



*"We recall a famous op-ed in which President Obama promised to do something about needless regulations that hurt the economy. How about starting by following the law?"*

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### **An Illegal Drilling Ban**

*Does Ken Salazar think he's above the law?*

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Remember the BP oil spill and its aftermath? Folks remember it on the Gulf Coast, where late last week a federal judge ruled that the Obama Administration is imposing a de facto ban on deep water drilling that is "unreasonable, unacceptable, and unjustified."

Federal Judge Martin Feldman ordered the Interior Department's Bureau of Ocean Energy Management to act on five pending deep water permit applications within 30 days. The case was brought by Ensco, an offshore driller whose permits have been under review for as long as nine months.

Since finally lifting its blanket ban in October, the Administration has failed to issue a single permit, blaming strained resources and new regulations. Ensco believes, as Judge Feldman wrote, that the "government's continuous delays are intentional," part of an effort to use last year's BP oil spill as an excuse to limit fossil fuel extraction.

Judge Feldman wrote that permits had been approved within two weeks prior to the spill, and he dismissed the notion that Interior lacks the ability to issue permits expeditiously. The Bureau of Ocean Energy Management, he wrote, is up and running, the spill well has been contained, the new regulations "are no longer new," and the threat of rigs leaving Gulf waters becomes "more forceful each day"—all of which means that "nearly a year after the spill occurred, delays, particularly those of the length at issue here, become increasingly unreasonable."

The judge also dismissed the Administration's "cramped statutory reading" that Congress supposedly gave it carte blanche to decide permits on its own "unchecked whim." Such an approach, he wrote, "would produce autocratic discretion at best" and threatened Ensco's operations with "endless disability."

Judge Feldman struck down the Obama Administration's first drilling moratorium and earlier this month ruled Interior Secretary Ken Salazar in contempt for imposing a second moratorium that showed a "flagrant" disregard for the first ruling. The Administration seems to think he's kidding. We recall a famous op-ed in which President Obama promised

to do something about needless regulations that hurt the economy. How about starting by following the law?

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