with an interest in the program, but did not identify how much of U.S. land and water resources were currently "conserved" or "conserved and protected;" did not define what "conserved" and "protected" means; and did not identify how far we had to go to accomplish "conserving at least 30% of our lands and waters by 2030." There were suggestions that the USDA farmland conservation programs might count towards the 30% goal, but only suggestions.

To better understand the potential implications of implementing a 30x30 type program, let's start with how many acres would be 30% of the United States. Interestingly this was not addressed in the America the Beautiful report. The USDA says there are 2.27 billion acres in the United States.⁵ Thirty percent is around 681 million acres. The America the Beautiful report says 12% of U.S. lands are in highly protected status, referencing a 2009 U.S. Geological Survey report, (USGS) *A Map for the Future*.⁶ The USGS report is an inventory of protected primarily federal lands in the United States and includes a call for a more compre-

hensive inventory which has yet to be funded and implemented. Interestingly the USGS report states that 715 million acres of *protected land* are estimated to be held by state, federal, and local agencies and by private agencies. This is more than 30%. In addition, tribal trust lands could add up to an additional 56 million acres, and private land subject to conservation easements another 61 million acres. This is well over 800 million acres, or over 35%. It would appear that there is a considerable amount of protected land in the United States already, without the 30x30 program.

Clearly, there can be reasonable disagreement about what degree of protection is needed to accomplish the 30x30 goal. And there can be reasonable disagreement regarding whether such protection should be permanent, or whether temporary protected status should also count. However, there seems to be no reasonable basis for contending that conserving 30% of U.S. land is some "impossible dream" that can only be accomplished by federal theft of private land. It would appear that we are now close to accomplishing the 30x30 goal if it has not been accomplished already

The proposed 30x30 goal is part of President Biden's climate executive order and by implication part of the administration's overall climate program.⁷ The President would like the U.S. electricity system to be net-zero carbon emissions by 2035, and the United States as a whole to be net-zero carbon emissions by 2050. Both are laudable policy objectives and are achievable if, and only if, the United States makes dealing with climate change a much higher political priority than it is today (or in fact has ever been). The 30x30 program has only very limited potential to reduce U.S. net carbon emissions. Not having unlimited funds, the Biden administration won't spend

much if anything on the 30x30 program if its larger climate policy objective is to reduce U.S. carbon emissions and reduce the harmful impacts of climate change. The “climate” money will likely be spent instead on building a national super electric grid, providing clean energy tax credits, and the like – programs that would actually help reduce U.S. carbon emissions. Clearly, the harmful effects of a warming climate will damage habitat over time (and much else as well). But the sooner we achieve net-zero carbon emissions – first as a nation and then globally – the less the environmental damage from climate change will be for all of us.

¹ For greater detail on the 30x30 program background, watch the CAP 30x30 webinar at <https://cap.unl.edu/policy-legal/president-biden%E2%80%69s-30x30-plan-conserving-and-restoring-america-beautiful>

² <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-tackling-the-climate-crisis-at-home-and-abroad/>

³ For the non-lawyers, a federal executive order [or EO] is when the president issues programmatic instructions to federal agencies to use in implementing their programs. Executive orders are binding on federal agencies until repealed or modified. Executive orders do not supersede federal legislation. EOs are something the President can do without Congress.

⁴ <https://www.doi.gov/sites/doi.gov/files/report-conserving-and-restoring-America-the-beautiful-2021.pdf>

⁵ <https://ageconsearch.umn.edu/record/263079/?ln=en>

⁶ http://www.protectedlands.net/wp-content/uploads/2018/10/PADUS_FinalJuly2009LowRes.pdf

⁷ For information regarding the Biden climate program, see <https://cap.unl.edu/policy-legal/biden-climate-plan-and-power-blackouts>

J. David Aiken, Professor
Water & Agricultural Law Specialist
Department of Agricultural Economics
University of Nebraska-Lincoln
402-472-1848
daiken@unl.edu