

Trump Executive Orders Target the Expansion of Drilling— Onshore and Off

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Today, President Donald Trump will sign an executive order putting into motion a review by the Department of the Interior of all national monuments established since 1996—on its surface a seemingly uneventful action, but the ultimate purpose of the order is predicted to be the opening of large swaths of currently protected public lands to drilling, as well as mining and logging activities. By way of example, in its waning days, the prior administration established the so-called "Bears Ears National Monument," thereby taking more than one million acres of land out of play for new energy development.

Under the **Antiquities Act of 1906**, the President has the power to anoint federal lands—of perceived scientific or historical significance—as "national monuments" and, then, to dictate how the lands can (and cannot) be used. **As reported by the *New York Times***, some legal commentators question whether the Antiquities Act in fact empowers President Trump to put the kibosh on an existing designation of a national monument. **Mark Squillace**, a professor at the University of Colorado's law school who specializes in natural resources law, had this to say:

The Antiquities Act language does not include any authority for presidents to rescind or modify a national monument created by predecessors. That authority is limited to Congress.

The counterpoint to Mr. Squillace and the many activist groups that share in his opinion, **according to documents seen by Reuters**, is that past administrations have vastly "overused" the Antiquities Act, thus bringing within its ambit massive chunks of land that were undeserving of protection under the law in the first instance.

There is more.

Later this week, on Friday, it is anticipated that Trump will sign a second executive order, which will place in its crosshairs existing prohibitions on offshore drilling in the Arctic and Atlantic Oceans, ones which had been instituted under the leadership of former President Barack Obama. The order will direct Ryan Zinke, Trump's Secretary of the Interior, to launch a study of Obama's across-the-board restriction of offshore drilling—at least through 2022—in those waters. The media is also reporting that the order will aim to roll back a permanent ban, which had been hurried into place by the Obama administration after the election, on drilling in both the Arctic and the Atlantic.

At this point, it is not entirely clear whether the President's executive orders will actually yield any meaningful change. But, **as the *Washington Post* reports**, if nothing else the measures signal to Trump's base that he is committed to reforms that facilitate energy independence and the aggressive expansion of domestic drilling programs:

The whirlwind of activity this week seems aimed at demonstrating forward momentum from a young administration criticized for a lack of signature legislative achievements—a sense that doing something, anything, is better than the perception of stagnation.

With these and other executive orders that the President will sign this week, it will amount to a total of 32 in just his first 100 days. According to the White House, this is the most by any president since the Second World War.

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