



Thomas_Graf@blm.gov
12/21/2007 01:08 PM

To "David Bailey" <dbailey@cksmb.com>
cc Mike_Blenden@fws.gov, Ron_J_Garcia@fws.gov, "Berg,
William" <WBerg@ensr.aecom.com>
bcc

Subject RE: Baca EA

Looks good. Better to be safe than sorry. Thanks for your prompt attention to this.

Thomas R. Graf
Special Assistant U.S. Attorney
Representing the Bureau of Land Management (BLM) in State of Colorado Water Courts
c/o U.S. Department of the Interior
Office of the Regional Solicitor
755 Parfet St. Suite 151, Lakewood CO 80215
ph. (303) 231-5353 Ext. 551; fax: (303) 231-5363

"David Bailey"
<dbailey@cksmb.com>

12/21/2007 11:29 AM

"Berg, William"
<WBerg@ensr.aecom.com>

<Thomas_Graf@blm.gov>,
<Ron_J_Garcia@fws.gov>,
<Mike_Blenden@fws.gov>

RE: Baca EA

To

cc

Subject

Bill -

Tom Graf's suggested text would look something like the following. To keep this process moving, I am sending this language to you at the same time I am sending it to the Lexam reviewers, so we may have a few tweaks.

Oil and gas exploration and production is an iterative process. The result of the currently planned two-well exploration program may be that no further exploration is warranted, additional exploration wells are necessary or that commercially developable quantities of oil and natural gas exist. It is not possible to determine in advance of the exploration program whether any further exploration or development is warranted or the layout and configuration of any additional wells and associated facilities including roads.

If commercially developable quantities of oil are discovered, any additional wells could include a pumping system and adjacent storage tank from which crude oil would be hauled off the Refuge in tanker trucks to an oil refinery. If natural gas is discovered in commercial quantities, a subsurface transportation system would be required to an adjacent roadway at which point the gas would be further transported in a pipeline system located in road rights-of-way to the point of distribution. Separator and compressor facilities may also be required, but such facilities should be able to serve several wells and may not need to be located on the Refuge. In a production scenario, techniques to minimize the impact of oil and gas development in the surface estate, such as directional drilling and drilling multiple wells from a single drill pad, are possible, although no determination can be made at this time regarding the feasibility of any of these alternatives on the Refuge.

Lexam understands and agrees that ... [language you have already drafted to the effect that additional NEPA compliance would be required].

Dave

303-893-1827

-----Original Message-----

From: Berg, William [mailto:WBerg@ensr.aecom.com]
Sent: Friday, December 21, 2007 10:14 AM
To: David Bailey
Subject: FW: Baca EA
Importance: High

Forgot to tell you - this is what Graf sent to me in response to my request for clarification of "full development of the mineral estate".

-----Original Message-----

From: Thomas_Graf@blm.gov [mailto:Thomas_Graf@blm.gov]
Sent: Friday, December 21, 2007 8:39 AM
To: Berg, William
Cc: Mike Blenden@fws.gov; Ron_J_Garcia@fws.gov;
acemrich@hollandandhart.com
Subject: Re: Baca EA
Importance: High

I will be around Jan.2-4.

As for indirect/direct effects, I think we should say at the very least, what development of the deposits would generally look like (area Disturbed by roads and pads beyond area disturbed by exploration) if the wells find economic quantities of oil or gas. Then we can say that Service will perform additional NEPA on insuring that development of the mineral estate proceeds reasonably and will apply the reasonable restrictions it believes are necessary to protect the refuge and resources during development of the mineral estate.

Thomas R. Graf
Special Assistant U.S. Attorney
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Water
Courts

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"Berg, William"

<WBerg@ensr.aecom

.com>

To

<Ron_J_Garcia@fws.gov>,

12/21/2007 08:25

<Mike_Blenden@fws.gov>,

AM

<thomas_graf@blm.gov>

cc

Subject

Re: Baca EA

Gentlemen,

Because of the holidays and attempts to schedule a reasonable turn around on the last set of comments, will you be available to review the document the week of December 31?

Also, please provide a clarification regarding the comment that an indirect effect of the Proposed Action and No Federal Action Alternatives is potential "full development of the mineral estate" which needs to be analyzed. What do you envision is "full development" so we can define the extent of impacts?