



April 8, 2021

Hon. Deb Haaland
Secretary
U.S. Department of Interior
1849 C St NW
Washington, DC 20240

Dear Secretary Haaland:

On January 27, 2021, President Biden signed Executive Order 13990. Section 216 of that order directs the Secretary of the Interior, in consultation with the Secretary of Agriculture, the Secretary of Commerce, the Chair of the Council on Environmental Quality, and the heads of other relevant agencies, to submit a report to the National Climate Task Force within 90 days “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.”

As state attorneys general, we write to seek your assurance that full protections for private property rights will be maintained as the details of this presidential directive are being considered. It is unclear from the ambiguous language of the Executive Order what is meant by “conserving at least 30 percent of our lands and waters.” We are greatly concerned this proposal could include the taking of additional land and water into federal control.

Landowners in our states have vested interests in conservation measures to ensure their land is protected for future generations. These decisions about the use of land and water, as well as appropriate conservation measures, are best made at the state and local level, and by individual landowners.

We would note that we have already filed a lawsuit challenging the provisions of Executive Order 13990 that attempt to impose binding rules on federal agencies to calculate the “social costs” of greenhouse gases when promulgating federal regulations. That provision already represents an attempt to end-run Congress and the states, and threatens significant economic damage, especially in manufacturing, energy and agriculture sectors.

This “30 by 30” provision in the Executive Order appears to represent yet another federal overreach into private property rights and state and local authority. America does not have, nor does it want, a centrally planned economy. Rest assured, we will be closely monitoring the actions taken in response to this presidential directive and will take action as necessary to protect private property rights and the role of states in land and water management decisions.

Thank you for your attention to this matter.

Sincerely,

Handwritten signature of Derek Schmidt in black ink.

Derek Schmidt
Kansas Attorney General

Handwritten signature of Douglas Peterson in black ink.

Douglas Peterson
Nebraska Attorney General