

Unleashing Alaska's Extraordinary Resource Potential

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On January 20, 2025, President Trump signed an Executive Order for the purpose of "Unleashing Alaska's Extraordinary Resource Potential." According to the EO, the State of Alaska holds a bounty of untapped natural resources ranging from energy and minerals to timber and seafood, access to which will enhance the wealth of U.S. citizens, ameliorate trade imbalances, augment U.S. energy dominance, and protect against foreign powers' use of energy as a weapon. The EO is welcomed by the State of Alaska's current administration.

In pursuit of these opportunities, the EO declares the new policy of the United States to "fully avail itself" of Alaska's land and resources by:

- maximizing the development and production of natural resources;
- expediting the permitting and leasing of energy and natural resource projects; and
- prioritizing the development and sale of liquified natural gas potential.

In order to access these resources, the EO orders the immediate removal of restrictions on resource development, which had been put in place by the former Biden administration. To do so, the EO authorizes the heads of all executive departments and agencies to alter any inconsistent policy currently in place.

Notably, the EO instructs the Secretary of the Interior to implement broad changes to the regulatory landscape in Alaska, starting with the withdrawal of Secretarial Order 3401, which since 2021 had halted all activities in the Arctic National Wildlife Refuge (ANWR) relating to the Coastal Plain Oil and Gas Leasing Program. The EO now authorizes the issuance of leases, permits, and easements for development and production of oil and gas within the ANWR, and also places a temporary moratorium on a rule authorizing activities and privileges aimed at protecting special areas of Alaska, including its national forest.

Other changes ordered include:

- the rescission of statements, rules, and guidance relating to the use of Alaska's land and resources;
- the reinstatement of statements, rules, records of decisions, and orders relating to the use of Alaska's land and resources implemented during Trump's first term;

- moratoria placed on previously granted protections and privileges relating to the sought-after resources;
- the denial of a request to establish an indigenous sacred site in the Coastal Plain of the ANWR; and
- the facilitation of the expedited development of roadways, waterways, and energy resources.

To implement these changes, the EO authorizes the Secretary of the Army to render all assistance requested by Alaska’s governor to facilitate the clearing and maintenance of transportation infrastructure, and authorizes the Assistant Secretary of the Army for Civil Works and the Secretary of Commerce to alter or rescind any agency action that has the potential of slowing or delaying any critical project in the State of Alaska.

On the same day the Alaska EO was issued, the Trump administration also issued the “Unleashing American Energy” Executive Order. The Energy EO orders the rescission of the Council on Environmental Quality’s (CEQ) existing National Environmental Policy Act (NEPA) regulations. Specifically, the Energy EO directs the CEQ to create a working group to oversee and coordinate the revision of agency-level regulations so that they facilitate the expedited approval of permits and prioritize efficiency and certainty over any other objectives, including those of activist groups, that do not align with the Energy EO’s policy goals.

Although the need for NEPA reform has long been recognized across the political spectrum, the Energy EO’s call for immediate change to such a longstanding regulatory framework has led to concern by some project proponents of creating confusion and leading to the hindrance of the same projects the order is intended to expedite. The process and impact of rescinding the current CEQ NEPA regulations are thus key issues likely to impact President Trump’s new plans for Alaska.

TAKEAWAY:

While the Alaska EO may create new business opportunities in the areas of energy, mining, and infrastructure, along with expedited approvals for businesses currently involved in Alaskan projects, the practical effect of the Alaska EO remains to be seen. There is the possibility of permitting delays due to the NEPA alterations, legal and environmental challenges from environmental activists, and other roadblocks as the federal agencies attempt to incorporate these new policies into their rules, regulations, orders, and decisions.

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