

NEWS RELEASE

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FEDERAL COURT GRANTS PRELIMINARY INJUNCTION BLOCKING BLM FRACKING RULE

BISMARCK, ND – Attorney General Wayne Stenehjem applauded the Wyoming federal district court for agreeing with the position of the state of North Dakota and other plaintiffs in granting a preliminary injunction preventing the Bureau of Land Management (BLM) from enforcing the Hydraulic Fracturing Rule. The preliminary injunction applies nationwide.

“The BLM’s Rule is another example of federal regulatory overreach with federal authorities attempting to exercise authority they do not have. It is important that regulation of fracking is conducted at the state level rather than a ‘one size fits all’ federal scheme,” said Stenehjem.

The rule was originally scheduled to become effective June 24, 2015. After a June 23, 2015 hearing on the motions, Judge Scott W. Skavdahl temporarily blocked implementation of the rule until the administrative record was filed. Today’s order will prevent the rule from going into effect while litigation is pending.

Judge Skavdahl found that there was no evidence presented that Congress granted authority to the BLM to regulate fracking and that BLM failed to demonstrate that hydraulic fracking presents harm to the environment for which further regulation is needed. “The BLM has neither substantiated the existence of a problem this rule is meant to address, identified a gap in existing regulations the final rule will fill, nor described how the final rule will achieve its stated objections. Rather, the Fracking Rule seems a remedy in search of harm.” The court also found that an injunction would serve public interest by maintaining the status quo by avoiding regulatory uncertainty and confusion and protect the generation of revenue and employment from mineral development projects.

“It is significant that the court noted the states are likely to succeed on the merits when the lawsuit is concluded,” said Stenehjem.

The Fracking rule consists of regulations addressing wellbore construction, chemical disclosures and water management for hydraulically fractured well on federal or Indian Lands.

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