

**Trump Second Term: Legal Tracker**

## **ENERGY POLICIES REVISITED: TRUMP'S EXECUTIVE ORDERS**

Jan 27, 2025

In a flurry of activity, newly elected President Donald J. Trump issued a series of Executive Orders immediately after his inauguration on January 20, 2025. This article will discuss eight of these documents that directly relate to energy and the environment.

### **TRUMP'S AMERICA FIRST PRIORITIES**

In this relatively short Executive Order, Trump outlines his general agenda in "President Trump's America First Priorities." BCLP wanted only to present the energy initiatives, many of which are further described in this article. In summary, this Executive Order serves as an overview of Trump's Executive Order actions, especially as it relates to the energy sector.

- "The President will unleash American energy by ending Biden's policies of climate extremism, streamlining permitting, and reviewing for rescission all regulations that impose undue burdens on energy production and use, including mining and processing of non-fuel minerals;"
- "Trump's energy actions empower consumer choice in vehicles, showerheads, toilets, washing machines, lightbulbs and dishwashers;"
- "Trump will declare an energy emergency and use all necessary resources to build critical infrastructure;"
- "Trump's energy policies will end leasing to massive wind farms that degrade our natural landscapes and fail to serve American energy consumers;" and
- "Trump will withdraw from the Paris Climate Accord."

### **NATIONAL ENERGY EMERGENCY**

Trump executed an Executive Order entitled "Declaring a National Energy Emergency." In this document, the Trump Administration will take numerous actions, including the following:

- Leaders of executive departments and agencies shall “identify and exercise any lawful emergency authorities available to them ... to facilitate the identification, leasing, siting, production, transportation, refining, and generation of domestic energy resources, including, but not limited to, on Federal lands;”
- The Secretary of Energy “shall consider issuing emergency fuel waivers to allow the year-round sale of E15 gasoline to meet any projected temporary shortfalls in the supply of gasoline;”
- Agencies shall use “all lawful emergency or other authorities available to them to facilitate the supply, refining, and transportation of energy;” and
- Agencies are “directed to use, to the fullest extent possible and consistent with applicable law, the emergency Army Corps permitting provisions to facilitate the Nation’s energy supply.”

Agencies are expected to submit periodic summary and status reports. Moreover, agencies will utilize existing organizations, such as the Army Corps of Engineers or the U.S. Fish and Wildlife Service, and existing laws, such as the Endangered Species Act or the Clean Water Act. Additionally, agencies are expected to coordinate with the Department of Defense “to acquire and transport the energy, electricity, or fuels needed to protect the homeland and to conduct operations abroad.”

## UNLEASHING AMERICAN ENERGY

Trump also executed an Executive Order entitled “Unleashing American Energy.” In essence, this document is best summarized by using only one phrase: “drill, baby, drill.”

- Some policies are stated, including:
  - “To encourage energy exploration and production on Federal lands and waters, including on the Outer Continental Shelf, in order to meet the needs of our citizens and solidify the United States as a global energy leader long into the future;”
  - “To establish our position as the leading producer and processor of non-fuel minerals, including rare earth minerals, which will create jobs and prosperity at home, strengthen supply chains for the United States and its allies, and reduce the global influence of malign and adversarial states;” and
  - “To eliminate the electric vehicle (EV) mandate and promote true consumer choice.”
- Agencies shall identify “those agency actions that impose an undue burden on the identification, development, or use of domestic energy resources — with particular attention to oil, natural gas, coal, hydropower, biofuels, critical mineral, and nuclear energy resources ... including restrictions on consumer choice of vehicles and appliances;”

- Abolishing numerous Executive Orders from the Biden Administration, such as “[Tackling the Climate Crisis at Home and Abroad](#)” and “[Climate-Related Financial Risk](#);”
- Eliminating any metrics or working groups associated with the “[social cost of carbon](#);”
- The Secretary of Energy shall review applications of liquified natural gas export projects “as expeditiously as possible;” and
- Agencies shall “identify all agency actions that impose undue burdens on the domestic mining and processing of non-fuel minerals and undertake steps to revise or rescind such actions,” such as reassessing any public lands withdrawals.

Agencies are required to notify the appropriate Attorney General to recommend if any legal actions should be pursued. Agencies are also required to submit periodic reports to the Office of Management and Budget.

## ALASKA’S RESOURCES

Trump signed an Executive Order entitled “[Unleashing Alaska’s Extraordinary Resource Potential](#).” In addition to other things, the Trump Administration will take the following actions:

- Revoke or amend any laws or policies that do not prioritize the goals expressed therein, such as expediting “the permitting and leasing of energy and natural resource projects in Alaska;”
- Develop infrastructure and pipeline permits for Alaska’s [Liquified Natural Gas \(LNG\) Project](#);
- Withdraw [Secretarial Order 3401](#), entitled the “Comprehensive Analysis and Temporary Halt on All Activities in the Arctic National Wildlife Refuge Relating to the Coastal Plain Oil and Gas Leasing Program;”
- Rescind the cancellation of leases within the [Arctic National Wildlife Refuge](#);
- Issue permits necessary for the “exploration, development, and production of oil and gas” within the [Arctic National Wildlife Refuge](#);
- Rescind two Bureau of Land Management’s rules: (1) “[Management and Protection of the National Petroleum Reserve in Alaska](#);” (2) “[Special Areas Within the National Petroleum Reserve in Alaska](#);”
- Reinstate numerous Public Land Orders, such as [Public Land Order No. 7899](#); and
- Reinstate the National Park Service’s rule “[Alaska; Hunting and Trapping in National Preserves](#).”

