



02000952

# EXHIBIT(s) FOR ORDER NO(s).

Various  
Letters -

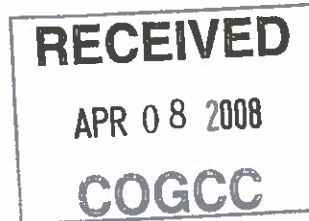
-

-

-

-

David Neslin  
COGCC  
1120 Lincoln Street, Suite 801  
Denver, CO 80203



April 7, 2008

Dear Mr. Neslin and COGCC members,

I would like to share with you this booklet which is a printout of information I have compiled for our Water Watch Alliance website, <http://waterwatchalliance.googlepages.com>, concerning Lexam Explorations, Inc.'s proposed drilling of three oil/gas test wells in the San Luis Valley. Having compiled this information, we believe that the most effective way to protect and preserve the quality of this pristine area and our tremendously valuable groundwater, is to find ways to ensure that this area remains a NO-GO (no gas and oil drilling) ZONE in perpetuity. I hope that the information provided in this booklet can be a valuable resource for you as you address these important issues.

Governor Richardson in New Mexico has declared a moratorium on gas drilling in the Gallisteo Basin until comprehensive studies on their aquifers have been completed. Certainly, this area deserves no less protection than that. We are asking Governor Ritter to please consider this option as well.

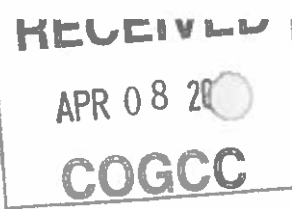
Sincerely,

A handwritten signature in dark ink, reading "Eric T. Karlstrom". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Dr. Eric Karlstrom  
Professor of Geography  
Water Watch Alliance  
Crestone, CO 81131

P.S. Also enclosed, please find:

- I. A copy of an open letter to Governor Ritter that Water Watch Alliance sent previously.
- II. A copy of an article that has appeared in the April, Colorado Central Magazine regarding this issue.



## Open letter to Governor Bill Ritter

2/20/08

*I have always told people that the San Luis Valley is more than a home to me. It is a spiritual place unlike any other on earth.*

*Senator Ken Salazar*

We in the San Luis Valley of southern Colorado live in a unique and spectacular place; indeed, this valley is a priceless, national treasure. Considered North America's largest, alpine agricultural valley, the San Luis Valley is surrounded by the spectacular Sangre de Cristo Range on the east and the San Juan Mountains to the west. It contains the highest sand dunes in North America (The Great Sand Dunes National Park) and the adjoining Baca National Wildlife Refuge (BNWR), which protects a vast network of wetlands that are amongst the most pristine and biologically diverse in the American Southwest. Significant elk, antelope and deer herds, over 45 rare, threatened or endangered species, and some of the oldest archaeological sites in North America, dating back some 11,500 years, are here. The Pueblo, Ute, and Navajo peoples consider this valley and Mt. Blanca the most sacred places in the world. Over 20 spiritual groups, representing a variety of religious traditions, have retreat centers here because of the profound silence and pristine quality of nature. But perhaps most important for future generations, this valley is underlain by one of the largest reservoirs of clean groundwater in North America, including an estimated **140 million+ acre-feet of potable water** (Pearl, 1974).

In August, 2006, Lexam Explorations, Inc., a Canadian company, applied for permits to drill two 14,000-foot exploratory gas test wells on sensitive wetlands in the BNWR about 1.5 miles west of our community. Initially, BNWR officials told us they were **NOT** obligated to conduct a NEPA (National Environmental Policy Act) process because Lexam owns the mineral rights underneath the refuge. However, after our lawyers sued, a federal judge instructed the BNWR that they are legally bound to conduct a NEPA process. So on August 17, 2007, the BNWR initiated an Environmental Assessment (EA)/scoping process at a public meeting where they instructed us to submit our concerns in writing and informed us that, by law, they were obligated to address and respond to our concerns in the EA. As you know, Governor Ritter, NEPA was established to insure public and scientific input to determine whether or not a proposed activity on federal land would result in **"significant impacts"** to local physical, biological, and cultural environments. Whereas activities with **"significant impacts"** require full-scale Environmental Impact Statements (EIS), those with **"no significant impacts"** require the much less comprehensive Environmental Assessment (EA).

On January 18, 2008, the BNWR released the Draft EA, written by ENSR, a private contracting company **paid by Lexam**. Given this inherent conflict of interest, it is not surprising that the EA is a FONSI (**"finding of no significant impact"**) even though the proposed **drilling activity meets all ten criteria for "significant"** defined in NEPA. ENSR and BNWR apparently used several devices to justify their FONSI conclusion. The Draft EA: 1) assumes *a priori* (but never proves) **"no significant impacts,"** 2) ignores the NEPA definition of and overwhelming evidence for **"significant impacts,"** 3) ignores the substantial number of questions and concerns which citizens submitted in writing, 4) does not address impacts at all, and 5) limits the assessment to the drilling of exploratory wells, not acknowledging that this **"precedent-setting"** activity could result in significant **"cumulative"** impacts if gas production occurs.

Indicative of the conflict of interest here, at the public meeting, William Berg, oil geologist and main author of the Draft EA, challenged our community to prove that drilling would contaminate groundwater. Although it is impossible to prove future occurrences, there is an abundant record of gas drilling accidents that have polluted wells, springs, ponds, etc. Regarding EnCana's gas drilling near Silt, Colorado, for example, Peggy Utesch (Grand Valley Citizen's Alliance) stated, "We know that every day there are accidents in the field - just look at the (COGC) Commission's reports." Indeed, gas-drilling accidents recur worldwide.

The purpose of the BNWR is to restore, enhance, and maintain habitat for wildlife, plants and fish species native to the San Luis Valley. Water is a vital and irreplaceable part of this protection. We believe that we have raised legitimate concerns regarding the adverse impacts to water and the BNWR that have not been addressed through the NEPA process to date. We also believe that some places are best managed for other uses besides energy development and the Baca National Wildlife Refuge is one of them.

BNWR representatives have apparently now redefined NEPA in such a way that their only responsibility is to mitigate Lexam's drilling activities. Thus, it seems that representatives of the BNWR, Lexam, and ENSR view the NEPA process as a "done deal." Whereas we are participating in the NEPA process in good faith, we question whether the USFWS is following the NEPA process honestly and fairly. They did not respond to the many concerns we submitted during the EA/scoping process, as they promised they would. So we are concerned that the comments and concerns we are now submitting to the BNWR during the present public comment period will be ignored, just as they were before. And we are also concerned that in this process, no official group is representing the interest of the most valuable part of the BNWR "estate", which is the water that belongs to the people of Colorado. Finally, we feel that, in this case at least, the property rights of American citizens, the U.S. government (the BNWR), and the state of Colorado (the water) should supersede those of a Canadian corporation. For more information, please check our website: <http://WaterWatchAlliance.googlepages.com>.

Although we know you have many diverse interests to balance, we ask you, Governor Ritter, to please consider helping us protect and preserve this unique, special valley as a NO-GO (No Gas and Oil Drilling) Zone. We urge you to place a moratorium on oil/gas drilling until base-line water studies are conducted on our aquifers to help us understand their importance to this valley and to fulfilling Colorado's commitment to the Rio Grande Basin Compact.

