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Home > U.S. District Court rejects BLM authority to regulate fracking on public and tribal lands

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## U.S. District Court rejects BLM authority to regulate fracking on public and tribal lands

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The U.S. District Court for Wyoming ruled that the Department of the Interior (DOI) and Bureau of Land Management (BLM) have no authority to regulate hydraulic fracturing, commonly known as “fracking,” on public and tribal lands.

In 2015, Colorado, North Dakota, Utah, and Wyoming, as well as two industry groups and the Ute Indian Tribe sued DOI and BLM for attempting to pass a rule setting new requirements for wellbore construction, chemical disclosures, and wastewater management for fracking on public and tribal lands. The rule would have also required operators to get BLM approval before fracking. The rule had received over 1.4 million public comments since its first draft in 2012, and had been stalled in litigation since its release in March 2015.

The court issued its final ruling this June, in a move the appellants celebrated as a victory against federal agencies proposing regulations with “self-proclaimed prior regulatory authority.” The decision is expected to be fiercely challenged by environmental groups, the DOI, and the BLM in the 10th U.S. Circuit Court of Appeals as early as this fall. The groups claim the ruling was legally flawed and will be detrimental to public and tribal lands.

Sources: E&E Daily, Federal Register, U.S. District Court of Wyoming

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