

US District Court Blocks Trump Administration Effort to Revoke Obama-Era Mineral Leasing Withdrawals

Article By:

Alex M. Arensberg

On March 29, 2019, the US District Court for the District of Alaska blocked the Trump Administration's efforts to revoke the Obama Administration's prior withdrawal of portions of the Arctic and Atlantic Oceans from mineral leasing under the Outer Continental Shelf Lands Act (OCSLA). The [court's decision](#) is noteworthy, not just for its implications for leasing on the outer continental shelf, but because it may foreshadow how courts will resolve similar and well-publicized challenges to President Trump's authority under the Antiquities Act of 1908 (Antiquities Act) to revoke national monument designations for portions of Grand Staircase-Escalante and Bears Ears National Monuments in Utah.

On April 28, 2017, President Trump issued [Executive Order 13795](#), which purported to revoke President Obama's prior withdrawal of million acres of the US portions of the Arctic and Atlantic Oceans from mineral leasing under the OCSLA. In *League of Conservation Voters v. Trump*, the District of Alaska considered plaintiffs challenge that President Trump's executive order exceeded his authority under the OCSLA and the US Constitution. At issue is the interpretation of [Section 12\(a\) of OCSLA](#), which provides that "[t]he President . . . may, from time to time, withdraw from disposition any of the unleased lands of the outer Continental Shelf."

The District of Alaska agreed with plaintiffs and held that Section 12(a) only permits a president to withdraw lands from mineral leasing but does not authorize a president to revoke a prior withdrawal. Therefore, under the Property Clause of the US Constitution, because the authority to revoke a prior withdrawal was not delegated by the OCSLA to the President, it remains vested solely with Congress. While the district court's decision will likely be appealed, for now, it precludes leasing in the areas of the outer continental shelf withdrawn by President Obama.

Furthermore, the District of Alaska's decision may signal how courts will interpret the President's authority to revoke monument designations under the Antiquities Act. In two cases currently pending before United States District Court for the District of Columbia, plaintiffs have similarly argued that the President's revocation of monument status for portions of Grand Staircase-Escalante National Monument and Bears Ears National Monument exceeded his authority under the Antiquities Act and the US Constitution. The [Antiquities Act](#), like the OCSLA, only expressly provides the President with authority to create monuments, not to revoke them: "[t]he President may, in the President's discretion, . . . reserve parcels of land [as national monuments]."

Therefore, the decision in *League of Conservation Voters* may signal that the President also lacks authority to revoke prior monument designations. Indeed, the court in *League of Conservation Voters* recognized the similarity between the Antiquities Act and OCSLA, noting that “[n]either of these laws explicitly granted revocation authority to the President.” Squire Patton Boggs will continue to monitor the Trump Administrations efforts to overturn public land withdrawals and drilling bans put in place by President Obama and provide updates to readers.

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