November 21, 2016

Via Fax (505-954-2115) and U.S. Mail

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

Re: City of Corpus Christi Letter of Protest pursuant to 43 C.F.R. 3120.1-3 of proposed auction by the Bureau of Land Management (BLM) of Parcels NM-201704-009, 010 & 017 comprised of approximately 676.80, 634.74 & 153 acres, respectively, in and adjacent to Choke Canyon and Texana Reservoir’s in McMullen, Live Oak and Jackson Counties, Texas

To Whom It May Concern:

The City of Corpus Christi (City), Texas is a home-rule municipality and is a regional water supplier to nearly 500,000 people in seven counties of the Coastal Bend region. The City maintains an interest in promoting health and safety, and maintains an interest in preventing damage to the regional water supply and the environment.

Choke Canyon and Lake Texana Reservoirs, are the City’s largest water supply sources. Since its final completion in 1984, Choke Canyon reservoir has provided flood control, recreation, and essential storage for municipal and industrial use through the region’s frequent drought periods. Water is released through the City operated Choke Canyon dam, where it flows down the Frio and Nueces Rivers, through Lake Corpus Christi, and finally down the Lower Nueces to the City’s water treatment plant. Along the way, water is also diverted by four other cities, two water districts, and three industrial customers. The Palmetto Bend Project, commonly referred to as Lake Texana, was authorized by Congress in 1968 to provide a reliable water supply for municipal, industrial and environmental interests and to develop and enhance fish and wildlife resources and to enhance and provide public recreation opportunities. The Lavaca-Navidad River Authority was established to develop, conserve and protect this water resource.

The City only recently learned about the competitive oil and gas lease sale of two parcels of land in or adjacent to Choke Canyon Reservoir and one in or adjacent to Lake Texana, scheduled to take place in April 19, 2017. Though there is an abundance of oil and gas activity in the region around the reservoirs (Eagle Ford Shale Play), these parcels proposed for sale are either within or adjacent to the City’s respective surface water supply and outlets. The City is concerned about the risk this may cause to the safety of the water quality and supply within each reservoir. As such the City is protesting the lease sale of parcels NM-201704-009, 010 & 017 in McMullen, Live Oak and Jackson Counties, Texas and requests that the BLM withdraw these three parcels from the April 19, 2017 and future auctions. General concerns and specific water quality concerns for the aforementioned sites are further detailed below.

Parcel NM-201704-009 is a 976.80-acre parcel in Live Oak County, Texas, that is completely within the conservation pool of Choke Canyon Reservoir. According to the Oklahoma Field Office lease stipulations for the Nueces River Project, this parcel cannot be accessed or occupied on the surface (no surface occupancy). It is not clarified in the lease stipulation what is defined as the surface. The City believes that this definition should be clear. It should correspond to the surface elevation at maximum capacity (233 feet msl). Since the reservoir is fed by a semi-arid
watershed that frequently experiences drought, there is often exposed lake bed below 233 feet msl (e.g., currently at 197 feet msl). This exposed lake bed could prompt access or surface occupancy by lessees, which could lead to contamination by equipment during flood events. In addition the parcel is extremely close to the City’s outlet structure.

Parcel NM-201704-010 is a 634.74-acre parcel in Live Oak & McMullen Counties, Texas, that is adjacent or within the conservation pool of Choke Canyon Reservoir. According to the Oklahoma Field Office lease stipulations for the Nueces River Project, this parcel cannot be accessed or occupied on the surface (no surface occupancy). It is not clarified in the lease stipulation what is defined as the surface. The City believes that this definition should be clear. It should correspond to the surface elevation at maximum capacity (233 feet msl). Since the reservoir is fed by a semi-arid watershed that frequently experiences drought, there is often exposed lake bed below 233 feet msl (e.g., currently at 197 feet msl). This exposed lake bed could prompt access or surface occupancy by lessees, which could lead to contamination by equipment during flood events. In addition the parcel is close to the City’s outlet structure.

Parcel NM-201704-017 is a 153.00-acre parcel in Jackson County, Texas, that is within the contributing watershed of Lake Texana. The proposed lease activity could lead to the contamination of complex organic compounds into Lake Texana. The City’s water treatment plants are not designed to filter these complex hydrocarbons contaminates.

The City of Corpus Christi requests that the BLM withdraw these three parcels from the April 19, 2017 and future auctions in order to protect the regional’s water supply to nearly 500,000 people in seven counties of the Coastal Bend region. The City maintains an interest in promoting health and safety, and preventing damage to the regional water supply and environment.

The City of Corpus Christi has a long standing working partnership with the Bureau of Reclamation. Thank you in advance for your attention and consideration of our concerns. Please feel free to contact me if additional information is required or if I may be of assistance.

Sincerely,

Margie C. Rose
City Manager for City of Corpus Christi, Texas

Cc:  Mr. Patrick Brzozowski P.E. – General Manager, Lavaca-Navadidad River Authority
     Mr. Mark Trevino – Area Manager, Bureau of Reclamation Oklahoma-Texas Area Office
November 22, 2016

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

Re: Comments on Environmental Assessment of April 2017 Lease Sale

Dear Ms. Lueders:

I am writing regarding the Bureau of Land Management’s (BLM) planned April 2017 oil and gas sale and Environmental Assessment DOI-BLM-NM-040-2016-028, pursuant to 43CFR 3120.1-3. I am formally asking that the Texas parcels below be withdrawn from consideration from the April 2017 sale including:

NM-201704-009   (Choke Canyon, 979.80 acres)
NM-201704-010   (Choke Canyon, 634.74 acres)
NM-201704-017   (Above Lake Texana, 153 acres)

These nominated parcels are located on the shore of or below Choke Canyon and above Lake Texana. Both Choke Canyon Reservoir and Lake Texana are two of three major water supply lakes for the City of Corpus Christi. Constituents have raised concerns that not enough information has been collected to assess potential risks. Some include possible water contamination of the water supply and seismic activity in the region and the risk from additional induced seismicity to the infrastructure of these water supply lakes.

