



National Conference of State Legislatures Office of State-Federal Relations

President Issues Two Executive Orders Regarding Federal Lands and Waters

April 28, 2017

On April 26, President Donald Trump signed an executive order “[Review of Designations Under the Antiquities Act](#),” which directs the Department of Interior (DOI) to review many of national monument designations made by the past three presidents, and potentially all past designations. Specifically, the review by Interior Secretary Ryan Zinke will include more than two dozen monuments created over the past 21 years.

Zinke will have 45 days from the signing to present a report to the president with interim recommendations, and 120 days to issue possible legislative actions that would allow for revocation or reduction in size of any monuments that cover 100,000 acres or more that were created under the [Antiquities Act](#). The order does not specifically require the Interior to reduce or undo any past designations, although such a decision would almost certainly be challenged in court. While past designations have been reduced—Former President Dwight D. Eisenhower reduced the Great Sand Dunes National Monument in Colorado by approximately 25 percent—none have ever been fully rescinded.

Shortly thereafter, on April 28, the president signed [a second executive order](#) that directs Department of Interior to begin the process to examine and consider allowing offshore oil and gas drilling in areas where such actions had previously been closed. Specifically, Zinke will review the [five-year offshore leasing plan](#) issued by the department in November 2016, prior to the inauguration of President Donald Trump. Due to statutory requirements for reviewing and updating the five-year plan, the study could take approximately two years to conduct.

In addition, the order modifies the language of a [Presidential Memorandum](#) issued by former President Barack Obama that closed off federal waters in eastern parts of the Gulf of Mexico and Atlantic Ocean as well as Alaska's Chukchi Sea, Beaufort Sea and Cook Inlet areas. For more information on the former president's order see [NCSL's Information Alert](#) from December 2016. Any decision by the current administration to remove federal waters previously withdrawn from disposition is certain to draw legal challenges.

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