

Impact of New Administration on Natural Resources Development in United States

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by Wells Parker

Anyone who has owned or operated a project involving public lands in the United States knows of the complex jigsaw puzzle of land ownership that defines the landscape of the United States. Jurisdictional governance is divided among Federal, state, Indian, and private ownership, resulting in regulatory tides to which natural resources, energy, and mining projects are subject. The collection of applicable laws, rules, orders, guidance documents, environmental reviews, permits, approvals, and administrative processes create a challenge for parties looking to develop mineral resources. With the election of President Donald Trump and Republican majorities in both the U.S. House and Senate, the tide is changing, and natural resources development—including the mining and energy industries—will be affected by the policies of the new administration. Here are a handful of areas where changes are anticipated.

- **Permitting.** U.S. energy and mining projects face a host of challenges from U.S. permitting processes—especially those impacting Federal lands—which are widely identified as some of the more lengthy and cumbersome in the world. Regulatory reform has been a signature pledge of President Trump and a host of Federal agencies, including the Environmental Protection Agency, the Bureau of Land Management, the Office of Surface Mining Reclamation and Enforcement, and the Army Corp of Engineers, are likely to be targets of such reform.
- **Land Withdrawals.** President Obama designated a record 34 national monuments during his two terms in the White House resulting in a withdrawal of those lands from traditional natural resource development. During the same period, both the Forest Service and the Bureau of Land Management adopted significant land use designations and moratoriums resulting in restrictions on natural resource development for thousands of additional acres of Federal lands. Many of these withdrawals and re-designations will be targets of the new administration and Congress. Republicans are expected to introduce legislation that would curb presidential authority to designate monuments under the Antiquities Act. Other members of Congress are seeking to have the President reverse certain monument designations, such as the Bears Ears National Monument and the Grand Staircase-Escalante National Monument.
- **Revocation of Regulations.** Congress intends to introduce legislation and pass resolutions that would reverse dozens of Obama Administration public land initiatives

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and regulations believed to seriously hinder the development of energy and mining projects on Federal lands, including blocking programs to protect endangered species, prohibiting EPA from implementing rules expanding the definition of wetlands, and halting adoption of methane emissions standards.

- **Energy Policy.** President Trump has released a draft energy plan that promises to expand energy development on the public lands.

While it is unlikely that the new administration will successfully recraft years of public land law, there is little doubt that new policies will recast available uses of public lands for energy and resource development.

We frequently assist Canadian companies looking to acquire, finance, permit, and develop mining and energy projects on public lands in the United States.