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President Trump orders review processes that could lead to weakened protections for existing MPAs

In late April, US President Donald Trump issued two executive orders that carry potentially significant implications for several of the country's MPAs, including its largest ones. Both orders could lead to weakened protection for sites.

A review of Marine National Monuments

One order, signed on 26 April, [opens a formal review of sites designated since 1996 under the US Antiquities Act](#) That Act empowers US presidents to designate protected areas — terrestrial or marine — without having to secure congressional approval. The past three presidents (Bill Clinton, George W. Bush, and Barack Obama) each exercised that power to designate multiple *national monuments*, as sites designated under the law are termed. Those sites include five of the country's largest MPAs:

- Marianas Trench Marine National Monument (250,000 km²);
- Northeast Canyons and Seamounts Marine National Monument (12,720 km²);
- Pacific Remote Islands Marine National Monument (490,000 km²);
- Papahānaumokuākea Marine National Monument (1.5 million km²); and
- Rose Atoll Marine National Monument (34,000 km²).

Based on the executive order, all five of those marine national monuments, as well as 22 terrestrial monuments also designated under the Antiquities Act, are now [undergoing a 60-day public comment period](#) that started 12 May. The Trump Administration is describing the comment period as the first chance for stakeholders to have a voice in governance of the national monuments. To provide your comments, [follow the directions here](#).

Following the public comment period, the Secretary of the Department of the Interior will deliver recommendations to President Trump on what changes if any should be made to each site. For the marine sites, recommended changes could presumably include alteration of fishing restrictions, reduction of site area, or even a full overturn of designations.

The power of presidents to alter the regulations or size of monuments has been applied in the past and is legally established. However, as MPA News reported last November, whether presidents have the power to wholly overturn monuments designated by their predecessors [remains an open legal question](#). It has never been tried, and the Antiquities Act neither allows nor disallows such overturning. Any attempt by Trump to do so would almost surely be challenged by environmental groups in court.

In a statement on 26 April, Interior Secretary Ryan Zinke said [there are no predetermined outcomes](#) on any of the monuments. [Opponents of the marine sites have been mobilizing](#) in recent months to remove the fishing restrictions. Proponents of the monuments have mobilized as well, including through letters — [to Congress](#) and [to President Trump](#), respectively — expressing support for existing protections.

A review of National Marine Sanctuaries designated or expanded in past decade

The second executive order, signed on 28 April, [aims to open US waters to increased offshore energy development](#) particularly oil and gas. It calls on the Secretary of the Interior to revise the schedule of proposed oil and gas lease sales and streamline permitting for seismic exploration.

In support of such energy development, the order halts any designation or expansion of National Marine Sanctuaries until such actions include a "timely, full accounting ... of any energy or mineral resource potential" for the sites. Such a halt could conceivably delay planned designations and expansions.

The order also calls for a review of National Marine Sanctuaries (designated under the National Marine Sanctuaries Act) and Marine National Monuments that have been designated or expanded in the past 10 years. (As this issue of MPA News went to press on 16 May, NOAA was still analyzing which sanctuaries would be included in such a review.) The 180-day review will analyze the sites' impacts on government budgets and on energy development. Conceivably the review could result in recommended changes to site regulations or site boundaries.

In the executive order, President Trump also attempted to revoke the Northern Bering Sea Climate Resilience Area designated by former President Obama in December 2016. The 291,000-km² area in the Northern Bering Sea and Bering Strait region in Alaska was [placed off-limits to petroleum drilling by Obama](#) under powers afforded under the Outer Continental Shelf Lands Act. That Act does not explicitly allow or disallow presidents to overturn their predecessors' actions, so the legality of Trump's repeal of the moratorium is unclear at this time. It is likely to be contested in court.

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