

IADC Briefing Book

BLM Hydraulic Fracturing Rule



In March 2015, the US Bureau of Land Management (BLM) issued a final rule, “Hydraulic Fracturing on Federal and Indian Lands.” This rule aims to regulate the use of hydraulic fracturing by adding regulations for oil and gas development on Federal and Indian lands throughout the nation. Industry responded that the rule is redundant given the fact that in the U.S., multiple states, including Colorado, Wyoming, Texas, Alaska and North Dakota, have existing regulations which govern the hydraulic fracturing process, particularly with regard to environmental protection and protection of groundwater sources. These pre-existing rules cover everything from well permitting, well materials and construction, to safe disposal of used fluids, water testing and recordkeeping. [1]

Key Messages

- The BLM Hydraulic Fracturing Rule discourages investment and job creation in the western United States by imposing a redundant regulatory process that would impose new costs and delays.
- In September 2015, the US District Court in WY issued a preliminary injunction to keep BLM from enforcing the rule until legal challenges against it were resolved. In June 2016, the U.S. District Court for the District of Wyoming struck down the rule, ruling that the BLM lacks the authority to regulate hydraulic fracturing. [2]
- Currently, BLM is appealing the decision to the 10th U.S. Circuit Court of Appeals, arguing that that Mineral Leasing Act and the Federal Lands Policy and Management Act give the agency power over hydraulic fracturing activities conducted on government-held lands.
- States have been regulating hydraulic fracturing activities for decades and should continue to have primacy over the Federal government to regulate hydraulic fracturing within their jurisdictions.

Other Resources

1. Fracking regulations by state: <http://www.alsglobal.com/en/Our-Services/Life-Sciences/Environmental/Capabilities/North-America-Capabilities/USA/Oil-and-Gasoline-Testing/Oil-and-Gas-Production-and-Midstream-Support/Fracking-Regulations-by-State>
2. BLM Fracking Rule (Energy in Depth): <http://www.westernenergyalliance.org/why-western-oil-natural-gas/what-fracking/blm-fracking-rule>
3. Bureau of Land Management: http://www.blm.gov/wo/st/en/info/newsroom/2015/march/nr_03_20_2015.html