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Recently, 113 member-states of the United Nations met in Sweden for *Stockholm+50*, an international conference that called for nations to re-commitment to “urgently address global environmental concerns and for a just transition to sustainable economies that work for all people.”<sup>[5]</sup> At this conference, the United States reiterated its pledge “to conserve at least 30 percent of domestic land and waters by 2030” and encouraged “other countries to do the same.”<sup>[6]</sup>

As of 2020, the United States had over 42,000 protected areas conserving about 13% of its land.<sup>[7]</sup> To more than double the percentage of land and water set aside for conservation, the nation will need to create more parks, build more corridors for fish and wildlife, and negotiate more conservation easements. A conservation easement is an agreement between a private landowner and the government; it strongly limits the use of that land to accomplish conservation goals (i.e., maintain water quality, improve wildlife).<sup>[8]</sup>

Governments often acquire private property to extend telephone, cable, power, water, and sewer lines to additional communities; they also need land to provide public services: highways, schools, and hospitals. However, if private landowners do not want to allow the government easement (the right to cross or use someone else’s land) or if private landowners do not want to sell their land, the government can force the landowner to cooperate. When the government forces a private landowner to sell property for public use—for reasonable compensation established by a Board of Supervisors—it is called “eminent domain.”<sup>[9]</sup>

Scholars have discussed the notion of governments using eminent domain to increase conservation easements and accomplish difficult conservation goals.<sup>[10]</sup>

### **Persistent Issues History...**

1. While “the right to private property” is a core value in the United States, community goals, patterns of living, and advancing scientific knowledge often create a situation where important public needs are set against private property. When, if ever, should the US government use eminent domain to establish more conservation easements and accomplish conservation goals?

5. <https://www.stockholm50.global/news-and-stories/press-releases/stockholm50-closes-call-urgent-environmental-economic>

6. Monica Medina, Assistant Secretary, Bureau of Oceans and International Environmental and Scientific Affairs. 2022. *Stockholm+50 National Statement of the United States*. <https://www.state.gov/stockholm50-national-statement-of-the-united-states/>

7. <https://www.protectedplanet.net/en/country/USA>

8. <https://www.conservationeasement.us/what-is-a-conservation-easement/>

9. Sierra Club, Iowa Chapter. (2018). Understanding eminent domain and easements. <https://www.sierraclub.org/iowa/blog/2018/09/understanding-eminent-domain-and-easements>

10. see Gerald Korngold, Solving the Contentious Issues of Private Conservation Easements: Promoting Flexibility for the Future and Engaging the Public Land Use Process, 2007 UTAH L. REV. 1039, 1082–83 and Nancy A. McLaughlin, Amending Perpetual Conservation Easements: A Case Study of the Myrtle Grove Controversy, 40 U. RICH. L. REV. 1031, 1033 (2006)