Respectfully yours,

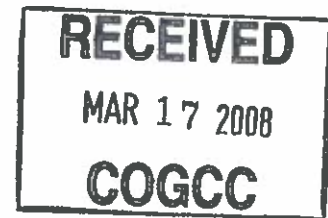


Dr. Eric Karlstrom, Lisa Cyriaks, Chuck Grant, Parvin Johnson, Tom Ontko, Susan N. Vaughan, Dr. Phil Schechter, (Water Watch Alliance)

Cc: Senators Ken Salazar and Wayne Allard, Representative John Salazar, Senator Gail Schwarz, David Neslin (COGCC), Jay Slack (U.S. F&WS), Jim Martin (Colorado Dept. of Public Health), Harris Sherman (Colorado Dept. of Natural Resources), Representatives Tom and Mark Udall, Governor Bill Richardson, Senators Barack Obama and Hillary Clinton, media

March 3, 2008

U.S. Fish and Wild life Service  
Attn: Michael Blenden  
9383 El Rancho Lane  
Alamosa, CO 81101  
Baca\_EA@fws.gov



ORIGINAL

Re: Environmental Assessment (EA) for Lexam Explorations Drilling Permit in Baca is  
Inadequate: Please Require Full Environmental Impact Statement (EIS)

Dear Mr. Blenden:

The significance of allowing Lexam Explorations to drill for gas in the Baca is serious.

It should be noted that Lexam Explorations is a Canadian company that owns the sub surface mineral rights to 100,000 acres of the Baca Grande. This land includes the land held by Crestone's spiritual centers and the Baca National Wildlife Refuge.

Contrary to the statement in the EA, the oil and gas drilling industry in the U.S. historically exhibits a consistent record of environmental degradation and damage to human health due to their drilling operations.

Following are several key points for you to consider:

1. Soil and water contamination – The drilling process releases toxic chemicals that are injected under pressure to explode (cracking) the rock releasing toxic chemicals and natural gas that can leach into the aquifer. The aquifer in question may be the largest volume underground freshwater in the United States. In addition the drilling process involves storing and using toxic chemicals on site and transported to and from the fields, which can cause damage via spills.

For these reasons, a management plan for control of groundwater which effectively eliminates the possibility that groundwater would be contaminated with any harmful or toxic solution, chemical or process should be considered in a full EIS.

2. Threat to wildlife – The Baca Grande which includes the land held by Crestone's spiritual centers and the Baca National Wildlife Refuge, include pristine wilderness that should be protected.

3. Air pollution – The drilling process requires toxic chemicals to be stored on site. Additionally the drilling process releases ozone and the other toxic chemicals into the air

4. Light pollution – Drilling rigs and operations typically operate 24 hours a day and require lighting for safety in operations.

5. Noise pollution – Again drilling rigs and operations, involves the transport and operation of heavy equipment, typically operate 24 hours a day.

Following are several other important points that reflect the community's well-being and are not addressed in the EA:

1. The draft EA doesn't recognize the existence of over 24 spiritual centers that form the basis of the local economy and culture in Baca and Crestone. .

2. The draft EA doesn't address the context of the proposed project in a place that's been chosen by many spiritual traditions for its unique SENSE OF PLACE. The residents and businesses of the Village of Crestone and the Baca community may well be severely and negatively impacted economically as a result of drilling. For these reasons, a complete economic analysis/impact report should be conducted in a full EIS.

3. The draft EA doesn't address the risks to public safety that increased truck traffic will have given the T-road is a two lane (narrow) single exit road.

For all of the aforementioned reasons, I find the EA's conclusions are not supported by complete and substantive evidence. It is crucial that the NEPA process proceed to a full Environmental Impact Statement (EIS) which would be based on a thorough scientific study (preferably by a 3<sup>rd</sup> and independent party) of the impact to the drilling area, surrounding ecosystem and human community.

The Baca Grande and the Baca National Wildlife Refuge are national treasures for their wildlife and scenery. The conservation of such places should be protected. I strongly recommend that a full EIS be conducted before any decision is made to allow Lexam Explorations to drill.

Thank you for this opportunity to comment on this important issue.

Sincerely,



Ms. Donna Dowell  
17 Cuchilla De Lupe Rd  
Placitas, NM 87043-8717

cc:

Stephen Guertin, Regional Director  
Mountain-Prairie Region US Fish and Wildlife Service  
134 Union Boulevard  
Lakewood, CO 80228  
mountainprairie@FWS.gov

Senator Ken Salazar  
609 Main Street, #110  
Alamosa, CO 81101  
<http://salazar.senate.gov>

Governor Bill Ritter  
136 State Capitol  
Denver, CO 80203-1792  
<http://www.colorado.gov>

David Neslin  
Acting Director  
COGCC (Colorado Oil and Gas Commission)  
1120 Lincoln Street, Suite 801  
Denver, Colorado 80203  
[dnr.ogcc@state.co.us](mailto:dnr.ogcc@state.co.us)

Representative John Salazar  
609 Main Street, #6  
Alamosa, CO 81101  
[www.house.gov/salazar](http://www.house.gov/salazar)

Senator Wayne Allard  
411 Thatcher Bldg  
Pueblo, CO 81003  
<http://allard.senate.gov>

Senator Gail Schwartz  
200 E. Colfax  
Denver, CO 80203  
[gail.schwartz.senate@state.co.us](mailto:gail.schwartz.senate@state.co.us)

Saguache BoCC  
(County Commission)  
P.O. Box 655  
Saguache, CO 81149  
[landuse@amigo.net](mailto:landuse@amigo.net)

Choying Dzong, Yeshe Khorlo Retreat Center  
2281-A Happy Day Overlook/P.O. Box 87  
Crestone, CO 81131  
719.256.5224 [info@yeshekhlorlo.org](mailto:info@yeshekhlorlo.org)  
[www.yeshekhlorlo.org](http://www.yeshekhlorlo.org)

RECEIVED

MAR 03 2008

COGCC

Dave Neslin, Acting Director of the COGCC  
1120 Lincoln St STE #801  
Denver, CO 80203

Dear Mr. Neslin,

Feb 26.08


I urgently request you to please halt Lexam's proposed drilling in the Baca NWR, not only until a full Environmental Impact Statement is made, but in principle (a Moratorium).

As you probably know, Crestone/Baca as a community has been defined by USNews & World Report as, "one of the world's sacred places". The New York Times has also reported on this singularity, and one which we, who reside here, know and cherish deeply. To us, the desecration and exploitation of ancient, pristine and sacred land for mere commercial speculation is unacceptable.

In a world looking for more sustainable energy options, such as solar and wind, potentially destroying precious natural reserves, air quality, wild life, etc. is a greedy anachronism! Such actions have to be opposed in an attempt to create a more equitable and humane planetary future.

Thank you.

Sincerely,

  
Marika Popovits  
PO Box 661  
Crestone, CO 81131

February 27, 2008



Dear Sirs,

March 1 , 2008

After hearing of the disaster that could potentially occur if Lexam is allowed to drill below the surface on the land set aside for Baca National Wildlife Reserve, I felt it necessary to allow my voice to be heard against the drilling.

I have family members who live in Crestone, and not only would the the oil drilling be messing up the Wildlife reserve but it could also mess up the underground aquifers that feed the Rio Grande Basin which could potentially contaminate not just my families drinking water but many others residents of Colorado, New Mexico and Texas as well.

The community of Crestone will be destroyed in the drilling process if Lexam is allowed to drill. Crestone only has one access road in and out of town and if there is any kind of chemical spill or drilling related road blocks the whole town will be shut down ( no ambulances in and out of town in the case of an emergency , no school buses in and out of town i.e.)

