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Sent: 05/12/2016 14:03:34
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Subject: BLM Venting and Flaring Rule

Redacted - First Amendment

LAW

Enviros move to defend BLM methane rule

Ellen M. Gilmer, E&E News reporter

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Environmental groups will not let the Obama administration's latest methane-slashing rule go down without a fight.

The Center for Biological Diversity, the Sierra Club, WildEarth Guardians, the Environmental Defense Fund and an army of other groups on Friday entered the legal fray over the Bureau of Land Management's new methane rule.

Finalized last month, the plan to cut methane emissions from oil and gas development on public and tribal lands was promptly hit with challenges from industry groups and Western states. The challengers have asked the U.S. District Court for the District of Wyoming to freeze BLM's rule as the litigation plays out.

"Currently, the oil and gas industry releases methane into the sky, burns it off unused, and loses it through leaky infrastructure," Western Environmental Law Center attorney Laura King said in an email. "These industry norms create a public health liability, waste a publicly-owned resource, reduce royalty income for taxpayers, and exacerbate climate change."

WELC, Earthjustice and the Clean Air Task Force are representing many of the environmental groups in their request to join the case.

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The groups want to make sure the rule stays intact for the long term, as methane is a potent greenhouse gas. Oil and gas operators routinely vent or burn off excess methane, and the gas can leak from well sites, compressor stations and pipelines.

BLM's rule would require operators to install equipment to monitor for leaks and to capture large amounts of gas instead of releasing it into the atmosphere (*Greenwire*, Nov. 15).

The rule is part of the Obama administration's Climate Action Plan, which also features a U.S. EPA rule to cut methane emissions from new oil and gas operations. That rule is also under attack in the courtroom by industry and states, which say it is an expensive regulatory overreach.

Environmentalists say their involvement in both cases is all the more critical with the impending administration of President-elect Donald Trump, who has vowed to roll back regulations on energy producers.

"The chances of a shift in agency policy are higher in a case like this one where the rule was adopted during one presidential administration but will be litigated by a new administration," they told the court Friday. "The Citizen Groups cannot rely on the agency to represent their interests, and should be allowed to intervene in order to protect their interests in conservation, environmental protection, and the health and safety of their members."

The other groups in the coalition are the Wyoming Outdoor Council, Citizens for a Healthy Community, Diné Citizens Against Ruining Our Environment, the Environmental Law & Policy Center, the Montana Environmental Information Center, the National Wildlife Federation, the Natural Resources Defense Council, the San Juan Citizens Alliance, the Wilderness Society, the Western Organization of Resource Councils and the Wilderness Workshop.

The groups are seeking a seat at the table in time for a court hearing scheduled for Jan. 6, where BLM and its opponents will argue over whether the court should issue a preliminary injunction barring the rule from taking effect as scheduled on Jan. 17 (*Energywire*, Dec. 1).

The hearing will be before Judge Scott Skavdahl, the same Obama-appointed judge who froze and ultimately struck down BLM's hydraulic fracturing rule earlier this year.

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