

# **BROWN & HOFMEISTER, L.L.P.**

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February 18, 2016

**Via Facsimile (505-954-2010) and U.S. Mail**

Amy Leuders, Director  
Bureau of Land Management  
New Mexico State Office  
301 Dinosaur Trail  
Santa Fe, New Mexico 87508

Bureau of Land Management  
New Mexico Office  
P.O. Box 27115  
Santa Fe, New Mexico 87502-0115

Re: Town of Little Elm, Texas, Protest of Proposed Auction of Parcel NM-201604  
(comprising approximately 259 acres in and adjacent to Lewisville Lake in Denton  
County, Texas)

Dear Ms. Leuders:

My office serves as the Town Attorney for the Town of Little Elm, Texas ("Little Elm" or "Town"). It is in that capacity that I write to you, as the Director of the Bureau of Land Management ("BLM"), on behalf of the Town to protest the proposed April 20, 2016, auction of Parcel NM-201604, which comprises approximately 259 acres in and adjacent to Lewisville Lake in Denton County, Texas ("Lewisville Lake Property"), and which is set forth in the BLM April 20, 2016 "Competitive Oil and Gas Lease Sale" notice ("BLM Notice").

Little Elm has over 66 miles of its corporate limits as shoreline on Lewisville Lake. In fact, from almost everywhere that a person can travel within Little Elm, those persons have a view of Lewisville Lake. The Town's strategic vision for the community is to foster a distinct and desirable lakeside destination for all people to live and play while enjoying a safe, vibrant and welcoming community. The Town, as a unique stakeholder in all matters regarding Lewisville Lake, strenuously objects to the Lewisville Lake Property being auctioned for the purpose of oil and gas drilling and fracking and, pursuant to 42 C.F.R. § 3120.1-3, formally protests the inclusion of the Lewisville Lake Property in the April 20, 2016, auction.

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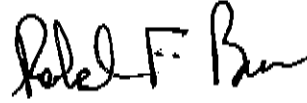
Among the reasons for this protest, are the following:

- **Oil and gas production at the Lewisville Lake Property poses a significant risk to surface water quality.** Spills and releases of oil and gas waste and their hazardous components is a common by-product of mineral extraction. This clear environmental risk, and the risk that such contaminated waters will negatively impact Little Elm's shoreline, dictates that BLM withdraw the Lewisville Lake Property from its April 20, 2016 auction.
- **Risks to the integrity of Lewisville Dam have not been adequately considered.** It has been well documented that the U.S. Army Corps of Engineers ("Corps") has expressed concerns over the structural integrity of the Lewisville Dam. In fact, the Corps has stated that the dam is "high risk." See USACE Dam Safety Facts for Lewisville Dam (November 2015). While the debate within the scientific community regarding the relationship between fracking and earthquakes remains robust, it is clear that there are many qualified studies that draw a direct correlation between hydraulic fracturing and the occurrence of earthquakes and tremors. Given the risk that oil and gas production at the Lewisville Lake Property may increase the risk of earthquakes and other seismic activities at or near the Lewisville Dam (a dam that is already considered "high risk"), any risk, even if marginal, that could contribute to a catastrophic failure and breach of Lewisville Dam must be fully vetted before allowing such mineral extraction activities to occur. Accordingly, the BLM should withdraw the Lewisville Lake Property from its April 20, 2016 auction. To do otherwise is simply irresponsible.
- **More time should be provided for stakeholders to weigh in on this critical issue for the Lewisville Lake region.** Little Elm, as well as other stakeholders in the region, only recently became aware of the competitive lease sale of the Lewisville Lake Property. Given the enormity of the impact that oil and gas drilling in Lewisville Lake may have on the region, more time should be provided to allow stakeholders to review and consider the potential impacts of the BLM auction of the Lewisville Lake Property. If for no other reason than this one alone, Little Elm respectfully requests the BLM to withdraw the Lewisville Lake Property from its April 20, 2016 auction.

In sum, Little Elm requests that BLM withdraw the Lewisville Lake Property from its April 20, 2016 auction, as is authorized in the BLM Notice. Doing so would be the prudent and responsible course of action and consistent with the BLM's authority to "withdraw any and all parcels before the sale begins." See BLM Notice at p. iii.

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Sincerely,

A handwritten signature in black ink, appearing to read "Robert F. Brown". The signature is fluid and cursive, with the first name "Robert" and last name "Brown" being more legible than the middle initial "F".

Robert F. Brown

RFB/rfb  
Enclosures

cc (via email only):

Town Manager Matt Mueller  
Director of Development Services Jason W. Laumer, P.E.