I am hopeful that you will all listen to the people who make this area their home and realize that their safety would ultimately be in danger if Lexam is allowed to drill. Please take the steps necessary to stop the drilling and preserve my family and many others ,homes and water supply.

Thank you for your time.

Sincerely,

Allison Anderson  
5205 willow road  
Zionsville In 46077  
E-mail: allip7@hotmail.com

2/20/08

RECEIVED

FEB 29 2008

COGCC

Dear David Neelins

Lexam is way to close to Crestone and the Baca. This is the largest spiritual community in Colorado. We have many Buddhist and Hindu communities. We also have Shumai (Japanese) and a Carmelite Catholic community and a Baptist and a Episcopal Church. Lexam will make to much noise. The wind comes from the West and there will be noise every where.

Also the Wild Life Refuge is small. There will be roads all over and it will ruin the Wild Life Refuge. TOXIC materials also come from the drilling and that will effect both people and animals because wind comes from the West. They are also drilling in Wet Lands area. This will effect endangered species and roads will sink into the wet lands. Also gas or oil may get into the aquifer water and pollute it.

There are also old archeology sites in the Wild-Life Refuge. 11,000 years old - that may be effected.

So for these reasons I don't think Lexam should drill in the Wild Life Refuge.

I am sorry my hand writing is so poor. I have Lou Gehrigs Disease and my right hand does not work very well.

Sincerely, Janet Anderson RN

RECEIVED

FEB 29 2008

COGCC

Date

2/26/08

DEAR MR. NESLIN,

MY WIFE & I ARE RETIRED & LIVING IN THE BACA GRANDE, ABOVE THE WILDLIFE REFUGE & CLOSE TO THE PROPOSED LEXAM DRILLING SITES. WE ARE ALSO A 20 MIN. DRIVE TO THE N. GATE OF GREAT SAND DUNES NATL. PARK WHICH HAS A GOOD VIEW OF THE PROPOSED DRILLING SITES.

WE HAD MOVED HERE AFTER TEACHING & NURSING CAREERS TO ENJOY AN AREA WHICH OFFERED BEAUTY, PEACE, SOLITUDE, WILD NATURE, CLEAN WATER, SPIRITUAL GROWTH... ALL THINGS WHICH ARE BEING THREATENED BY PROPOSED PETROLEUM EXPLORATION & DEVELOPMENT ACTIVITIES.

OUR WORLD'S HUMAN SOCIETIES WILL SOON BE FORCED TO MOVE AWAY FROM ECONOMIES BASED ON OIL; WE ARE SIMPLY CLOSE TO "RUNNING OUT". TO THREATEN ONE OF N. AMERICA'S LARGEST FRESH WATER AQUIFERS W/ POLLUTION WHEN THAT COMMODITY IS IN SUCH CRITICALLY SHORT SUPPLY TO THREATEN THE LIVES OF THE AREA'S HUMAN, ANIMAL, & PLANT RESIDENTS; TO TRUMP SURFACE RIGHTS EXCESSIVELY IN ORDER TO DEVELOP DUBIOUS SUBSURFACE ONES IS MORALLY WRONG!

WE NEED THE U.S.F.W.S. TO CONDUCT AN INDEPENDENT E.I.S. OR TO SUSPEND DRILLING UNTIL COMPLETION OF THE U.C.D.; THESE ARE PROPER "HIGH ROADS" THANK YOU FOR YOUR CONSIDERATION.

TRULY,  
Stephen Anderson  
PROFESSOR



February 3, 2008

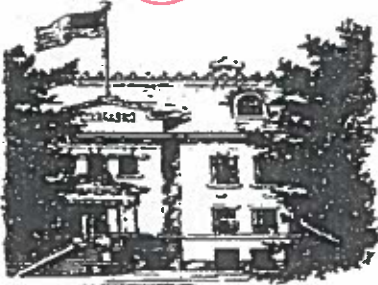
Dear Sir:

My Mother (who recently died last month)

& I were disappointed with the EA regarding drilling in the Baca National Wildlife Refuge. We feel it did not address our concerns & those of most citizens in the SLV. An EIS is needed (but not paid for by hexam) in order to determine the causes & effects of oil & gas production in this pristine sanctuary. Besides all the environmental sustainability & quality of life issues mentioned in our earlier scoping letters, we are aware of the corporate pressure you are undergoing to okay the punching of 14,000 ft. wells into our precious aquifer. What does "dewatering" the aquifer mean, words used by the State Water Engineer when describing what it takes to get gas out of the ground? We wonder if this might be another scheme by Gary Boyle & other AWDI proponents to

sell our greatest resource, pure water. Please take a stand with us & 45 rare & endangered species <sup>of its water</sup> to help protect this high desert valley for future generations. Thank you. ¡Gracias a la vida!

Sincerely, Doris Reinhart (in memory)  
Nulie Reinhart-Sutherland  
P.O. Box 96  
La Jolla, CA 92037



**SAGUACHE COUNTY GOVERNMENT**

501 Fourth Street  
P. O. Box 655  
Saguache, Colorado 81149

Phone: (719) 655-2231 • Fax: (719) 655-2635

**[www.saguachecounty.net](http://www.saguachecounty.net)**

**RECEIVED**

**MAR 03 2008**

**COGCC**

February 29, 2008

Michael Blenden, USFWS Project Leader  
San Luis Valley NWR Complex  
9383 El Rancho Lane, Alamosa, CO 81131

Dear Mr. Blenden,

Saguache County Commissioners, staff and consultants have reviewed the Environmental Assessment prepared by USFWS in collaboration with ENSR. The following are our comments and questions based on our understanding of the Environmental Assessment and the findings and recommendations contained therein.

While recognizing that the Service has expended a great deal of time and effort, under difficult circumstances, the Saguache County Board of County Commissioners finds the Environmental Assessment (EA) prepared by USFWS for the Baca Wildlife Refuge to be inadequate in protecting the health, safety and welfare of the public, and the precious natural resources of the Refuge and our region, important to the local quality of life and economy. Our comments point out both broad and fine points that lead the Board to find that an Environmental Impact Statement (EIS) is indicated. We respectfully request that an EIS be completed to ensure that USFWS fulfills its charge to maximally protect the Refuge and effectively mitigate the many impacts, potential and real, which reach beyond the Refuge boundaries.

The Commissioners, as discussed below, are very disappointed that the Service chose not to include the County as a Co-Operating Agency early in the scoping process. This would have provided the County the opportunity to fully participate in the NEPA process, as well as have a more complete understanding of the process and the factors that lead Fish and Wildlife to select an EA instead of an EIS approach. Such involvement may have alleviated some of the concerns expressed herein by the County. The Commissioners look forward to resolving the status issue as this process continues.

The following is a summary of the key points, from Saguache County's point of view, substantiating the need for an EIS, or completion of a Comprehensive Conservation Plan:

- Compliance with NEPA's CEQ definitions of significance, and use of the EA's term: RFFA – Reasonably Foreseeable Future Action as a basis for no significance is questionable.
- The draft EA does not provide adequate data, analyses, or documentation, as a basis for findings of no significance.
- Studies / Plans / Reviews, stated to be completed in the future, are referred to in many clauses, which then go on to find no significance, in advance of those plans, studies and reviews.

- Consultations were unduly limited, and no Cooperating Agencies were represented in addressing the assets of the Refuge and how to best protect them in the event of Oil and Gas activities.
- The unique cultural and critical socio-economic aspects of the impacted area are insufficiently documented and addressed.
- Risk, cost and benefit factors are not fully addressed.
- Best Practices are not secured.
- Cross-jurisdictional roles, responsibilities are unclear.