Given these concerns, we respectfully ask that you withdraw the aforementioned parcels from the April 2017 lease auction.

Respectfully,

Abel Herrero
State Representative, District 34
November 21, 2016

Ms. Ann Lueders, Director
Bureau of Land Management
New Mexico State Office
301 Dinosaur Trail
Santa Fe, New Mexico 87508

Bureau of Land Management
New Mexico
PO Box 27115
Santa Fe, New Mexico 87502-0115

Re: Comments on Environmental Assessment of April 2017 Lease Sale

Dear Ms. Lueders:

I am submitting comments regarding the Bureau of Land Management’s (BLM) planned April 2017 oil and gas sale and Environmental Assessment DOI-BLM-NM-040-2016-028, pursuant to 43CFR 3120.1-3.

Because of serious environmental concerns, I am respectfully requesting that the Texas parcels below be pulled from consideration from the April 2017 sale including:

NM-201704-009  (Choke Canyon, 979.80 acres)
NM-201704-010  (Choke Canyon, 634.74 acres)
NM-201704-017  (Above Lake Texana, 153 acres)

These nominated parcels are located on the shore of or below Choke Canyon and above Lake Texana.

Both Choke Canyon Reservoir and Lake Texana are two of three major water supply lakes for the City of Corpus Christi. The Corpus Christi Water Department supplies water not only to Corpus Christi but also to 18 cities, serving more than 440,000 residential customers (2010 census data).

Many of these customers are in my senate district. Water is a precious resource and the Environmental Assessment (EA) fails to address the potential risk of the following:

A) Growing seismic activity in the region and the risk from additional induced seismicity to the infrastructure of these water supply lakes; and
B) Possible water contamination of water supply.
SEISMIC CONCERNS

With the increased seismicity in the area around the Eagle Ford region, this Environmental Assessment (EA) has not addressed issues regarding induced seismicity as it relates to the dam infrastructure, nor the potential risk to pipelines such as the 64-inch distribution line that conveys water from Lake Texana to the population of Corpus Christi.

I am concerned about the lack of any meaningful assessment or data within this EA regarding the growing seismic activity in the Eagle Ford region and the risk this poses to both Choke Canyon and Texana. In section 3.3.3 Seismicity (p. 29 of the EA) and section 4.3.3 Water Sources (p. 57), there is only discussion of seismic activity in Oklahoma. For Texas, or more specifically for the noted parcels above, there is neither assessment of the risk of induced seismic activity nor of the potential for contamination of these drinking water sources from runoff or wastewater injection.

I have received information from a former oil and gas geologist noting four faults or lineaments (which typically mark the presence of faults) associated with Choke Canyon and one lineament associated with Lake Texana. There have been more than seventeen earthquakes between 2000 and 2015 within a 57 mile distance from the center of Choke Canyon, ranging in magnitude from 2.5 to 4.8 (see Figure 8 attached). One of those earthquakes measured magnitude 3.4 within 5 miles of the dam. Further evidence has revealed that Parcel #10 is located directly in line with lineament #3 (see Figure 7 attached).

Recent evidence in Oklahoma points to the fact that once an area has a swarm of earthquake activity, the gravity of the seismic effects can increase with additional oil and gas activity within a region over time as underground pressures continue to build, be it from fracking or waste disposal injection.

WATER QUALITY CONCERNS

Oil and gas production around these two lakes pose a significant risk to surface water quality. Surface water in the area in and around the land for these parcels flows directly to Choke Canyon and Lake Texana. As a result, any spills or releases of oil and gas waste and their hazardous components have the potential to impact the drinking water of Corpus Christi and the residents of the 18 cities the utility serves. The direct impacts from oil and gas activities on water quality have not been studied within this Environmental Assessment.

For example, Parcel #17 is located atop streams that flow into Lake Texana including Middle Branch Brushy Creek and Brushy Creek. The EA does not consider the water quality implications of leasing this parcel for oil and gas development with respect to these local water bodies.

In its Environmental Assessment, the BLM identifies these general risks to drinking water supplies (Water Quality, p. 54) that could result from oil and gas activities including:

- Increased surface runoff/off-site sedimentation brought about by soil disturbance;
- Increased salt loading impairment of surface waters;
- Channel morphology changes due to road and pipeline crossings; and
- Possible contamination of surface waters by produced water.

The Environmental Assessment further acknowledges that “Petroleum products and other chemicals used during drilling or hydraulic fracturing... could result in surface and groundwater contamination.” (p. 55).
Given the Environmental Assessment's failure to analyze induced seismic risks to the dam infrastructures and its water pipeline distribution system, plus the potential harm to the water quality of these two water supply lakes for almost half a million residents, respectfully ask that the aforementioned parcels from the April 2017 lease auction be withdrawn.

Sincerely,

Juan "Chuy" Hinojosa
State Senator, District 20