

Jeff Civins in Law360: Florida Drilling Exemption Hard to Justify

By Jeff Civins | January 16, 2018

RELATED PRACTICES Energy, Power and Natural Resources, Environmental

The U.S. Department of the Interior's recently announced plan to open nearly all federal waters to oil and gas drilling was likely to draw legal pushback from coastal states right out of the gate, but critics got added ammunition on Jan. 9 when the Interior secretary declared Florida exempt from the controversial proposal, *Law360* [reported](#).

The report said that the Trump administration's draft proposal of the 2019-2024 Outer Continental Shelf Oil and Gas Leasing Program is a huge shift from prior five-year plans because it opens up for exploration the Atlantic and Pacific oceans and several regions of the Arctic Ocean, which were previously closed off by the Obama administration.

Many of the 14 East Coast and all three West Coast governors have expressed their opposition to any oil and gas drilling off their shorelines, so litigation is to be expected. But Interior Secretary Ryan Zinke's headline-grabbing move to grant an exemption to Florida requested by the state's Republican Gov. Rick Scott — who has been discussed as a possible challenger to Democratic Sen. Bill Nelson this year — has especially riled other states. ...

[Jeff Civins](#), senior counsel at Haynes & Boone LLP, said the underlying idea for any administrative procedure is that there are a series of steps to complete to make sure that all views are considered before a final rulemaking is promulgated, *Law360* reported.

"The secretary apparently made a decision that he's already carving out Florida, and there's no factual basis for doing that except the request of the governor," Civins said. "They're going to be hard-pressed to justify it."

Civins added that the administration will have to follow up on the deal with Florida in its final rulemaking, since it wasn't included in the proposal and because the announcement itself probably isn't legally binding. ...

Excerpted from *Law360*. To read the full article, click [here](#).