We have endeavored in the APPENDICES to provide detail, as to specific sections of the EA that exemplify the key points above, and to provide examples of issues warranting further evaluation and planning, as well as unanswered questions, which remain to be addressed in the NEPA process. These demonstrate the need for USFWS to fulfill its responsibility to identify and mitigate impacts of activities on the Refuge, with the thoroughness and care provided in an EIS.

Decisions that we, the governmental decision-makers make for the Refuge, the National Park as a whole, the County and the Valley, not only affect our current local and national constituency and "biosphere". They determine the legacy we will leave for future generations, and the long-term integrity of the environment.

We respectfully request that you give every consideration to the comments in this letter and its Appendices, and address them with diligence. The County is available to provide appropriate support to the Service in this process. As always, Saguache County appreciates the efforts and services provided by Fish and Wildlife to the County and its residents.

Sincerely,

FOR SAGUACHE COUNTY BOARD OF COMMISSIONERS:



Sam Pace, Chairman

CC –

Dean Rundle, USFWS  
Governor Bill Ritter  
US Senator Ken Salazar  
Rep. John Salazar

Senator Gail Schwartz  
Rep. Kathleen Curry  
Dave Neslin, COGCC - Director  
Trési Houpt, COGCC Commissioner

## APPENDICES

<u>PAGE</u>	<u>APPENDIX</u>
-------------	-----------------

3	APPENDIX A: NEPA Process
---	--------------------------

5	APPENDIX B: NEPA Council of Environmental Quality (CEQ) DEFINITION OF "SIGNIFICANCE"
---	---

6	APPENDIX C: Findings of no significance based on the temporary nature of the test well drilling, which fail to recognize future operations and longer term and cumulative effects as NEPA requires.
---	---

7	APPENDIX D: Future studies, reviews and plans referred to in the EA, without necessary details (who, what where, when and how they will be done), and referenced as a basis for finding no significance
---	---

8	APPENDIX E: Resource Protection
---	---------------------------------

10	APPENDIX F: Oil and Gas Operations
----	------------------------------------

---

### APPENDIX A - NEPA Process

#### • COOPERATING AGENCIES

#### EA section I. USFWS Environmental Assessment

#### 5.0 Consultation and Coordination

#### 5.1 Introduction

*"The USFWS is the lead agency for this EA. There are no cooperating agencies."*

Delay in USFWS offering Saguache County Cooperating Agency status resulted in loss of the opportunity for early involvement in the scoping process as local government decision-makers. As such, we understood we would be at the table during identification of the EA team, the issues and questions to be addressed in the EA, how, and by whom. While USFWS is responsible for the conduct and determinations in the EA, Cooperating Agency status is the NEPA mechanism for involving decision-makers and experts early in the process. Instead, the County, and participation of other interested and expert agencies and organizations, was relegated to review and commenting on the EA only during public comment periods. Given the unique refuge setting and hydrology, historical and current cultural qualities, and socio-economic factors, and with the potential for long term oil and gas operations - involvement and support of Cooperating Agencies is appropriate and prudent. Numerous clarifications are needed for the Cooperating Agency MOU presented to Saguache County by USFWS. We look forward to completing the MOU with you.

- **RFFA - Reasonably Foreseeable Future Actions**

## **Section II. USFWS Environmental Assessment, Definitions - Page ii –**

MANY findings of no significance throughout the EA are stated to be based on the limited scope of the test well operations, and, no RFFA. The hope for future production is the goal of Lexam in drilling test wells. If they find resources - they will go to production. **This is a reasonably foreseeable future action.**

Substantiation of the intended, reasonably foreseeable, future actions is apparent in Lexam's presentation at: [http://www.lexamexplorations.com/energy\\_baca.php](http://www.lexamexplorations.com/energy_baca.php)

*"Lexam's Baca Oil and Gas Project contains all of the ingredients necessary to make this an attractive, frontier exploration play. A discovery would turn Lexam's 100,000-acre land position into a strategic asset capable of adding substantially to the oil and gas reserves of participating companies."*

- **SIGNIFICANCE**

We have reviewed the N.E.P.A. document of the Council of Environmental Quality (CEQ), DEFINITION OF "SIGNIFICANCE", attached as **APPENDIX B**. See also: [www.nepa.gov/nepa/regs/ceq/1508.htm](http://www.nepa.gov/nepa/regs/ceq/1508.htm) - 1508.27

Significance, as defined for the NEPA process requires addressing both context and intensity.

*"(a) Context. This means that the significance of an action **must be analyzed** in several contexts **such as society as a whole (human, national), the affected region, the affected interests, and locality... Both short and long-term effects are relevant...**"*

The EA does not speak to the required consideration stated in CEQ Intensity Factors:

*"6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration."*

*"7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts."*

Please see **Appendix C** for a list of examples of EA sections where findings of no significance were based on the temporary nature of the test well drilling and fail to address potential future operations, and longer term and cumulative effects as NEPA requires.

— — —



**APPENDIX B - Council of Environmental Quality (CEQ)**  
**DEFINITION OF "SIGNIFICANCE"**  
**<http://www.nepa.gov/nepa/regs/ceq/1508.htm> - 1508.27**

**\*Sec. 1508.27 Significantly\***

"Significantly" as used in NEPA requires considerations of both context and intensity:

(a) Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

(b) Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:

1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.
2. The degree to which the proposed action affects public health or safety.
3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.
4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.
5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.
6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.
7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.
8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.
9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.
10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

*~Provided by: Citizens for San Luis Valley Water Protection Coalition,  
(719) 256-5780 [slvwater@theriver.com](mailto:slvwater@theriver.com), [slvwater.org](http://slvwater.org) ~*

## **APPENDIX C**

**Findings of no significance based on the temporary nature of the test well drilling, which fail to recognize future operations and longer term and cumulative effects as NEPA requires.**

### **4.0 Environmental Consequences / 4.2 Geology, Mineral Resources, and Soils,**

#### **4.2.1 Effects of Lexam's Planned Exploration Program - 2<sup>nd</sup> paragraph, last sentence:**

*"Because of the temporary nature of the operations, the quantity of materials (oils and fuels) on-site would be relatively small. Impacts from spills would be short term and limited to the immediate vicinity of the spill and impacted soil would have to be removed and disposed offsite in accordance with applicable rules."*

#### **Page 4-10, 4.6.2.1 Big Game**

*"Impacts to big game species are expected to be minimal because of USFWS protective measures and because of the temporary nature of the activities."*

#### **Page 4-11, 4.6.2.2 Small Game**

*"Impacts to small game would be greater than those to large game because they are limited in their ability to temporarily relocate during periods of disturbance because of their smaller size. Temporary disturbances and habitat losses could cause unnatural movements of these species away from the disturbance and altered habitats, which may result in an increased vulnerability to predators..."*

#### **Page 4-18, 4.10 Socioeconomic Resources / 4.10.1 Effects of Lexam's Planned Exploration Program, 4.10.5 Cumulative Impacts, 4.10.5.1 Proposed Action**

*"Because no RFFAs have been identified in the cumulative effects area and socioeconomic impacts are anticipated to be minimal and temporary, there would be no cumulative impacts."*

