

Judge Rules Trump Plans to Open Up Swathes of Arctic, Atlantic Oceans for Drilling Illegal

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In a major blow to the Donald Trump administration's oil and gas policy, on Friday a federal judge ruled the president's order opening massive swathes of the Arctic and Atlantic oceans to oil and gas drilling operations illegal, the [Washington Post reported](#).

According to the Post, U.S. District **Judge Sharon Gleason's** decision impacts around 98 percent of the Arctic Ocean, but only "undersea canyons in the Atlantic, as opposed to the entire Eastern Seaboard" (roughly 5,937 square miles deemed important to wildlife including "marine mammals, deep-water corals, valuable fish populations and migratory whales", the [Associated Press wrote](#)). The judge found that while the president has the power under the Outer Continental Shelf Lands Act to withdraw leasing permits, that office cannot unilaterally grant permits without the approval of Congress.

"The wording of President Obama's 2015 and 2016 withdrawals indicates that he intended them to extend indefinitely, and therefore be revocable only by an act of Congress," Gleason wrote. "... As a result, the previous three withdrawals issued on January 27, 2015 and December 20, 2016 will remain in full force and effect unless and until revoked by Congress."

Per the AP, lawyers for the Trump administration argued that allowing presidents to designate land as protected against drilling but not revoke that status "is one-way ratchet that broadly authorizes any one President to limit the national potential for leasing, exploration, and development in the OCS for all time while simultaneously tying the hands of that same President and all future presidents, even if those limits prove unwise or contrary to the critical national priorities that OCSLA advances, including energy development and national security."

Gleason also revoked a Department of the Interior land-swap deal that would have allowed small Alaskan town, King Cove, to build a road through the Izembek National Wildlife Refuge, the Post wrote. That reserve is home to rare birds and other wildlife and has long enjoyed wildlife protections, though locals said they needed to be able to construct a road through it for emergency medical evacuations. Per the Post, Gleason didn't buy this logic:

Opponents counter that the federal government has provided millions in funding to give town residents alternative forms of transport, and warn that a road would fragment critical habitat. They also cite expert testimony that any road through the refuge would be impassable during snowstorms.

“Here, [former Interior Secretary Ryan Zinke’s] failure to acknowledge the change in agency policy and his failure to provide a reasoned explanation for that change in policy are serious errors,” Gleason wrote.

Another federal judge ruled earlier in the week that the Trump administration failed to perform a serious analysis of environmental impacts when it approved two gas drilling operations in western Colorado, the paper added, while earlier in March another ruling halted a 300,000-acre gas and oil lease in Wyoming over a failure to consider its [potential impact on the climate](#). According to the [New York Times](#), the White House has lost about 40 environmental cases in federal courts under Trump.

“The statutes and the Supreme Court have been silent on the authority of a president to modify or reduce a predecessor’s protections of these public lands, waters and monuments,” Vermont Law School environmental law professor Patrick Parenteau told the Times. “But these decisions are showing that if a president wants to reverse a predecessor’s environmental policy, they have to give a cogent reason why. Just saying ‘energy dominance’ is not enough. Saying ‘I won the election’ is not enough.”

Industry officials, for their part, say that the Arctic and Atlantic ocean plans can proceed as the case works its way through the federal appeals process, the Post wrote. There’s also the possibility some of these cases will make it to the Supreme Court, which is dominated by a Republican majority and is likely to rule more in line with the White House’s wishes.

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