



**EXECUTIVE ORDER 2021-02**

**WHEREAS**, in the first days of his administration, President Biden issued Executive Order 13990, reversing hard-fought, common sense regulatory reforms and revoking previously approved oil and gas infrastructure permits, and Executive Order 14008, suspending leasing on federal lands and eliminating future federal investments in fossil fuels; and

**WHEREAS**, undermining U.S. energy security will increase dependence on foreign energy sources and continue to place our military at risk protecting these foreign sources; and

**WHEREAS**, the U.S. already produces energy more cleanly than nearly all other sources, and suspending U.S. development will increase global emissions; and

**WHEREAS**, the recent Presidential orders create serious threats to U.S. energy security, economic growth, and energy and manufacturing jobs across our state and nation; and

**WHEREAS**, in North Dakota where federal mineral acres are scattered, sometimes with no impact on surface area, the administration's orders will have far-reaching unintended consequences, including sacrificing tax revenue for schools, hospitals and other key services supported by state and federal budgets; and

**WHEREAS**, North Dakotans care deeply about the environment, leading the nation in clean air and clean water; as the only state without an active Superfund site, North Dakota ranks second in the nation for oil production and sixth in overall energy production; and

**WHEREAS**, North Dakotans understand that innovation, not regulation, will provide a viable path forward for stable, low-cost, clean energy; our power plants and oil and gas wells are among the most efficient and environmentally sound energy resources in the world; and

**WHEREAS**, U.S. energy production driven by American entrepreneurs and innovators utilizing new technologies has revolutionized energy production, created abundant domestic supplies, lowered transportation costs, helped to keep inflation in check and allowed U.S. manufacturing jobs to return to American soil; and

**WHEREAS**, innovations such as Carbon Capture, Utilization and Storage (CCUS) have created a developing market for carbon, creating an economic incentive to capture and sell carbon versus allowing it to escape into the atmosphere; exporting these new technologies will help to drive global emissions down.

**NOW THEREFORE**, Doug Burgum, Governor of North Dakota, by virtue of the authority under the North Dakota Constitution, Article V, and North Dakota Century Code Chapter 54-07, hereby orders:

1. All cabinet agencies will evaluate and identify the fiscal impact on agency budgets as well as regulatory overreach in the Biden administration's aforementioned Executive Orders that threaten North Dakota's robust energy industry.
2. Agencies will identify opportunities and all available tools to challenge federal overreach, counter these harmful Executive Orders and mitigate their negative impacts, including defending our state's rights.
3. The Department of Environmental Quality shall continue leading the initiative to develop a pathway to a low-carbon future, ensuring the role of all energy sources in a carbon-constrained future.
4. All state agencies, including the Department of Mineral Resources, North Dakota Pipeline Authority and North Dakota Transmission Authority, are invited and encouraged to participate with cabinet agencies to preserve the strength, vitality and independence of North Dakota's energy industry and its economy.

This order is issued on the following basis and for the following reasons:

1. The Governor is vested with the executive authority pursuant to Article V of the North Dakota Constitution and Chapter 54-07 of the North Dakota Century Code.
2. A coordinated and effective effort of appropriate government departments is required to meet the purposes of this Order.

Dated this 2<sup>nd</sup> day of February, 2021.

  
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Doug Burgum, Governor

ATTEST:

  
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Al Jaeger, Secretary of State