

**First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. R23-0807.02 Jery Payne x2157

**HJR23-1022**

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**HOUSE JOINT RESOLUTION 23-1022**

101     **CONCERNING THE EFFECT OF SECTION 216 OF PRESIDENT BIDEN'S**  
102             **EXECUTIVE ORDER 14008 ON COLORADO.**

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1             WHEREAS, Colorado has been blessed with some of the most  
2 beautiful, pristine, and productive land in the United States; and

3             WHEREAS, Coloradans and tourists enjoy this beautiful land,  
4 publicly and privately, every year, using it responsibly for its recreation  
5 and its resources; and

6             WHEREAS, Coloradans steward the land as much as they love  
7 using the land, with deep enjoyment shared by the many adventure  
8 seekers, backpackers, bird watchers, campers, explorers, farmers,  
9 fishermen, hikers, homeowners, homesteaders, hunters, miners, mountain  
10 climbers, photographers, ranchers, skiers, stargazers, thrill seekers, and  
11 so many more; and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

1           WHEREAS, Coloradans have used and continue to use this great  
2 land to raise some of the finest crops, the greatest livestock, and the best  
3 timber; to safely produce energy; and to properly mine resources for  
4 ourselves and our neighbors, enjoyed every day by nearly all of us; and

5           WHEREAS, While the federal government already shares some of  
6 the responsibility of stewarding part of our land through various national  
7 parks and other designations, Coloradans recognize that this land is  
8 largely and rightly our responsibility because it is not merely land that  
9 Coloradans use and enjoy, it is also the land that we call home; and

10           WHEREAS, Coloradans recognize that nature is best guarded  
11 through good stewardship; and

12           WHEREAS, Nature left to itself is not naturally balanced but  
13 destructive, requiring proper and reasonable management, including best  
14 practices for its use, to safeguard the land, the plants, and the wildlife that  
15 live in it; and

16           WHEREAS, Land that is returned to an unmanaged, purely wild  
17 state is more susceptible to catastrophic forest fires and invasive  
18 infestations and disease and to other dangers to plants and wildlife; and

19           WHEREAS, Coloradans care for this land because of the  
20 understanding that each individual has been given responsibility under  
21 God to be good stewards of this earth and of Colorado, and our duty in  
22 caring for the planet includes wise use of the land with which we have  
23 been entrusted, and that we must cultivate it well for us, our families, our  
24 posterity, our communities, and the environment we wish to protect; and

25           WHEREAS, In the United States, governments are instituted by  
26 the people, deriving their just power from the consent of the governed, to  
27 secure the people's inherent and inalienable rights, which rights are  
28 granted by the one who made the laws of nature that we so enjoy,  
29 including protection of our property; and

30           WHEREAS, Private property rights are recognized by and  
31 guaranteed protection under the Constitution of Colorado and the  
32 Constitution of the United States, both of which prohibit the violation of  
33 these rights for a public purpose; and

1           WHEREAS, On January 27, 2021, President Joseph R. Biden, Jr.,  
2 issued Executive Order 14008, which is titled "Tackling the Climate  
3 Crisis at Home and Abroad", 86 Fed. Reg. 7619 (Feb. 1, 2021); and

4           WHEREAS, In section 216 of Executive Order 14008, President  
5 Biden directs the Secretary of the Interior, in consultation with the  
6 Secretary of Agriculture and other officials, to develop a program to  
7 preserve and conserve at least 30 percent of the lands and waters in the  
8 United States by 2030, and this order is commonly referred to as the "30  
9 by 30" program; and

10           WHEREAS, The 30 by 30 program intends to set aside  
11 approximately 700 million additional acres of United States land,  
12 threatening to permanently isolate and limit such land from responsible  
13 and necessary use and enjoyment; and

14           WHEREAS, Colorado contains 66.6 million acres of land, of  
15 which 24.1 million acres are already owned by the United States  
16 government, representing 36.2 percent of all Colorado land, most of  
17 which is managed by the United States Forest Service; and

18           WHEREAS, Many Coloradans privately and carefully steward  
19 their lands without the need for the federal government to intervene or  
20 direct their use; nevertheless, the federal government has already  
21 impacted or otherwise taken an estimated 6 percent of privately owned  
22 Colorado land, according to Colorado State University, in addition to the  
23 36.2 percent of federally owned land, subjecting it to perpetual  
24 conservation easements; and

25           WHEREAS, Although more than 30 percent of Colorado is  
26 currently preserved and conserved in some way by the federal  
27 government itself, and although much more of Colorado is properly  
28 stewarded by private citizens, the Biden administration has, nevertheless,  
29 stated that, to reach the 30 percent target by 2030, the administration will  
30 use all the tools in existing law to both restrict the public land we  
31 currently share and to take portions of the land or the rights that we  
32 privately enjoy, including using conservation easements in perpetuity,  
33 establishing federal conservation programs, designating areas as national  
34 heritage sites, establishing wildlife corridors, listing species as  
35 endangered, and designating areas as critical habitats; and