#### **Page 4-8, 4.5.2 Proposed Action Alternative / 4.5.2.1 Vegetation and Wetlands, 2<sup>nd</sup> paragraph**

*"Areas temporarily disturbed by construction and operation activities would be reclaimed as described above. In 3 to 5 years following successful reclamation, these areas would provide food, cover and nesting wildlife habitat. However, it may require up to 15 to 20 years for vegetation communities, especially shrub communities, to return to predisturbance levels. Those areas disturbed by construction and operation activities would be temporarily unavailable to wildlife use and as habitat. Therefore, impacts to vegetation and wetlands would be less than significant."*

#### **Page 4-19, 4.10.5 Cumulative Impacts / 4.10.5.1 Proposed Action**

*"Because no RFFAs have been identified in the cumulative effects area and socioeconomic impacts are anticipated to be minimal and temporary, there would be no cumulative impacts."*

## **APPENDIX D**

Future studies, reviews and plans referred to in the EA, without necessary details (who, what where, when and how they will be done), and referenced as a basis for finding no significance

**Page 1-8, 1.5.2 Other Laws Relating to Oil and Gas Activity on NWR System Lands /  
1.5.2.2 National Historic Preservation Act (NHPA) of 1966, as amended, last sentence**

*"... USFWS is conducting a review of effects on historical and archaeological sites in order to ensure that the proposed measures protect cultural resources to the maximum extent practicable."*

**What are the monitoring and compliance plans for USFWS requirements and others, as cited – Page 1-8, 1.5.3 Other Federal Regulations**

*"The planned Lexam exploration activities also are governed by a number of other federal regulatory programs. The list below is not intended to be exhaustive:*

*Clean Water Act*

*Clean Air Act*

*American Indian Religious Freedom Act (AIRFA)*

*Native American Grave Protection and Repatriation Act (NAGPRA)*

*Resource Conservation Recovery Act*

*Occupational Health and Safety Administration (OSHA) regulations*

*Department of Transportation (DOT) regulations"*

**Page 2.7, Last paragraph**

*"USFWS believes that impact of this planned drilling program on surface resources of the Refuge can be thoroughly assessed and evaluated prior to the completion of the CCP".*

**What is the plan for the thorough assessment and evaluation referenced?**

**Page 3-35, 3.7 Cultural resources 2<sup>nd</sup> paragraph**

*"USFWS is conducting a review of effects on historical and archaeological sites in order to ensure that the proposed measures protect cultural resources to the maximum extent practicable."*

**Page 4-11**

Preconstruction surveys for wildlife species are referenced in Big Game and Migratory Bird sections.

**Page 4-14**

*"In accordance with applicant-committed environmental protection measures, all construction of roads and pads would occur in a way which best facilitates their complete removal and reclamation once Lexam activities have ceased at these sites."*

**No Plan is offered or required.**

## **APPENDIX E**

### **Resource Protection**

#### **A) WATER**

**i. HYDROLOGY** - Extensive studies and models of the aquifer under the San Luis Valley have been completed in recent years, finding the aquifer to be unique, and the hydrology uncertain. This unique aquifer is critical to the ecology of the Great Sand Dunes, also unique, in the National Park. Protection of this most valuable and irreplaceable resource to the Park and the Valley is crucial.

##### **Applicable CEQ significance factors:**

3. *"Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas."*

5. *The degree to which the possible effects on the human environment are highly uncertain, or involve unique or unknown risks.*

It is our understanding that in this case "controversial" refers to scientific uncertainty and conflicts in understanding. This condition appears to apply to the aquifer, and may also be relevant to the fault geology, warranting consultation with scientific experts who contributed to the best models available, more explicit analyses and discussion with regard to significance.

**ii. WETLANDS and RIPARIAN protection** - Likewise, consultation with other agencies and organizations is lacking in determining optimal locations for drilling and ensuring protection of wetlands and riparian areas.

Risk analyses specific to deep wells was not presented. Nor was there discussion of the potential effects of water contamination, available clean-up measures and their effectiveness, and impacts on down stream water owners. (For example: spill drift, geothermal impacts, cross aquifer contamination, etc.) Such analyses are also needed to establish bonding and insurance requirements, which reflect the potential damage to water resources.

#### **Section 4.4.2 Proposed Action Alternative / 4.4.2.1 Surface Water Quality, last sentence**

*"The primary hazardous materials to be used are fuels (diesel and gasoline), drilling mud additives, and cement."*

For maximum protection of the National Refuge, and the region's water – best practices are indicated in using known, NON-toxic options. If any hazardous substances are allowed, there are numerous other concerns, which warrant more complete attention, such as – preparation of community emergency first responders with knowledge of hazardous ingredients and treatments in the event of a contamination; and plans for OSHA compliance.

#### **B) AIR**

##### **Section 4.3 Air Quality**

Analyses do not reference the Class 1 status of the Sand Dunes and discuss potential impacts/mitigations from that framework.

**Page 1-1, Introduction, paragraph 2, last sentence**

*"Management of the refuge will emphasize migratory bird conservation and will consider the refuge's role in broader landscape conservation efforts" (USFWS 2005)."*

Data regarding the current status, and potential risks to the internationally recognized flyway is needed as a basis for analyses.

Discussion of the broader conservation efforts also referenced in this section, fails to mention the Crestone Baca Land Trust, Manitou Habitat Conservation Program, and other Valley conservation efforts. Completion of consultations with adjoining agencies (NPS, FS) in this regard is unclear.

**C) Cultural/Historical protections**

**Page 1-1, 3<sup>rd</sup> paragraph from the bottom**

*"In addition to the plant and animal resources contained on the refuge, the area also is rich in historic and cultural resource sites, some of which date over 12,000 years ago. Many of these are eligible to be placed on the National Register of Historic Places."*

Analyses should invite further Tribal input, and, consultation with the regional Smithsonian experts, in better defining the assets to be protected.

**Page 3-35, 3.7 Cultural Resources / 3.7.1 Regulatory Framework 2<sup>nd</sup> paragraph**

*"Section 106 of the NHPA requires federal agencies to assess the effects of an undertaking on historical and archaeological sites. The proposed action is not considered an undertaking as defined by NHPA, and therefore is not subject to review."*

**36 CFR PART 800 -- PROTECTION OF HISTORIC PROPERTIES (incorporating amendments effective August 5, 2004) Subpart B -- The Section 106 Process, 800.16 Definitions.**

*"(y) Undertaking means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval."*

This would seem to apply; on what basis was it ruled out?

**Page 3-36, 3.7.2 Cultural Resources Investigations**

Has a Class three inventory been performed for #7 well locations?

**D) Socio-economic impacts**

The presentation of the socio-economic context of the nearest community was cursory, given that its primary source of income is spiritual, artistic and recreational retreat, based on the pristine natural environment and quietude. Valley-wide, agriculture is a predominant economic factor, and is dependent on the health of water and ecological systems.

In section 3.10 it is stated that personnel will base in Alamosa and provide economic benefit there, rather than for the local community. Assessment is needed of the potential for degradation of property values and recreational and retreat tourism, due to aesthetic impacts of industrial activity in the near pristine Refuge environment.

Risk, cost and benefit analyses are needed in order to further define socio-economic impacts and significance to those most directly impacted, and to establish financial responsibility of the operator. How has just compensation been established and guaranteed?

**Page 2-7, 2.4 No Mineral Exploration Alternative – states:**

*“...USFWS has not, to date, pursued this alternative because no funds have been identified...”*

Discussion of the buyout option did not address the value or a projected value range of the mineral estate. What efforts, if any, were made to pursue funds?

