

*In Re: Hickenlooper v. Coffman*  
2015 SA 296

Attorney General's Brief Addressing Jurisdictional Questions

## **Exhibit H**

The Daily Sentinel, Grand Junction, Colorado

## Lawsuit challenging BLM fracking rules is not a state effort

By Dennis Webb

Wednesday, April 29, 2015

RIFLE — Gov. John Hickenlooper and his administration are not supporting state Attorney General Cynthia Coffman's decision to join a lawsuit challenging the federal Bureau of Land Management's new rules governing hydraulic fracturing.

"She is exercising her own independent authority. She has every right to do that. We recognize that," said Mike King, executive director of the state Department of Natural Resources.

The BLM in March unveiled new rules requiring public disclosure of chemicals used in hydraulic fracturing, and governing other areas such as handling of recovered waste fluids from fracking and protection of groundwater through well design.

In a news release Friday, Coffman's office said that she, acting on behalf of the state of Colorado, joined Wyoming and North Dakota in litigation challenging the authority of the BLM to regulate hydraulic fracturing under federal law. The suit identifies Colorado, and not Coffman, as a plaintiff.

Speaking Wednesday at the Energy & Environment Symposium presented by Garfield County and Colorado Mesa University, King sought to clear up what he said is some confusion about the state's position on the issue, and said the state didn't support Coffman's suit. But in a follow-up interview, he said he could only speak to the position of the Hickenlooper administration and state agencies, and not to Coffman's claim of acting on behalf of the state. But he said that whereas her office typically would represent the administration in a legal action, in this case, "she doesn't have a client, she's bringing it on her own."

Coffman, like Hickenlooper, is an elected officeholder. She is a Republican, and he, a Democrat.

Her office couldn't immediately be reached for comment.

King said Coffman gave the administration a heads-up that she planned to join the suit, but didn't seek its consent.

"We wouldn't have given it had she asked," King said.

He said the Colorado Oil and Gas Conservation Commission hopes to make use of a variance process the BLM has said it will grant where states already have rules achieving the same

objectives as the BLM rules. Colorado already has a rule generally requiring disclosure of hydraulic fracturing chemicals.

“In a lot of respects their standards are what we’ve already done, and so we think we are in a pretty good place to have them recognize our rules and minimize the impact and duplication that industry is concerned about, legitimately so,” King said.

In announcing the suit, Coffman said hydraulic fracturing should be regulated, but Colorado already is doing so and it is important to test the BLM’s assertion of regulatory authority “in an area that has been traditionally — and in this case expressly — reserved for the states.”

<http://www.gjsentinel.com/news/articles/lawsuit-challenging-blm-fracking-rules8232is-not-a>