

August 6, 2014

Jesse Juen  
U.S. Bureau of Land Management  
New Mexico State Office  
PO Box 27115  
Santa Fe, New Mexico

Dear Director Juen,

My name is Steven Brubaker. I am writing you to protest the proposed sales of parcels NM-201410-001, 004 through 015 that will be offered for lease in the *BLM Competitive Oil and Gas Lease Sale, October 22, 2014*.

### **Interest in Protesting**

Since 2000 my wife and I have owned nearly 100 acres immediately outside Abiquiu. Our attraction to the property has always been the land: its elemental beauty and meaning, its remoteness and its lack of development.

### **Reasons for Protesting**

Reasons for protest include matters of fact, matters of risk and matters of procedure.

#### *Matters of Fact*

Shallow Shale Hydraulic Fracturing wells require millions of gallons of water each. The subject parcels are in a desert where water is a limited and precious resource. Whether in normal periods or in periods of climate change, it is distinctly counter-intuitive - even considering short-term energy or commercial use - to place that scale of stress on a long-term sensitive and vulnerable rural ecosystem. For many innocent plants, animals and humans survival is at stake. For commercial and governmental entities it is merely a choice.

The BLM is perfectly positioned - and, it would seem, morally positioned - to recognize this condition. In my own business and profession - designing large-scale public buildings - we have had to revise significantly our materials, means and methods of making and doing things in order to adjust to the implications of long-term sustainability - all the while remaining commercially viable. So I know it can be done, even in full public view.

## *Matters of Risk*

Chemicals used in hydraulic fracturing cause known serious health problems, including cancer and neurological damage. Even with the best intentions and practices, private oil and gas interests have never been able to proceed without occasional events creating environmental contamination. Being east of the Continental Divide, Shallow Shale Hydraulic Fracturing in the subject parcels would be above precious potable aquifers that are used by half of the state of New Mexico - not to mention my neighbors' and my own wells. Future rain and snowmelt could trickle through the shallow shale broken under injection pressure and seemingly leave the aquifers below unprotected.

Additionally, Hydraulic Fracturing carries with it gas flares and the potential of fires and explosions. Similarly, Shallow Shale Hydraulic Fracturing is suspected to create seismic activity. Finally, Shallow Shale Hydraulic Fracturing is a relatively new technology without a history of known unintended consequences.

The risks associated with contaminating aquifers in a fragile and dependent ecosystem, unleashing devastating forest fires on wildlife habitats, destabilizing traditional ways of existence, incurring seismic activity that might disturb dams and bedrock and allowing new technology all have to be assessed.

Clearly, Shallow Shale Hydraulic Fracturing on the subject parcels will generally increase energy sources and production, create jobs, expand the tax base and enhance the profits of the commercial entities involved. However, it is also generally clear that the energy increases will be marginal, if not negligible. Jobs and profits could easily go out of state. Along with tax revenues, all these tend to be short-term.

Meanwhile, in the eventuality of contamination, forest fires, earthquakes or other unintended consequences, it is difficult to imagine how a decision to allow Shallow Shale Hydraulic Fracturing could possibly have been considered as just and fair to innocent minority and low-income humans who historically have had disproportionately high and adverse health problems from environmental effects. It is difficult to imagine how our forests, their wildlife habitats and traditional interests dependent on them could possibly survive any sort of contaminating, incinerating or seismic event.

Finally, the ultimate consequences of any errors do not fall on the perpetrators of unintended events. Residents suffer the long-term effects. This is not fair and just to these residents. They have a much higher stake protecting their precious, limited resources and their fragile ecosystems than outside entities with only short-term interests.

As a steward of public lands, the BLM should seriously consider the efficacy and legacy of shifting risks from secure, outside and short-term interests to unsuspecting, vulnerable and long-term interests.

*Matters of Procedure*

Perhaps most significantly as a steward of public lands and within a nation of laws and procedures governing this stewardship, it would seem that the BLM would not want to suffer from a lack of diligence concerning this particular sale or, worse, consciously to skirt responsibility on the basis of a technicality. An unbiased, comprehensive, accurate and up-to-date Finding of No Significant Impact (FONSI) regarding Shallow Shale Hydraulic Fracturing should be performed on the subject parcels. This is particularly important since the subject parcels apparently possess similar geology and hydrology as parcels whose sale has recently been deferred for insufficient study.

To seek a technicality in order to minimize possible dangers of drilling in any portion of a fragile watershed area can only suggest predisposition, willful negligence or allegiance to a particular set of interests. Currently, a Finding of No Significant Impact (FONSI) for the October 22, 2014 Oil and Gas Lease Sale does not appear to be adequately supported by the Environmental Assessment as it now stands.

It does not need to be said that without transparent and diligent procedures the Bureau of Land Management's stewardship of public lands is drawn seriously into question as an effective and reliable governmental agency. As with my business, "transparency" entails the ability to communicate complex technical and professional concerns in terms that are understandable to an average citizen. Inability to communicate in this manner can suggest a predisposition towards a particular outcome or possible arrogance with regard to our citizenry.

Again, I seriously protest and ask you to defer the proposed sales of parcels NM-201410-001, 004 through 015 that will be offered for lease in the *BLM Competitive Oil and Gas Lease Sale, October 22, 2014*.

Sincerely,



Steven Brubaker

Please send your mandatory response to:

900 N. Lake Shore Drive #2703  
Chicago, IL 60611