---

## **APPENDIX F Oil & Gas Operations**

**Page 1-4, Section 1.3 Purpose and Need for the Proposed Action**

*“The scope of this EA does not address production of natural gas and oil from any of the wells described above. If necessary, the USFWS regulation of production and associated transportation would be the subject of a separate analysis pursuant to the National Environmental Policy Act (NEPA).”*

If this EA, or a revised version of it, is the basis for the Record of Decision, it should be limited to the activities it assessed – the test wells only - and explicitly require a new EA and/or EIS review for any future activities.

**The EA does not address the operator’s procedures to manage a positive find.**

How will Lexam contain, process, transport or otherwise dispose of resources upon finding any? It is our understanding that the operator will somehow “prove it up”, and any such procedures and their impacts should be fully defined and considered in determining significance. For example, flaring to rate findings would pose unacceptable risks to the Baca Refuge, the nearby community, and perhaps impact air quality detrimentally to the Class One asset of the Great Sand Dunes.

**Page 1-17, 1.6.2.4 Water Requirements, top paragraph**

*“... In the event that well water would not be available, water will have to be purchased from an off-site source and trucked to the drilling locations. Depending on daily water needs of the rig and the capacity of the tanker truck, as many as 250 truckloads per well could be required to supply water to the drilling operations.”*

Such an eventuality increases the intensity factors with more significant traffic disturbance of wildlife, wear and tear on roads, dust, and potential for weed introduction. There is no reference to how this will be monitored and mitigated.

**Page 2-9, 2.5.2 Directionally Drill the Wells from Outside of the Refuge, last sentence**

*"Directional drilling of a 14,000-foot deep exploratory well was judged to be neither technically nor economically practical or feasible as described in the following discussion."*

Who made this judgment, and what are the facts analyzed to come to this conclusion?

**Page 2-11 2.5.3**

*"Lexam believes drilling of the initial well will provide hard data regarding a number of the elements required for entrapment of oil or gas. It is highly likely that there will be significant changes in the interpretative model of the geology as a result of drilling the initial well. Therefore Lexam believes a second well will be required to test additional potential based upon the new information acquired from the initial well."*

Given the sequential nature of the exploration as described by the operator, why not approve one well now and base approval for second well on positive findings and presentation of the referenced changes in model the 1<sup>st</sup> well would indicate in a second, and presumably later 2<sup>nd</sup> well.

**Page 4-4, paragraph 1**

"The drill rig engine specifications are not known at this time ..."

Air and noise impacts cannot be assessed if the drill engine is unknown and approved as such.

**Page 4-4, paragraph 5**

*"... operators are required to implement a fugitive dust control plan, which can include but are not limited to watering roads, graveling roads, and controlling vehicle speeds."*

Has USFWS reviewed the referenced plan and confirmed that the COGCC/CPHE standards are adequate for a National Refuge?

**Page 4-8, 4.5.2 Proposed Action Alternative / 4.5.2.1 Vegetation and Wetlands**

Invasive weeds are a growing problem in Saguache County and the Valley. The locations and methods of cleaning equipment are inadequately described.

**Page 4-21, last 3 paragraphs**

Remove language that says Lexam will "strive" to obtain muffling equipment, and will use noise attenuating equipment "if available", and REQUIRE THAT THEY DO.

**• Cross-jurisdictional issues**

- **COGCC** - The EA refers to COGCC conditions, which have subsequently changed, or are on hold until the EA is complete. Should COGCC implement new rules prior to granting the State permit, the new rules and associated conditions should apply.

- **Emergency Plans** - Limited volunteer personnel, and the potential need for equipment and training are of concern and not acknowledged. NOTE: COGCC has agreed to change the requirement of "a meeting" for Emergency planning, as referenced in the EA, to completion of an agreed upon Plan.

**Page 4-18 4.10.1.3 Emergency Services, last Sentence**

*"Deficiencies in local emergency services will be identified and measures to emergency response will be discussed and implemented."*

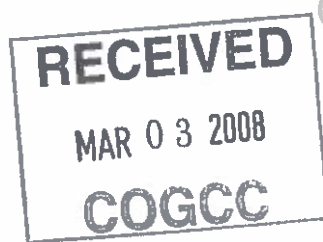
Local and regional emergency personnel, such as Saguache County's OEM, EMS, Fire Depts, and SLV RETAC and All Hazards should be involved in determining deficiencies and developing an agreeable plan, well in advance of operations commencing.

**• MONITORING PLANS**

In the absence of a Comprehensive Conservation Plan, inadequate baseline data has been collected and presented in the EA, and commensurate monitoring plans are not described.

Qualifications and training of independent monitoring personnel, and details with regard to frequency of monitoring and reporting are lacking.





February 27, 2008

Dear Mr. Neslin,

Enclosed is a copy of Yeshe Khorlo's comments to the U. S. Fish and Wildlife Service concerning the Lexam proposal draft Environmental Assessment for the Baca, near Crestone, CO.

Thank-you,

A handwritten signature in blue ink that reads "Tenzin Yeshe".

Tenzin Yeshe

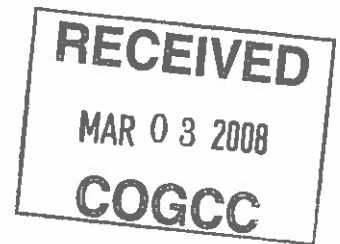


# YESHE KHORLO

NYINGMA BUDDHIST MEDITATION CENTERS

H. E. GANGTENG TULKU RINPOCHE

FOUNDER AND SPIRITUAL DIRECTOR



*copy*

Michael Blenden  
U.S. Fish and Wildlife Service  
9383 El Rancho Lane  
Alamosa, CO 81101

February 27, 2008

RE: Comment on the draft Environmental Assessment (EA) for the Baca National Wildlife Refuge and surrounding area.

Dear Mr. Blenden:

I am commenting on behalf of Chöying Dzong, Yeshe Khorlo's Nyingmapa Buddhist Church and Retreat Center. Our church sanctuary and retreat cabins were completed in 2000. We are located in Chalet I of the Baca Grande Subdivision. All of us are extremely concerned about the potentially devastating effects that the natural gas drilling exploration proposed by Lexam Explorations will most certainly have on the pristine natural environment currently available to all of us in the Baca.

Any development of natural gas resource in the Baca would completely destroy our operation in the valley. As a retreat center we depend on this area's peace, quite, and pristine natural environment for deep meditation retreats. We located here because this place, the Baca Grande, offered us a sense of profound space, openness and clarity conducive to our particular form of meditative practice.

Currently our facility consists of four cabins for individual retreat and an approximately 3,000 square foot temple. We have built and maintained our existing facility at a cost of more than \$1,000,000 to date. Our annual operating budget is around \$40,000 per year. Our church membership includes people from all over the United States. We also have numerous members worldwide including in Canada, Germany, France, South America, and Bhutan. We have plans to construct an additional sanctuary at least three times the size of our current facility. We also have plans for 10 more retreat cabins for individuals to participate in extended retreat of a minimum of three years duration. These "three year

retreats" are traditional training for teachers in our lineage of Buddhist practice. Our development plan also includes another building for housing students who come here for study and practice.

Currently we host several hundred people each year for study and practice periods which can last from a few hours up to a month. During longer sessions attendees are feed and housed by local Crestone businesses. Natural gas exploration and production would put a stop to all of our activity; we would no longer have any economic base to sustain our church. People will not travel to our remote location for meditation retreats if it is polluted in any way. Noise pollution, light pollution, air pollution and congestion will make this place no longer suitable for deep meditative experience and training.

