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To Thomas\_Graf@blm.gov

cc Ron J Garcia/R6/FWS/DOI@FWS, Bud  
Oliveira/R6/FWS/DOI@FWS, Rick  
Coleman/R6/FWS/DOI@FWS, Tim

bcc

Subject Outline for tomorrow's discussion with Regional Director

Tom,

Here's my outline for our discussion with Regional Director Steven Guertin regarding status of the Baca oil and gas EA. Please take a look and we can talk in your office when we get there around 10:30

Bud, Rick and Tim,

I've copied you on this so you get a sense of the planned discussion. Ron and I will stop by Rick/Bud's office before 1:00 to coordinate a bit.

Thanks,

Mike



Briefing for RD and ARD on Baca NWR EA 6-5-08.doc

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"Everything that can be counted does not necessarily count; everything that counts cannot necessarily be counted." A. Einstein

Briefing for RD and ARD on Baca NWR EA of Gas Exploration Proposal  
June 5, 2008, 1:00 p.m.

- I. Why are we here?**
  - a. Decision point
  - b. Are you comfortable with our direction?
  - c. Answer your questions
- II. Background**
  - a. Baca NWR acquisition - 2004
  - b. Lexam proposal – November, 2006
  - c. NEPA question – winter 2006/2007
  - d. Lawsuit – May 2007
  - e. Solicitor- conduct EA of measures to protect surface estate – May 2007
  - f. December meeting with EPA and community members
- III. Summary of EA alternatives**
  - a. Preferred alternative – 50 + measures and standards
  - b. No federal involvement
  - c. No mineral exploration
- IV. Summary of Comments – ERO and ENSR summaries**

Theme: Few people or organizations really understand the limited scope of this EA. The federal action is not exploring for gas it is the establishment of recommendations and stipulations regarding the time, place and manner of exploration to minimize disturbance to the surface estate to reasonable levels.
- V. Response to major comments**
  - a. Air quality – FWS branch of air quality and NPS
  - b. Wetland impacts – EPA concern
  - c. Noise – NPS and EPA and private
  - d. Groundwater – EPA
  - e. Severe winter elk, deer and pronghorn range - CDOW
  - f. Imperiled fish - CDOW
  - g. Misc.
    - i. No CCP
    - ii. No analysis of likely foreseeable actions
    - iii. Cumulative impacts
- VI. We'll be recommending a FONSI, ramifications**
  - a. Pros – consistent with other Service NEPA actions, refuge staff feel all measures are reasonable, COGCC will incorporate stipulations in their permit, Lexam won't sue us
  - b. Cons –
    - i. EPA, FWS branch of air quality and others may disagree with decision
    - ii. San Luis Valley Ecosystem council will likely disagree and sue
- VII. Next steps**
  - a. Resolve questions regarding responses
  - b. Additional briefing and field visit
  - c. Decision on FONSI