Organizations, such as the [Alaska Wilderness League](#), have already raised objections to this executive order. BCLP expects that other environmental NGOs will express concerns soon.

## WIND PROJECTS

Trump executed another Executive Order entitled "[Temporary Withdrawal of All Areas on the Outer Continental Shelf from Offshore Wind Leasing and Review of the Federal Government's Leasing and Permitting Practices for Wind Projects.](#)" In this document, Trump withdraws any wind energy leasing within the [Outer Continental Shelf \(OCS\)](#). Ultimately, the Trump Administration shall not issue new or renewed permits for both onshore or offshore wind projects, subject to an assessment of Federal wind leasing and permitting practices.

The Executive Order "prevents consideration of any area in the OCS for any new or renewed wind energy leasing for the purposes of generation of electricity or any other such use derived from the use of wind. This withdrawal does not apply to leasing related to any other purposes such as, but not limited to, oil, gas, minerals, and environmental conservation."

The Secretary of the Interior is also required to conduct a "comprehensive review of the ecological, economic and environmental necessity of terminating or amending any existing" offshore wind energy leases. Additionally, the Secretary of the Interior shall place a moratorium on all activities of the [Magic Valley Energy LLC](#) at the [Lava Ridge Wind Project](#) in Idaho.

## INTERNATIONAL ENVIRONMENTAL AGREEMENTS

Trump signed an Executive Order entitled "[Putting America First in International Environmental Agreements.](#)" In this document, Trump describes how the United States will withdraw from the [Paris Agreement](#) pursuant to the United Nations Framework Convention on Climate Change. It also addresses what actions the United States will take to "prioritize economic efficiency, the promotion of American prosperity, consumer choice, and fiscal restraint in all foreign engagements that concern energy policy."

## DIVERSITY, EQUITY, AND INCLUSION ISSUES

In two Executive Orders, Trump essentially revokes Federal Diversity, Equity, and Inclusion (DEI) efforts. In "[Ending Radical and Wasteful Government DEI Programs and Preferencing,](#)" this Executive Order eliminates and/or severely limits [Federal DEI programs](#) and [environmental justice initiatives](#), because the United States should "reward individual initiative, skills, performance, and hard work and shall not under any circumstances consider DEI or DEIA factors, goals, policies, mandates, or requirements."

The second Executive Order, entitled "[Ending Illegal Discrimination and Restoring Merit-based Opportunity,](#)" discusses the perceived inequities caused by DEI initiatives. For example, the

document states that DEI programs “undermine our national unity, as they deny, discredit, and undermine the traditional American values of hard work, excellence, and individual achievement in favor of an unlawful, corrosive, and pernicious identity-based spoils system.” Accordingly, this Executive Order revokes numerous Executive Orders already executed, such as [“Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.”](#) In this document, Trump also encourages the private sector to end “illegal DEI discrimination.”

For additional information regarding these DEI-related Executive Orders, please [see our recent insight](#).

## CONCLUSION

As expected, several organizations and individuals have already [objected](#) to Trump’s Executive Orders, especially from an energy perspective. BCLP will continue to actively monitor these developments.

For additional information regarding infrastructure and energy transition, please visit [BCLP’s Energy Transition webpage](#), or contact David Blondel or Peter Hansen.

## TRUMP SECOND TERM: LEGAL TRACKER

Stay updated with the latest legal and regulatory changes during Trump's second presidency and what these mean for the business landscape.

## RELATED PRACTICE AREAS

- Energy Transition

## MEET THE TEAM



### **Peter O. Hansen**

Denver

[peter.hansen@bclplaw.com](mailto:peter.hansen@bclplaw.com)

[+1 303 866 0206](tel:+13038660206)



### **David Blondel**

Paris

[david.blondel@bclplaw.com](mailto:david.blondel@bclplaw.com)

[+33 \(0\) 1 44 17 77 05](tel:+330144177705)



### **Bryan E. Keyt**

Chicago

[bryan.keyt@bclplaw.com](mailto:bryan.keyt@bclplaw.com)

[+1 312 602 5036](tel:+13126025036)



## **John R. Kindschuh**

St. Louis

[john.kindschuh@bclplaw.com](mailto:john.kindschuh@bclplaw.com)

+1 314 259 2313

---

This material is not comprehensive, is for informational purposes only, and is not legal advice. Your use or receipt of this material does not create an attorney-client relationship between us. If you require legal advice, you should consult an attorney regarding your particular circumstances. The choice of a lawyer is an important decision and should not be based solely upon advertisements. This material may be “Attorney Advertising” under the ethics and professional rules of certain jurisdictions. For advertising purposes, St. Louis, Missouri, is designated BCLP’s principal office and Kathrine Dixon ([kathrine.dixon@bclplaw.com](mailto:kathrine.dixon@bclplaw.com)) as the responsible attorney.