Your draft EA has not addressed any of our concerns. The conclusion of no significant cumulative impact is ludicrous. The draft EA presents no hard data to support this conclusion. We need hard substantive data provided through the full and complete Environmental Impact Statement process. It is wholly inadequate and frankly absurd to make the statements that have been made by this EA without substantial factual support. Simply appalling!

Sincerely,



Tenzin Yeshe  
On behalf of Yeshe Khorlo

CC: Stephen Guertin, Regional Director, U.S. Fish and Wildlife Service  
U. S. Senator Ken Salazar  
U. S. Senator Wayne Allard  
Colorado Governor Bill Ritter  
U. S. Representative John Salazar  
Colorado Senator Gail Schwartz  
David Neslin, Acting Director COGCC  
Saguache BoCC

RECEIVED

MAR 03 2008

COGCC

Dear Mr. Blenden, U.S. Fish and Wildlife, and all Governmental Agencies,

This is in reference to the proposed gas drilling on the Baca Wildlife Refuge. We need your protection and your help to preserve our valley, our water, our air, our wildlife and the well-being of the ecosystem for all. Please request and push for a full and comprehensive Environmental Impact Statement before allowing any drilling into our public land and our shared Earth.

We are a small Zen Buddhist temple called Dragon Mountain Temple. After many years of looking we settled on a piece of land in Saugache County Ranchettes. We feel that this place has a unique quality for the people and groups that settle here and because of that is very fragile and vulnerable in many ways. We own 210 acres of land across the road from the public land that is being threatened. We have approximately \$1,000,000.00 invested in our Temple and feel that any drilling could jeopardize our existence and our mission. We have already put 130 acres of our land aside to protect the migrations of the wild animals such as the elk, prong-horn antelope, birds etc.. These creatures will obviously be affected by any drilling and must be protected. Our mission is to care-take our land and the Earth in an ecological and spiritual manner. We have already hired a consultant to run a survey on our land to take inventory of the life that we share with the land. There were many more creatures, plants, and insects then we ever could have imagined. Drilling will affect everyone and everything in a negative way and we feel it must be looked at from a much deeper perspective.

We feel that the draft Environmental Assessment that was already written does a very poor job in truly recognizing the significant impacts of the Lexam proposal to drill. It does not look at any impacts outside of the 14 acres where the drilling would occur. It does not look at the local community and the community of over 24 spiritual centers and in the area. It does not look at the effects to our only road into and out of our community. It says nothing about the possibility for production if gas is found. These are significant impacts that must be addressed. We are extremely concerned about the way large industry manipulates government agencies into going along with their plans and over-looking the true mission of land management (national policy issuance #99-01), which is "working with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people." Please we ask for your help and protection.

Thank You,  
Benjamin Byer   
Director of Dragon Mountain Temple  
P.O. Box 175  
Crestone, CO 81131

*Carl L. Mc Williams*  
*Economic Development Consultant*  
65120 Old Chipeta Trail  
Montrose, Colorado 81401  
(970) 948-9624 (cell)



January 15, 2008 [First Request]  
February 29, 2008 [Second Request]

**Mr. David Neslin, Director**  
**COLORADO OIL & GAS CONSERVATION COMMISSION**  
1120 Lincoln Street, #801  
Denver, Colorado 80203-  
(303) 894-2100

**RE: LOCATION OF DEPLETED NATURAL GAS WELLS**

Dear Director Neslin:

I am seeking information regarding depleted natural gas wells in the State of Colorado. Initially I contacted the U.S. Geological Survey and their staff informed me that your agency could best assist me in my research.

Therefore, would you please ask your staff to take time from their busy schedules and write to me explaining how I might obtain the owner's name and the exact location of the natural gas wells that no longer have an economic value to its owner - those natural gas wells that have been depleted of all natural gas?

Thank you in advance for your assistance.

Very truly yours,

A handwritten signature in blue ink, appearing to read "C. Mc Williams", with a long, sweeping horizontal line extending to the right.

Carl L. Mc Williams

A handwritten signature in blue ink, consisting of a stylized, elongated loop followed by a horizontal line.

# STATE OF COLORADO

## OFFICE OF THE GOVERNOR

136 State Capitol Building  
Denver, Colorado 80203  
(303) 866 - 2471  
(303) 866 - 2003 fax

January 23, 2008

RECEIVED

MAR 03 2008

COGCC



Bill Ritter, Jr.  
Governor

Carl L. McWilliams  
65120 Old Chipeta Trail  
Montrose, Colorado 81401

COPY

Dear Mr. McWilliams

Thank you for contacting me with your recommendation of a new 3,000 megawatt clean-coal power plant on the Western Slope. I share your desire to see economic growth along the Western Slope through the development of new power sources, and I am working to see that it occurs.

My administration has called on the Federal government to accelerate federal investments in the research and development of clean coal technologies. This research would help attract private investment to clean coal technologies and lead the way to more widespread development. I have also ordered the Departments of Natural Resources and Public Health and the Environment to explore resolution the hurdles to geologic carbon sequestration. This includes identifying potential sequestration sites in Colorado and developing an appropriate regulatory framework. However, clean coal is just one option for investing in a New Energy Economy.

Through the Colorado Climate Action Plan, I have made a commitment to lead the effort towards a more energy-efficient New Energy Economy. This means adopting energy efficiency policies like reducing state government energy consumption 20 percent by 2012 and reducing petroleum use in the state vehicle fleet 25 percent by 2012. We have also adopted a statewide Renewable Portfolio Standard aiming to reduce greenhouse gas emissions 20 percent below 2005 levels in 2020, and 80 percent below 2005 levels in 2050.

Coal is likely to remain an important part of Colorado's energy future. The Colorado Climate Action Plan commits to work with the state's utilities to bring forward a plausible power generation system that also meets our greenhouse gas reduction goals.

Thank you again for sharing your thoughts with me. I welcome hearing from you at any time.

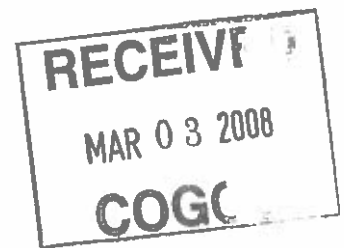
Sincerely,

Bill Ritter, Jr.  
Governor

2238 Spanish Creek Road

Crestone, CO 81131

March 1, 2008



To: U.S. Fish and Wildlife Service

9383 El Rancho Lane

Alamosa, CO 81101

Attn: Michael Blenden

Dear Sir:

As a resident of the Baca Grande, Crestone, I am very concerned about the proposed drilling in my community without an adequate Environmental Impact Statement having been completed. The draft Environmental Assessment which has been completed is completely inadequate in that it states that Lexam's drilling will have no significant impact on the Baca National Wildlife Refuge and surrounding area. The conclusions are supported by no factual evidence. A thorough scientific study of the impact of the drilling to the surrounding area, ecosystem and human community (a full EIS) needs to be completed before this project of Lexam Corporation is allowed to continue. Some of the risks to public safety which have not been considered in the draft EA are the increased truck traffic on a single lane road, the noise and light pollution impact on the existence of more than 24 spiritual centers and wildlife, the pollution and contamination of toxic chemicals to the aquifer and ozone into the air, killing wildlife and sickening humans. I would like your support in assuring that an adequate Environmental Impact Statement is completed before the drilling is allowed to commence. Thank you.

