



**DATE:** 2/18/2016

**TO:** Amy Leuders, Director  
Bureau of Land Management, New  
Mexico

**FAX NO:** 505-954-2010

**FROM:** Brad Reiting  
brad@freedomtitleoftexas.com

**RE:** Citizen Protest Parcel NM-201604-043

**COMMENTS:**  
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February 18, 2016

Amy Leuders, Director  
Bureau of Land Management  
New Mexico State Office  
P.O. Box 27115  
Santa Fe, New Mexico 87502-0115  
***Via Fax: (505) 954-2010  
and Certified Mail***

Julie Ann Serrano, Lead Land Law Examiner  
Bureau of Land Management  
New Mexico State Office  
P.O. Box 27115  
Santa Fe, New Mexico 87502-0115  
***Via Fax: (505) 954-2010  
and Certified Mail***

**Re: Citizen Protest Pursuant to 43 C.F.R. § 3120.1-3 of the Proposed Auction by the  
Bureau of Land Management ("BLM") of Parcel NM-201604-043, being 258.90  
Acres Located in Denton County, Texas (Lewisville Lake)**

Dear Ms. Leuders and Ms. Serrano:

We are residents of Highland Village, Texas, and we reside within 200 yards of Lewisville Lake. We submit this *protest* and *objection* to the proposed auction of a mineral lease of Parcel NM-201604-043, and respectfully request that the parcel be withdrawn from the April 20, 2016 auction.

Our home is located less than mile from the parcel being considered for auction by BLM. We have concerns both for the environment including, but not limited to, water quality, the health of our family and neighbors, the increased risk of seismic activity, and the risks posed to the nearby Lewisville Lake Dam. Without limiting the foregoing, we would like to focus on the

undeniable increased risk for seismic activity that results from hydraulic fracturing (a/k/a fracking) and, more particularly, the waste water injection relating to fracking.

The United States Geological Survey ("USGS") has without question documented the relationship between wastewater disposal and triggered seismic activity. According to USGS Geologist William Ellsworth, that "[d]isposal wells trigger earthquakes when they are dug too deep, near or into basement rock, or when the wells impinge on a fault line . . . [s]cientifically, it's really quite clear." <http://www.newyorker.com/magazine/2015/04/13/weather-underground>.

Similarly, the Oklahoma Geological Survey has determined that the majority of recent earthquakes in central and north-central Oklahoma are very likely triggered by the injection of produced water in disposal wells. <http://earthquakes.ok.gov/what-we-know/>. Reference is made particularly to the research contained at <http://earthquakes.ok.gov/what-we-know/academic-research/>. Reference also is made to the allegations contained and authorities cited in the Complaint for Declaratory and Injunctive Relief filed on February 16, 2016, in *Sierra Club v. Chesapeake Operating LLC et. al*, Civil Case No. 5:16-cv-00134-F, United States District Court for the Western District of Oklahoma. The foregoing research, allegations, and authorities are incorporated herein by reference.

We have reviewed BLM's analysis under the National Environmental Policy Act ("NEPA"), Application for Permit to Drill ("APD"), Environmental Assessment (DOI-BLM-NM-040-2015-61-EA), dated October 2015)(the "EA") (concluding, among other things, that an "Environmental Impact Statement (EIS) is not warranted"), Texas Resource Management Plan (1996), Texas RMP Revision and Environmental Impact Statement (EIS), and unsigned finding of No Significant Impact (FONSI) in lieu of EIS, among other things. It is clear that BLM did not even *consider*, much less analyze or assess, the potential for seismic activity that may result from drilling in the Lake Lewisville area. BLM, however, is *required* to "evaluate all reasonably foreseeable environmental effects of its actions." *Center for Biological Diversity v. Bureau of Land Management*, 937 F.Supp.2d 1140, 1155 (N.D. Cal. 2013)(citing *Metropolitan Edison Co. v. People Against Nuclear Energy*, 460 U.S. 766, 772 (1983)). There is no question that there is a "reasonably close causal relationship" between BLM's action (leasing the area for drilling) and the impact of seismic activity in the vicinity. *Id.* Regardless, "BLM was unreasonable in categorically refusing to consider an effect that bears 'reasonably close causal relationship' to the action at issue." *Id.*

Equally troubling is BLM's utter failure to provide proper public notice of its proposed action. Indeed, we were not aware of the present circumstances until informed by a friend that she saw a sign taped to a light-pole in our neighborhood. The only means that BLM used to publicize the sale is its website for the New Mexico State Office. No public notice was disseminated in the North Texas area nor via local offices of surface management agencies. BLM's pro forma notice therefore violated NEPA's mandate for agencies to "invite the participation of . . . interested persons" and "make diligent efforts to involve the public" in considering the environmental consequences of its actions. 40 C.F.R. §§ 1501.7(a)(1), 1506.6(a). We therefore demand that BLM postpone its proposed sale of the leases; conduct an appropriate EA and/or EIS; issue a proper report; give proper notice of its intentions; and hold public hearings.

We look forward to receiving immediate notice of your actions going forward.

Very truly yours,

Bradley M. Reitingen

Virginia L. Reitingen

cc: Charlotte J. Wilcox, Mayor, City of Highland Village, Texas  
Congressman Michael Burgess  
State Representative Tan Parker  
State Representative Ron Simmons