



**Angela Franklin**

Partner  
801.799.5964  
Salt Lake City, Anchorage  
alfranklin@hollandhart.com



**Murray Feldman**

Partner  
208.383.3921  
Boise  
mfeldman@hollandhart.com

# Biden Administration's 30x30 Conservation Goal: Only the Beginning

**Insight — May 14, 2021**

President Biden identified his goal "of conserving at least 30 percent of our lands and waters by 2030" (the 30x30 goal) in Section 216 of Executive Order No. 14008, "Tackling the Climate Crisis at Home and Abroad" (EO 14008) issued on January 27, 2021. That Executive Order directs the Departments of the Interior, Agriculture, and Commerce, the National Oceanic and Atmospheric Administration, and the Council on Environmental Quality (the "Departments") to work with "State, local, Tribal, territorial officials, agricultural and forest landowners, fishermen, and other key stakeholders" to develop a plan to achieve the 30x30 goal.

## Evolution of the 30x30 Goal

The 30x30 goal is an evolving conservation concept. An August 2019 report from the Center for American Progress, "How Much Nature Should America Keep?," set out the 30x30 goal and many of the same principles for consideration, rationale, and text that appear in the Biden Administration's recent preliminary report, described below. Two months later, Senate Resolution 372, "Thirty by Thirty Resolution to Save Nature" was introduced by Senators Udall and Bennet, and in 2020, parallel House Resolution 835 was introduced by then New Mexico Representative Haaland. Several states, including California, Hawaii, and South Carolina, have introduced or adopted similar initiatives or policies. By January 2021, more than 50 countries pledged their commitment to a 30x30 goal – from Angola to United Kingdom.

According to the United States Geological Survey, the United States is currently protecting around 23 percent of its coastal waters but only about 12 percent of its lands. The National Geographic Society stated an additional 440 million acres must be protected to meet the 30x30 goal. EO 14008 directed the Departments to submit a report to the National Climate Task Force (Task Force) within 90 days recommending the steps to be taken to achieve the goal. On May 6, 2021, the Departments submitted their preliminary report, "Conserving and Restoring America the Beautiful" (the Report).

## Conservation Vision

The Report mainly contains general principles. But it does still answer two important questions for implementing the 30x30 goal. **First**, the Report explicitly states that the plan emphasizes "conservation" of the lands and waters "rather than the related but different concept of 'protection' or

'preservation'" – "recognizing that many uses of our lands and waters, including working lands, can be consistent with the long-term health and sustainability of natural systems." **Second**, efforts across "all lands and waters, not solely on public lands," count towards achieving the 30x30 goal. The plan includes incentivizing voluntary stewardship efforts on private land and supporting the efforts and visions of States and Tribal Nations. Important to the western "public lands" states, the Report provides that conservation efforts should be regionally balanced—agencies should support collaborative efforts across the country. Similarly, marine conservation efforts should reflect regional priorities and seek to achieve balance stewardship across U.S. ocean areas.

### Recommendations for Early Focus

The Report focuses on three issues: the disappearance of nature that threatens biodiversity and the health of natural systems that supply food, water, and other resources; climate change disrupting the balance of nature across the country; and inequitable access to the outdoors and nature's benefits, such as clean water, clean air, and access to nature. It also identifies six recommended areas of early focus towards developing a national conservation effort:

- Creating more parks and safe outdoor opportunities in nature-deprived communities with a commitment that forty percent of the overall benefits from relevant federal investments flow to disadvantaged communities.
- Supporting Tribally led conservation and restoration priorities. Notably, it directs improved engagement with American Indians, Alaska Natives, and Native Hawaiians on the management of public lands and waters, particularly for sacred and ceremonial sites, and trust and treaty rights. Tribal Nations are to be included in land management planning and relevant decision-making for public lands and waters. It directs prioritizing the restoration of Tribal homelands by improving the land into trust process.
- Expanding collaborative conservation of fish and wildlife habitats and corridors.
- Increasing access for outdoor recreation for hunting, fishing, hiking, boating, and other outdoor recreation.
- Incentivizing and rewarding the voluntary conservation efforts of fishers, ranchers, farmers, and forest owners.
- Creating jobs by investing in restoration and resilience through a Civilian Climate Corps.

### Measuring Progress

The Report directs the Secretary of Interior to report yearly progress to the Task Force. To measure progress in reaching the 30x30 goal, the Report recommends (1) creating an American Conservation and Stewardship Atlas that collects baseline information on the amount and types of lands and waters being managed for conservation and restoration; and (2) publishing annual America the Beautiful updates on the health of nature in

America and the government's efforts to support locally led conservation and restoration efforts.

### Unanswered Questions

The 30x30 goal and the Report are not without criticism. For example, the Congressional Western Caucus has expressed concern that the western states will be disproportionately impacted. Farmers and ranchers are seeking reassurance that their property rights will be respected and access to the public lands for grazing will be maintained. And the environmental communities have raised concerns that the 30x30 goal does not go far enough to establish specific conservation efforts on public lands and currently leaves out expansion of national parks and monuments.

Many important questions remain unanswered by this preliminary Report. What are the criteria for the lands and waters to qualify as being conserved? What activities will be allowed? How will progress be measured? What is the number of additional acres needed to achieve the 30x30 goal? Will the Biden Administration use existing laws, such as the Federal Land Policy and Management Act, National Forest Management Act, and the Antiquities Act, to conserve more public lands by creating new or expanding existing monuments, wilderness areas, and national parks? How will the Administration resolve conflicts or prioritize competing goals such as the need to develop critical minerals required for the renewable revolution and the need to conserve the lands? These questions highlight the challenges and uncertainty for both the Administration and interested and affected stakeholders as implementation of the 30x30 plan moves forward.

---

*This publication is designed to provide general information on pertinent legal topics. The statements made are provided for educational purposes only. They do not constitute legal or financial advice nor do they necessarily reflect the views of Holland & Hart LLP or any of its attorneys other than the author(s). This publication is not intended to create an attorney-client relationship between you and Holland & Hart LLP. Substantive changes in the law subsequent to the date of this publication might affect the analysis or commentary. Similarly, the analysis may differ depending on the jurisdiction or circumstances. If you have specific questions as to the application of the law to your activities, you should seek the advice of your legal counsel.*