36           WHEREAS, There is no constitutional or statutory authority

1 referenced in section 216 of Executive Order 14008 for the President, the  
2 Department of the Interior, the Department of Agriculture, or any other  
3 federal agency to set aside and permanently preserve 30 percent of all  
4 land and water in the United States; and

5 WHEREAS, The goal of preserving and conserving at least 30  
6 percent of the land and water in the United States from the people was not  
7 voted on or consented to by the people, the Congress, or the Colorado  
8 General Assembly; and

9 WHEREAS, Historically, federal conservation programs  
10 artificially drive up the cost of owning land, making it and the housing  
11 upon it less affordable, and they directly compete with working  
12 landowners who depend on the ability to lease or purchase land for the  
13 production of food, fiber, energy, and minerals; and

14 WHEREAS, Placing a parcel of land under a permanent  
15 conservation easement reduces the value of the parcel, restricts its use,  
16 impacts its individual tax assessment, and invariably increases the tax  
17 burden on other Coloradans, especially neighboring landowners, to make  
18 up the lost revenue; and

19 WHEREAS, Many Colorado businesses and citizens are involved  
20 in or otherwise dependent on industries that use United States lands and  
21 their resources, representing an important component of Colorado's  
22 economy and contributing to the entire state's economic and social  
23 welfare; and

24 WHEREAS, One of these industries, cattle ranching, provides for  
25 Colorado's largest export, which is beef; and

26 WHEREAS, The 30 by 30 program, if implemented, is likely to  
27 cause significant harm to the economy of Colorado, injuring Colorado's  
28 businesses and Colorado's citizens by depriving them of access to public  
29 lands and national forests and preventing the productive use of land; and

30 WHEREAS, The withdrawal of approximately 700 million acres  
31 of federal land from beneficial use and the placement of the lands in  
32 permanent conservation status will cause dramatic and irreversible harm  
33 to the economies of many western states, including Colorado; and

34 WHEREAS, The 30 by 30 program, if implemented, will conflict

1 with the plans, policies, and programs of Colorado; interfere with our  
2 ways of life; harm our economy; restrict the enjoyment of recreational  
3 activities; and not materially benefit the land and environment we protect;  
4 now, therefore,

5 *Be It Resolved by the House of Representatives of the*  
6 *Seventy-fourth General Assembly of the State of Colorado, the Senate*  
7 *concurring herein:*

8 (1) That Colorado opposes the 30 by 30 program, including its  
9 main objective of conserving and preserving 30 percent of the nation's  
10 land in its natural state or any similar program that will prevent the  
11 productive use of Colorado land;

12 (2) That Colorado opposes the designation of public lands and  
13 national forests in Colorado as wilderness, wilderness study areas,  
14 wildlife preserves, or open space as well as other designations that restrict  
15 public access to those lands and prevent the productive use of the  
16 resources of the lands;

17 (3) That Colorado supports the continued management of public  
18 lands, including national forests, under the principles of multiple use and  
19 sustained yield, recognizing the need for domestic sources of minerals,  
20 energy, timber, food, and fiber;

21 (4) That Colorado supports maintaining and enhancing public  
22 access to public lands, including national forests, and opposes road  
23 closures, road decommissioning, moratoria on road construction, and  
24 other limits on public access to meet the 30 by 30 program's goals;

25 (5) That Colorado recognizes and supports Colorado's water rights  
26 system, including the doctrine of prior appropriation, and opposes any  
27 federal designation of waters and watercourses that would impair or  
28 restrict water diversions and uses authorized by Colorado law;

29 (6) That Colorado supports reasonable national, regional, and  
30 global environmental stewardship policies and goals that are  
31 comprehensive, practical, and cost-effective and that do not unnecessarily  
32 single out specific industries or activities, but Colorado opposes using  
33 climate change as a reason to set aside large tracts of land as preserves or  
34 open space under the 30 by 30 program; and

1           (7) That Colorado holds that the federal designation of public  
2 lands and national forest lands as wilderness, wilderness study areas, open  
3 space, or other conservation programs is subject to fundamental  
4 constitutional protections against unjust and improper takings by  
5 government actors.

6           *Be It Further Resolved*, That copies of this Joint Resolution be sent  
7 to President Joseph R. Biden, Jr.; Deb Haaland, United States Secretary  
8 of the Interior; Thomas J. Vilsack, United States Secretary of Agriculture;  
9 Colorado's congressional delegation; Jared Polis, Colorado Governor; and  
10 Phil Weiser, Colorado Attorney General.