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Resolution No. 05-13-21/109-57

Resolution Opposing the Federal Government's "30 x 30" Land Preservation Goal

Whereas, N.M.S.A. 1978, Section 4-37-1 (1995) provides that Counties have the power to, "provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of any county or its inhabitants;" and,

Whereas, the federal government owns about two-thirds of the land within the County, and the Bureau of Land Management, Forest Service, Department of the Army, Department of the Air Force, and National Park Service are responsible for managing these federal lands; and

Whereas, Otero County is the home of the White Sands National Park, the Cloudcroft and Guadalupe Ranger Districts of the Lincoln National Forest, ; and

Whereas, designating lands as wilderness does not assure its preservation. Left in an undisturbed or natural state, these lands are highly susceptible to wildland wildfires, insect infestation and disease, all of which degrades the natural and human environment; and

Whereas, because of the predominance of federal land in Otero County, the well-being, health, safety, welfare, economic condition, and culture of the County, its businesses, and its citizens depend on the manner in which these lands and their resources are used and access to these lands; and

Whereas, many of Otero County's businesses and its citizens are involved in or otherwise depend on industries that utilize federal lands and their resources, including the forest products industry, livestock grazing, mining and mineral development, recreational industries, hunting and other outdoor recreation; and

Whereas, these industries are important components of the New Mexico economy, and are major contributors to the economic and social well-being of Otero County and its citizens; 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 state, 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 Otero County, and injure 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 New Mexico, and in particular rural counties such as Otero 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 Otero County as expressed in Chapter 120 of the Code of Otero County, adopted May 17th, 1993, which obligates the federal government to coordinate its policy development with Otero County as also required by the Federal Land Management and Policy Act (FLPMA) and the National Forest Management Act (NFMA); and

Whereas, Executive Order 14008 at section 216(a) directs the Secretary of the Interior, in consultation with other relevant federal agencies to “submit a report to the Task Force within 90 days of the date of this order 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 percent of our lands and waters by 2030.”

Now, therefore, be it resolved by the Board of County Commissioners of Otero County, New Mexico, that:

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 Otero 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 Otero 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 New Mexico 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 Otero County that would impair or restrict water diversions and uses authorized under New Mexico law.

6. The Board supports reasonable national, regional, and global greenhouse gas emissions policies and goals that are comprehensive, practical, cost-effective, and do not unnecessarily single out specific industries or activities, but 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 maintains 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 may lawfully occur, if at all, only through the planning process mandated by the Federal Land Management and Policy Act (for public lands) or the National Forest Management Act (for national forest lands), including public notice and an opportunity to comment, analysis and disclosure of the impacts of such land acquisitions on the well-being, health, safety, welfare, economy, and culture of Otero County, its businesses, and its citizens, and careful coordination with

Otero County to ensure consistency with County land use plans and land management policies.

8. The Board also maintains 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 full and fair market value for all rights and interests acquired, and 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 Otero County, its businesses, and its citizens.

9. 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; and

Passed May 13th, 2021.

THE BOARD OF COUNTY COMMISSIONERS OF
OTERO COUNTY, NEW MEXICO

Gerald Matherly, Chairman

Coy Griffin, Vice-chairman

Vickie Marquardt, Commissioner

Attest: _____
Robyn Holmes, County Clerk