

## [Review of Designations Under the Antiquities Act \(Executive Order 13792\)](#)

Orders a review of twenty-seven [National Monuments](#) designated under the Antiquities Act since 1996.

Updated last **November 28, 2017**  
for the 04/26/2017 Executive Order.



### WHAT IT DOES

---

On April 26th, 2017 [Executive Order 13792](#) ordered the Department of the Interior to review of 27 of the 57 National Monuments designated under the Antiquities Act ([54 U.S.C. §320301](#)) since January 1, 1996. The order pertains to all new designations larger than 100,000 acres, existing monuments expanded to 100,000 acres or beyond, and monuments deemed to have been designated without “adequate public outreach.” This order resulted in the review of 26 monuments.

The purpose of the order is to determine if any of these monument designations result in inadequate access or use of the land by the communities in which the monuments are located. The Department of the Interior is directed to consider factors they deem appropriate, as well as:

1. If the monument designation occupies the smallest area possible that allows adequate care and management of the monument.
2. If the designated lands are appropriately classified in terms of of historical importance or scientific interest.
3. The effects of the designation on lands in and surrounding the designation in relation to the multiple use policy of the Federal Land Policy Management Act ([43 U.S.C. §1701\(a\)\(7\)](#)).
4. How the designation will affect non-federal lands that are adjacent to the designation.
5. The concerns that state, local, and tribal leaders have about the monument designation and the economic impacts the designation might have on those groups.
6. The ability to manage the designated monument based on available federal resources.

Twenty-six [national monuments](#) were reviewed under this executive order. On [August 24th, 2017](#) Secretary of the Interior Ryan Zinke submitted his final report. While the report has not been made public, [a leaked copy](#) obtained by the Washington Post indicates recommendations of altering the boundaries of and or expanding commercial activities in seven monuments. They are:

- [Bears Ears](#) – Alter borders and expand usage
- [Cascade Siskiyou](#) – Alter borders and expand usage
- [Gold Butte](#) – Alter borders and expand usage
- [Grand Staircase-Escalante](#) – Alter borders and expand usage
- [Organ Mountains-Desert Peaks](#) – Expand usage
- [Rio Grande del Norte](#) – Expand usage
- [Katahdin Woods and Waters](#) – Expand usage

### BACKGROUND

---

The original intent of the [Antiquities Act of 1906](#) was to protect sites of cultural, historical, or scientific interest on federal lands by designating them as National Monuments. The Act gives the President the power to designate federal lands as a monument without the input of congress. National Monuments are designated under the [National Conservation Lands](#) system and can be managed by the [Bureau of Land Management](#), [National Parks Service](#), the [US Forest Service](#), or the [US Fish and Wildlife Service](#). The first national monument was [Devils Tower](#), designated by President Theodore "Teddy" Roosevelt in 1906.

The use of federal lands is covered by the Federal Land Policy Management Act ([43 U.S.C 1701\(a\)\(7\)](#)). The specific section referenced in EO 13792 is the 'multiple-use' policy which states public lands should be used "in the combination that will best meet the present and future needs of the American people." Some of the potential uses listed under the FLPMA are recreation, scenic value, mineral harvesting, timber harvesting, rangeland for cattle grazing, and as watershed. Designation as National Monument restricts use of these lands for activities such as mining, timber harvesting, and cattle grazing.

As of September 2015, there were [640 million acres](#) of federally owned lands in the United States, organized under a number of different designations. Some of the major designations are:

- National Parks
- National Forests
- National Conservation Lands
- National Recreation Areas
- National Trails System
- National Wilderness Preservation System
- National Wildlife Refuge System

Depending on the designation of the federal land and the managing entity, there may be different types of restrictions on what that land may or may not be used for. In the case of National Monuments [new contracts on uses such as mining and oil or gas extraction are generally restricted, although contracts that exist at the time of the designation can be completed](#).

Read more in our SciPol Science Module: [Protected Areas of the United States](#).

## RELEVANT SCIENCE

---

### Anthropology

Anthropology is the study of humans in their natural and built environments, and of the cultures and histories they create. Monument designations can be used to protect places with historical and cultural significance. The [original intent](#) of the Antiquities Act was to protect sites of Native American heritage in the western part of the country from being raided by people seeking souvenirs or artifacts to sell. By preserving these sites, anthropologists can continue to study the history and culture of the country's indigenous people.

### Economics and Energy

Federal lands, depending on their designation, can be leased to industries for a number of different commercial uses. The major industrial uses of federal lands are for mining, timber harvesting, and cattle grazing. In 2015, lumber production and preservation employed [~90,000](#) employees and provided materials that [supported an additional ~260,000](#) jobs, the cattle industry generated \$78 billion in cash receipts, and mining, excluding oil and gas, generated [\\$62 billion](#) in value to US gross domestic product (GDP).

When factoring oil and gas into mining, the industry as a whole had a value generated to GDP of \$327 billion in 2015. Gas, oil, and coal extracted resources produced [65%](#) of the energy generated in the US in 2016. As noted in the report, several of the

monuments listed are known to contain large coal and oil deposits. The coal, gas, oil, and other minerals in the Grand Staircase – Escalante monument in Utah, for example, is valued between [\\$221 and \\$312 billion](#). The U.S. Energy Information Administration also estimates the area is capable of generating between [4.5 and 5.0 kWh/m<sup>2</sup>/day](#) of solar energy.

#### ENDORSEMENTS & OPPOSITION

---

Use of federal lands is a politically sensitive topic. [Twenty-seven percent of land](#) in the US is owned by the federal government, however in the western part of the country federal land ownership is far greater than in the east. For example, the federal government owns 79% of all land in Nevada, 63% in Utah, and 61% in Idaho.

On one side of the controversy are those who believe that local and regional stakeholders should be in charge of the land in their area and use the land to the greatest benefit of their communities.

On the other side are those who believe these lands should be preserved according to the cultural, historical, and environmental interests of the entire nation. [This group](#) also contends that National Monuments and Parks also contribute greatly to their local and regional economies.

#### RELATED POLICIES

---

- [Executive Order 13795](#) “Implementing an America First Offshore Energy Strategy” calls for the review of all National Marine Sanctuaries and Monuments in relation to increasing energy exploration and production. President Donald J. Trump issued EO 13795 on April 28th, 2017.
- [H.R. 3990](#) - National Monument Creation and Protection Act  
Introduced: October 6th, 2017  
Sponsor: House Natural Resources Chairman Rob Bishop (R-UT-01)  
To reform the Antiquities Act of 1906 and put limitations on the Presidents power to designate federal lands as National Monuments.

#### POLICY HISTORY

---

President Donald J. Trump issued Executive Order 13792 on April 26, 2017.

#### PRIMARY AUTHOR

---

Dan Keeley

#### EDITOR(S)

---

Daniel Copple; Alexandra Sutton Lawrence, Ph.D.

**ENERGY SUBCATEGORY**

---

[Source](#)

**RECOMMENDED CITATION**

---

Duke SciPol, "Review of Designations Under the Antiquities Act (Executive Order 13792)" available at <http://scipol.duke.edu/content/review-designations-under-antiquities-act-executive-order-13792> (11/28/2017).

**LICENSE**

---



This work is licensed under a [Creative Commons Attribution-ShareAlike 4.0 International License](https://creativecommons.org/licenses/by-sa/4.0/). Please distribute widely but give credit to Duke SciPol, linking back to this page if possible.