

BIDEN ORDERS CONSERVATION OF 30% OF U.S. LANDS AND WATERS BY 2030: WHAT IS 30X30?

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On January 27, 2021, President Biden signed an executive order (EO) on “tackling the climate crisis.” This EO has received a lot of attention for its provision (§ 208) “pausing” federal oil and gas leasing. What also deserves attention was the direction (§ 216) for a plan “to achieve the goal of conserving at least 30 percent of our lands and waters by 2030” (30x30). The Departments of the Interior, Agriculture, and Commerce, the National Oceanic and Atmospheric Administration (NOAA), and the Council on Environmental Quality (CEQ) are directed to work with “State, local, Tribal, and territorial officials, agricultural and forest landowners, fishermen, and other key stakeholders” to achieve this ambitious conservation goal. A report on next steps is due from Interior to the White House on April 27, 2021. What do we know now about 30x30 and what questions should we be asking?

Where did the 30x30 target come from and how will it address climate change?

The EO Fact Sheet describes the rationale for 30x30 as “recommended by scientists, in order to safeguard our health, food supplies, biodiversity, and the prosperity of every community.” The concepts behind large-scale conservation were brought to the public’s attention by the renowned biologist E.O. Wilson in a 2016 book, *Half Earth: Our Planet’s Fight for Life*. Wilson’s argument is that if we protect 50% of the earth and its waters, we can save 84% of species.

In 2017, a group of 49 scientists authored “An Eco-Region-Based Approach to Protecting Half the Global Realm,” urging a “Global Deal for Nature.” This conservation biology-based¹ proposal argues that saving significant chunks of habitat for imperiled species will not only protect biodiversity, but will also reduce atmospheric carbon by preventing new development and protecting natural carbon sinks. In 2019, this group published a more detailed report, Global Deal for Nature (GDN), including principles, milestones, and targets, and argued the GDN should be an essential complement to the 2015 Paris Climate deal. “The most logical path to avoid the approaching crisis is maintaining and restoring at least 50% of the Earth’s land area as intact natural ecosystems, in combination with energy transition measures.”² The GDN set an interim, milestone target of 30% of lands conserved by 2030.

¹ Conservation biology is a “mission-oriented science that focuses on how to protect and restore biodiversity, or the diversity of life on Earth.” Society for Conservation Biology.

² In 2019, the international science community published two reports that scientists cite frequently. The Inter-governmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) issued the Global Assessment Report on Biodiversity and Ecosystem Services that concluded 3/4 of land and 2/3 of marine environments have been “significantly altered” and 1 million species are at risk of extinction. The International Panel on Climate Change (IPCC) released the Special Report: Climate Change and Land detailing the connection between land conversion and climate change.

Why now, what's driving 30x30?

In 2010, the U.N. Convention on Biological Diversity³ pledged to protect 17% of land and 10% of ocean waters by 2020. Many now consider that target as inadequate, and world leaders will meet in 2021 in Kunming, China to set new targets based on the ambitions of the GDN. Swiss philanthropist Hansjörg Wyss⁴ energized 30x30 by donating a billion dollars to launch the Wyss Campaign for Nature. The Campaign for Nature provides financial support to land trust organizations like The Nature Conservancy to conserve lands and to the National Geographic Society “to raise public awareness,” and, along with other groups, supports 30x30 and 50% conserved by 2050.⁵

In the U.S., Colorado Senator Michael Bennet and former New Mexico Senator Tom Udall sponsored a resolution in 2020, “Thirty by Thirty Resolution to Save Nature” (**S. Res. 372**) and then New Mexico Representative and now Secretary of the Interior Deb Haaland introduced a companion resolution (**H. Res. 835**). House Speaker Nancy Pelosi (D-Calif.) included the 30x30 goal in the House 2020 climate package. South Carolina was the first state to introduce a state version of 30x30. S.B.1024/H.B.5125. In Hawaii, there is a 30x30 marine initiative. In October 2020, California Governor Gavin Newsom made the 30x30 goal a formal state policy. A.B. 3030.⁶

What is the status of the 30% target in the U.S.?

According to the congressional 30x30 resolution (relying on data from the U.S. Geological Survey⁷):

“(1) only **12** percent of the land area in the United States [is] permanently protected, mostly in Alaska and the West; and

(2) only **26** percent of Federal ocean territory [is] permanently protected, the vast majority of which is in the remote western Pacific Ocean or northwestern Hawaii”

The National Geographic Society maintains the U.S. will need to conserve an additional 440 million acres, within the next 10 years.

³ The Convention on Biological Diversity was signed at the Earth Summit in Rio de Janeiro, Brazil, in 1992. The United States has not ratified this convention.

⁴ Wyss has long been active in funding U.S. conservation efforts including the Wyoming Range buyout of federal oil and gas leases and the Southern Utah Wilderness Alliance (SUWA) Red Rock wilderness campaign in Utah.

⁵ Another organization, Nature Needs Half, includes international and U.S. organizations (*e.g.*, Sierra Club, Western Resource Advocates) that advocate conservation of **50% by 2030**.

⁶ A coalition of conservation groups in Colorado has detailed a roadmap for how the state can protect more than 14 million acres of land in the next decade. Colorado Pathways to 30-by-30.

