

Executive Order for Review of National Monuments

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The [Antiquities Act of 1906](#) authorizes the President to proclaim national monuments on federal lands that contain "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest." The President is to reserve "the smallest area compatible with the proper care and management of the objects to be protected." From 1906 to date, Presidents have established 157 monuments and have enlarged, diminished, or otherwise modified previously proclaimed monuments.

On April 26, 2017, President Trump issued an [executive order](#) requiring the Secretary of the Department of the Interior (DOI) to review national monuments established or expanded by Presidents since 1996. (See [Table 1](#).) The order requires review of national monuments where the size at establishment or after expansion exceeded 100,000 acres or where the Secretary determines that the action was taken "without adequate public outreach and coordination."

Of the monuments established and expanded since 1996, it appears that Presidents have established or expanded 26 national monuments exceeding 100,000 acres. These monuments are in 10 states and 4 marine areas. (See [Table 2](#).) However, President Trump's executive order may apply to as many as 54 proclamations by three Presidents (Clinton, G. W. Bush, and Obama) establishing monuments since 1996, about one-third of all presidentially proclaimed monuments, and to as many as eight proclamations expanding monuments. The total area of these designations and expansions is approximately 774 million acres, or about 92% of all monument acreage proclaimed since enactment of the Antiquities Act. Most of this acreage is in marine areas designated or expanded by Presidents G. W. Bush and Obama.

The executive order specifies factors for the DOI Secretary to evaluate in his review. It requires the Secretary to provide an interim report to the President within 45 days of the executive order's issuance on Bears Ears National Monument in Utah and other monuments he determines appropriate, as well as a final report within 120 days of its issuance on monuments reviewed under the executive order. These reports are to include recommendations for presidential actions, legislative proposals, or other actions.

Like the President, Congress has created national monuments on federal lands and has increased and decreased monument sizes. Congress, but not the President, has abolished some monuments and converted others to different

protective designations, such as national parks. Whether the President has authority to abolish national monuments is [debated and has not been tested in courts](#).

Most of the post-1996 monuments are managed by agencies within DOI, but some are managed by other agencies (e.g., the Forest Service). The executive order calls for the DOI Secretary to consult and coordinate with heads of other federal departments; state governors; and other state, local, and tribal officials.

Over the past century, presidential authority to create and expand national monuments has been [controversial](#), and litigation and legislation have been pursued. For instance, in 2001, DOI Secretary Gale Norton undertook [a review](#) of monuments designated and enlarged by President Clinton. Criticism has centered on the size of the areas and the types of resources protected; the effect of monument designations on land uses; the inclusion of nonfederal lands within monument boundaries; and the lack of requirements for public participation, congressional and state approval, and environmental reviews in the Antiquities Act. Monument advocates believe the President needs authority to act promptly to protect valuable resources. They assert that the public has supported and courts have upheld presidential designations and that many initially controversial designations have come to be supported.

Controversy over presidential monument designations is one component of a broader debate over [federal land ownership](#) and management. Discontent sometimes has led to conflict, as in the [2016 takeover](#) of the Malheur National Wildlife Refuge. A central issue in this debate is the extent to which the federal government should dispose of, retain, or acquire lands. Some stakeholders seek disposal to foster [state and local ownership and control](#) over federal lands and resources, especially in the west, where federal lands are concentrated. Advocates of federal land retention and [acquisition](#) point to benefits of federal ownership, including protection of resources and public access for recreation. Another focus is the condition of federal lands and [infrastructure](#). Debates also encompass the extent to which federal lands should be developed and/or open to recreation and whether they should be managed primarily to produce local or national benefits.

Table 1. Number and Acreage of Presidentially Established or Enlarged National Monuments (NM) Since 1996

President	Established		Enlarged		Total Acres
	No.	Acres	No.	Acres	
Clinton					
<i>NM</i>	<i>19</i>	<i>5,031,273</i>	<i>3</i>	<i>686,442</i>	<i>5,717,715</i>
<i>Marine NM</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>
Clinton Total	19	5,031,273	3	686,442	5,717,715
Bush, G. W.					
<i>NM</i>	<i>2</i>	<i>6,310</i>	<i>0</i>	<i>0</i>	<i>6,310</i>
<i>Marine NM</i>	<i>4</i>	<i>214,755,200</i>	<i>0</i>	<i>0</i>	<i>214,755,200</i>

Bush, G. W., Total	6	214,761,510	0	0	214,761,510
Obama					
<i>NM</i>	28	5,679,813	3	55,895	5,735,708
<i>Marine NM</i>	1	3,144,320	2	544,692,368	547,836,688
Obama Total	29	8,824,133	5	544,748,263	553,572,396
Totals					
<i>NM Subtotal</i>	49	10,717,396	6	742,337	11,459,733
<i>Marine NM Subtotal</i>	5	217,899,520	2	544,692,368	762,591,888
Total	54	228,616,916	8	545,434,705	774,051,621

Source: [National Park Service](#) and proclamations issued [December 28, 2016](#), and [January 12, 2017](#).

Table 2. Monuments Established or Expanded Since 1996, Exceeding 100,000 Acres

State	Monument	Year	President
Arizona	Grand Canyon-Parashant	2000	Clinton
	Ironwood Forest	2000	Clinton
	Vermilion Cliffs	2000	Clinton
	Sonoran Desert	2001	Clinton
California	Giant Sequoia	2000	Clinton
	Carrizo Plain	2001	Clinton

	San Gabriel Mountains	2014	Obama
	Berryessa Snow Mountain	2015	Obama
	Mojave Trails	2016	Obama
	Sand to Snow	2016	Obama
Colorado	Canyons of the Ancients	2000	Clinton
Idaho	Craters of the Moon	2000	Clinton
Montana	Upper Missouri River Breaks	2001	Clinton
Nevada	Basin and Range	2015	Obama
	Gold Butte	2016	Obama
New Mexico	Rio Grande del Norte	2013	Obama
	Organ Mountains-Desert Peaks	2014	Obama
Oregon/California	Cascade-Siskiyou ^a	2000 , 2017	Clinton, Obama
Utah	Grand Staircase-Escalante	1996	Clinton
	Bears Ears	2016	Obama
Washington	Hanford Reach	2000	Clinton
Marine Areas			
Hawaii	Papahānaumokuākea	2006 , 2016	G.W. Bush, Obama

	Pacific Remote Islands	2009 , 2014	G.W. Bush, Obama
Massachusetts	Northeast Canyons and Seamounts	2016	Obama
American Samoa	Rose Atoll	2009	G.W. Bush
Northern Mariana Islands and Guam	Marianas Trench	2009	G.W. Bush

Source: See [Table 1](#).

a. Acreage in the proclamations issued in 2000 and 2017 totaled "approximately" 100,000 in the two states. Additional agency information indicates that the size exceeded 100,000 acres.