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## **U.S. District Court of Wyoming Grants Preliminary Injunction of BLM Hydraulic Fracturing Rule** <sup>[1]</sup>

DENVER - Today, U.S. District Court of Wyoming Judge Scott W. Skavdahl [granted a preliminary injunction](#) <sup>[2]</sup> of the Bureau of Land Management's (BLM) hydraulic fracturing rule, finding that, "Congress has not authorized or delegated to the BLM authority to regulate hydraulic fracturing..." Judge Skavdahl found not only that the Independent Petroleum Association of America (IPAA) and Western Energy Alliance are likely to prevail in their challenge to the rule as arbitrary and capricious, but also that the states of Colorado, North Dakota, Utah and Wyoming and the Ute Tribe showed that BLM had exceeded its authority.

"We are overjoyed that we are finally getting relief from the courts regarding the regulatory overreach of the Obama Administration," said Kathleen Sgamma, vice president of government and public affairs at Western Energy Alliance. "The United States has experienced a regulatory onslaught from an Administration that acts as if it is not bound by the limits of the law. The regulatory overreach has cost hundreds of thousands of jobs and prevented considerable economic growth.

"Following on the heels of the U.S. District Court of North Dakota's rebuke of the Waters of the U.S. rule, we hope BLM, EPA and other agencies that are rushing to implement even more regulation on the very businesses that create jobs will pause and actually follow the law and regulatory procedure. The law and separation of powers aren't a relic of the Constitution that can simply be circumvented by federal agencies; they are there to ensure the government acts in a way that benefits the American people.

"The judge found the state petitioners' arguments compelling, that Congress has indeed not given BLM the authority to regulate hydraulic fracturing. He also agreed with IPAA and Western Energy Alliance that BLM has failed to justify the rule; BLM could point to no risk from fracking that is not already being managed successfully by the states, or demonstrate that its rule will deliver any environmental benefit not already provided by the states.

"He agreed with us that vague notions of public concern are not a sufficient basis to impose centralized federal control. BLM provided no evidence that its rule is necessary or that state regulation is not already protecting the environment. That is a significant finding for the oil and natural gas industry, since for several years, the environmental lobby has fomented fear in the public about an engineering process that has been safely regulated by states for decades. The judge admonished BLM for acting on unfounded claims rather than rational evidence," concluded Sgamma.

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