⁷ These percentages are based on data from the USGS Protected Areas Database PAD-US that uses the Gap Analysis Project (GAP) GAP Status Code (management intent to conserve biodiversity) to classify protected lands. In 2018, the Center for American Progress issued a report with the same numbers.

Given the significant amount of protected federal lands, the 12% protected land percentage seems low. We know the federal government owns 650 million acres, approximately 28% of the U.S., and that almost 40% of those lands, *excluding* Alaska, are in a protected status.⁸ The simple answer is that federal protections do not measure up to the international biodiversity standards used by the USGS. Only those lands that meet the requirements of GAP 1 (permanent protection, mandated management plan to maintain a natural state with little to no management) or GAP 2 (permanent protection, mandated management plan to maintain a primarily natural state, with some uses/management allowed) count.

Conservation of which lands and what will “count”?

Candidate Biden’s Climate Plan included a commitment to 30x30 to protect “biodiversity,” slow the “extinction rate,” and leverage “natural climate solutions.” President Biden stated that he would focus on the “most ecologically important lands and waters.” The 30x30 initiative is to include “all lands”—federal, fee, Tribal, state and local. Is it feasible to apply the GAP 1 and GAP 2 criteria to all these types of lands to reach the goal or can it be met with a variety of conservation standards? The Center for American Progress argues that “[m]easuring progress toward a 30X30 goal should account for a wide range of enduring conservation solutions.” Who decides what those “enduring solutions” are? In announcing the EO, President Biden said that it “launches a process for stakeholder engagement from agricultural and forest landowners, fishermen, Tribes, States, Territories, local officials, and others to identify strategies that will result in broad participation.”

In the U.S., ecologically important habitat is on **private land**—about 2/3 of listed endangered species are found on fee lands. More than half of U.S. forests—important as carbon sinks—are private. Conservation easements and Farm Bill incentives have been used successfully to conserve habitat on fee land that is also used for farming, ranching, or limited residential use. Will the administration “count” conservation on “working lands”? If so, what are the conservation standards for fee lands and who will promulgate them? A recent op-ed in *The New York Times* by two wildlife ecologists urged the administration to move thoughtfully and inclusively on these critical lands. “Top-down declarations and land-use restrictions from Washington risk alienating rural Americans who otherwise support healthy lands, waters and wildlife”

Tribally owned lands, about 56 million acres held in trust by the Bureau of Indian Affairs (BIA), present similar questions, but here there is a recognized need for a different standard. The Center for Western Priorities and others argue that for tribal sovereignty and environmental justice reasons tribal lands should not be included in the same protected lands category. Instead, a different conservation standard should be applied to “protect landscapes that support local communities” Candidate Biden promised 30x30 would include protecting sacred sites, federal lands, and waters with high conservation and cultural values, and Tribes will play a “greater role in the care and management of public lands that are of cultural significance.”

⁸ Keiter, Robert B., “Evolution of Federal Public Land and Resource Law in the 21st Century,” *Advanced Public Land Law – The Continuing Challenge of Managing for Multiple Use*, Paper 1, p. 1-4 (Rocky Mt. Min. L. Fdn. 2017).

Greater conservation and restoration of **federal lands** is the goal of the conservation groups supporting 30x30. The administration already has significant management authority to conserve lands under existing laws like the Federal Land Policy and Management Act, Endangered Species Act, National Forest Management Act, and the Antiquities Act. Moreover, in 2020, Congress fully authorized the Land and Water Conservation Fund, an annual source of revenue (\$900 million) for the federal government (and states) to acquire lands for conservation and recreation. Which federal lands will be conserved⁹ and how will they be managed to support biodiversity?

The Center for Biological Diversity and 135 conservation groups urged President Biden to use these laws to create 25 new monuments, 50 new wildlife refuges, and 50 new marine protected areas and accelerate the designation of critical habitat. The Audubon Society highlights the potential of 30x30 to “restor[e] the sagebrush steppe . . . home to 350 species of wildlife and plants.” NRDC said the administration should support 30x30 by “preventing oil and gas drilling in the Arctic National Wildlife Refuge and off our coasts . . . issuing a moratorium on fossil fuel development on federal wildlands, and blocking the development of the Keystone XL tar sands pipeline.” Indeed, President Biden took several of these actions and in the EO also called for a reexamination of the Trump national monument downsizing.

Other Biden public land priorities present some choices. The outdoor recreation industry has voiced its support for 30x30 and the enhanced opportunities for recreation on conserved federal lands. What forms of recreation, where, and at what levels are compatible with 30x30? Inclusion of state and local parks in this conservation effort will face similar questions. The EO (§ 207) also orders an increase of renewable energy on federal lands and waters. The FY21 Omnibus Federal Budget Bill requires Interior to develop 25 gigawatts of renewable energy on federal lands. How will the administration meet these federal renewable energy targets in the context of 30x30? Does the BLM’s 10.8 million acre reinstated Desert Renewable Energy Conservation Plan conserving 5.3 million acres and opening 388,000 acres for renewable energy provide an example?

Thirty-by-thirty is an ambitious conservation goal, but key questions remain. We should be getting some early answers in the April 27, 2021 Interior report.

⁹ Clinton N. Jenkins and others, “US protected lands mismatch biodiversity priorities,” *Proceedings of the National Academy of Sciences of the United States of America* 112 (16) (2015): p. 5081–5086, available at <http://www.pnas.org/content/112/16/5081>.