



Citizens for San Luis Valley Water Protection Coalition

Summary of comments submitted on the *USFWS draft EA on Lexam Explorations' Proposal to Drill in the Baca National Wildlife Refuge*.

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Summary of Concerns

These public comments seek to ensure that the US Fish and Wildlife Service (USFWS) properly adheres to the National Environmental Policy Act (NEPA) mandates that require all federal agencies to fully consider the significant and cumulative impacts of the full scope of the actions involved in and related to issuing permits to allow drilling on the newly established Baca National Wildlife Refuge (NWR).

We have reviewed the *Draft Environmental Assessment of Planned Gas and Oil Exploration, Baca National Wildlife Refuge, Saguache County, Colorado, dated January 2008* (henceforth the "EA") extensively discussed it among ourselves, our members and sought the opinion of experts, government representatives and other institutions, organizations and individuals. Notwithstanding the considerable effort that USFWS has made to propose mitigation of the impacts of Lexam's drilling proposal, we have reached the following general conclusions about the EA:

- The **purpose and need for the proposed project is not clearly defined** and lacks an appropriate consideration of reasonably foreseeable future actions likely to be taken by USFWS in relation to gas and oil production and build out.
- In most instances, the protective "measures" proposed in the EA are **insufficient to prevent unacceptable degradation to the surface estate** of the Baca NWR. In essence, the EA proposes multiple measures, but no standards by which to measure their effectiveness.
- There are **no baseline data or scientific evidence to support the findings of "no" or "less than" significant impact** on the affected environment as described in the EA.
- The **cursory and partial assessment of the many unique and rare resources** do not provide USFWS with the essential information it needs to protect these resources *to the maximum extent possible*.
- The **severe capacity limitations** facing the USFWS Wildlife Refuge System that were raised in our scoping comments are not addressed in the EA. This still constitutes a major problem that needs to be addressed.
- The proposed project involves **highly significant and cumulative impacts** that are **not adequately addressed, or, in many cases, even acknowledged** in the EA (see selected concerns below).
- The **scope of the EA is extremely limited and ignores the larger landscape** context of the Baca NWR and the uniqueness of its regional and local setting.

- The **range of alternatives considered in the EA is far too narrow** and doesn't reflect realistically the options available to USFWS.

Based on these conclusions, we urge USFWS to take the following actions:

1. **Make a decision of a need for an EIS immediately** so as not to burden other Federal agencies, state and local government and non-governmental organizations and the public with additional review on a seriously inadequate EA.
2. **Assess the impacts from the seismic survey and develop a Reasonably Foreseeable Future Action** scenario for the projected 17,200-acre production goal outlined in Lexam's work plan (Hoey & Geo, 2006).
3. **Eliminate the Proposed Action Alternative** due to its failure to protect the refuge to the maximum extent possible. As proposed, this alternative would result in unacceptable degradation of the surface estate, most notably sensitive wetland and riparian habitats, endangered species, cultural resources and the unconfined and confined aquifers.
4. **Develop the No Mineral Exploration Alternative** more fully. Include a comprehensive feasibility analysis of a federal minerals buyout, including a cost estimate, of Lexam Explorations mineral interests in the Baca National Wildlife Refuge. This alternative is an important means of achieving a final solution to the fundamental conflict of use resulting from the split estate.
5. **Include the Suspend Drilling Until Completion of a Comprehensive Conservation Plan (CCP) alternative.** Ultimately USFWS will need to consider Lexam's gas and oil development plans within the context of the CCP process scheduled to begin within 3 years.
6. **Add a Maximum Surface Protection Alternative** that analyzes alternative well locations (suggested below) that minimize adverse impacts to wetlands, wildlife, endangered species (esp. Rio Grande sucker), cultural resources and the unconfined aquifer impacts that are unavoidable in the Proposed Action Alternative.

There are too many problem areas in the EA to adequately address in this comment letter. What follows is a more detailed description of some of the areas of EA insufficiency that identify, more fully, the need for an EIS and/or CCP.