Sincerely,

Catherine Alelyunas

*Catherine Alelyunas*

Cc: Stephen Guertin, Regional Director Mountain-Prairie Region US Fish and Wildlife Service

Senator Ken Salazar

Governor Bill Ritter

David Neslin Acting Director COGCC

Representative John Salazar

Senators Wayne Allard, Gail Schwartz

Saguache BoCC

Date: Feb. 29, 2008

RECEIVED

MAR 03 2008

COGCC

From: Wendy Ross  
PO Box 1176, 318 Palisade Ct,  
Gestone, Co 81131  
(719) 256-4499,

To:

David Vestlin

Re: Need for an EIS for Baca Natl. Wildlife Refuge

The many concerns of SLV citizens concerning drilling by Laram Corp in the Wildlife refuge have been reiterated over and over in public meetings and yet an EA returned a verdict of "no significant impact." We all know this is ridiculous.

The impacts, environmental, economic, cultural, will be devastating. This land belongs to the American people and we will do everything in our power to keep this Canadian greedy fossil fuel company out.

We won't stop at demanding an EIS. But that's what this letter is for.

Please add it to the pile.

Thank you,

W. Ross

Colorado registered voter

American citizen and not proud of it.



MAR 03 2008

COGCC

To Whom it may concern.  
(Attention Michael Blendon of U.S. Fish & Wildlife,)

2/29/08

I'm sure you're aware that on 1/18/08 the Baca National Wildlife Refuge released the draft EA, written by ENSR, a private contracting company **paid by Lexam**. Given this inherent conflict of interest, it is not surprising that the EA is a FONSI even though the proposed drilling activity meets all 10 criteria for "significant" defined in NEPA. In the draft EA, ENSR and BNWR ignore the NEPA definition of and overwhelming evidence for "significant impacts" in fact the draft EA does not address impacts at all. It is outrageously ignorant to limit the assessment to the drilling of exploratory wells without considering the significant impacts that would result if gas production were to occur here.

The impact would obviously be detrimental for the eco-system, animals & life existing here. Ofcourse that would include detrimentally impacting the humans inhabiting the area, the local economy, property values, human health & quality of life. There are multiple spiritual centers who developed churches, temples & retreat centers here because of the natural sanctuary this place is, not because of the wasteland lexam would turn our home into.

Ofcourse, the concern that hits us closest to home is for the water. One of the largest reservoirs of clean groundwater in North America lives beneath this valley floor, including an estimated 140 million+ acre-feet of potable water (or 45+ trillion gallons) of recoverable water (Pearl, 1974) worth over \$700 billion. This vast reservoir of groundwater forms the headwaters of the Rio Grande River, which is the primary source of water for over 10 million people in the Rio Grande Basin and is allocated to three states (Colorado, New Mexico, and Texas) as well as Mexico under international and interstate agreements. San Luis Valley aquifer water is all the more priceless because it occurs in true desert on the edge of one of the driest regions in the U.S. As human populations continue to grow in the American Southwest, this water will be even more essential for the future survival of human communities and natural ecosystems.

Obviously clean water is the most valuable resource we have, our planet & our bodies consisting of mostly water. It is insanity that anyone would want to break through the aquifer to drill for oil & gas. We are convinced that, while people of today and future generations can live without natural gas, we cannot survive without sources of clean water for drinking, for agriculture, for municipal and industrial uses, and for natural ecosystems.

Whereas Lexam and their much larger partner, Conoco-Philips, aim to extract potentially billions of dollars worth of natural gas beneath our Valley floor, we feel it is our responsibility to protect the exponentially more valuable fresh water stored in the aquifers beneath our Valley. Thus, in order to preserve and protect this priceless aquifer as well as our pristine and sacred natural environment for the benefit of current and future generations, it is our mission to maintain this sacred place in perpetuity as a NO-GO Zone.

There is an abundance of renewable energy from the sun & the wind here that could be harvested without such an expensive intrusion into Mother Earth. If it is the CBM gas they are after, they must know how much methane gas is let loose into the atmosphere each second from the waste of cows and humans. Ungodly amounts of methane that could be harvested without the risk to this irreplaceable aquifer. There is so much methane floating around that the planet is suffering from global warming, there is no reason to break through this groundwater into the coal bed to mine more.

Do you wish to see your precious grandchildren attempting to live by drinking natural gas when the fresh water is contaminated due to your actions (or lack thereof)? How would that sit with you? What effects will your actions here result in? Do the proposed polluted consequences reflect the quality of reality that you want to give rise to through your lives' work? Firstly we are care takers of this gorgeous Earth, it is our responsibility to care. Michael, you are in a position to stand up and tell Lexam to do something more useful with their time & money. Could it really be worth this egregious sacrifice to see Lexams' pocketbook excessively swollen? No. I know that money talks but it can not sustain life in the way that clean water can.

Given the many significant impacts associated with drilling, the BNWR is obligated by law to complete a full-scale EIS before any exploratory drilling can commence.

Please take our concerns into consideration sir.

Respectfully,  
Vesper Gers  
& John M. Wickett

**RECEIVED**

**MAR 03 2008**

**COGCC**

From Dzigar Kongtrul Rinpoche  
Mangala Shri Bhuti and  
Samten Ling Retreat Center  
PO Box 370 Crestone, Colorado 81131

To US Fish and Wildlife Service  
9383 El Rancho Lane  
Alamosa, Colorado 81101

February 27, 2008

Dear Michael Blenden,

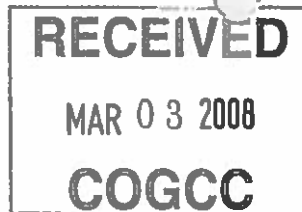
Crestone has all the qualities of an ideal retreat place described in Buddhist texts: mountains overlooking a vast expanse, a clear unimpeded sky. There is a strong feeling of wakefulness here because the land hasn't been tampered with much. Moreover, we all live in harmony here, humans and animals alike. Nowadays, even if we searched both day and night we might not find such a place anywhere, except, perhaps in remote parts of places like Bhutan or Tibet.

Drilling will change the power and beauty of Crestone. We'll lose the silence. We'll lose the wakefulness of the land. Beings will be harmed. I deeply pray this doesn't happen.

Sincerely,

Dzigar Kongtrul Rinpoche

February 26th, 2008



**To Whom It May Concern,**

My Name is Malina Feder and I live in the Baca Grande in Crestone CO. I am extremely concerned about the proposed Oil and Gas Exploration on the Baca National Wildlife Refuge. I believe there are many real concerns for our valley, for the wildlife and the refuge itself, and for me personally as a citizen of the San Luis Valley.

**For Our Valley**

This is an agricultural valley and I wonder how the impact of increased vehicular traffic and the transportation of hazardous materials will affect the farmers and ranchers of the San Luis Valley. Let's not forget to mention air; water and land pollution; sound and night time light; and increased population density. All of which could have an effect on agriculture and the authenticity and validity of growing organic or otherwise produce.

**For the Baca National Wildlife Refuge**

At the public meeting (Feb 12, 2008) someone here in the Baca Grande Crestone community said "Our Harvest is Silence". Our economy and lifestyle is completely based on the spiritual tourism that we attract to our mountain hamlet. This has been documented in the New York Times travel section and the US World & News Report. Is not the Baca National Wildlife refuge itself set up to protect and preserve the environment, and allow the public to enjoy this sanctuary? Funny how by law we are not allowed to walk on the refuge for our footsteps may damage the ecosystem yet oil drilling is not a problem?

I really feel that an Environmental Impact Study must be done to assure baselines, so that USFWS will be in the best position possible to oversee the Lexam operation(s). These baselines would clearly define the geology of the land, different species of wildlife and their migratory patterns, current air and water qualities and quantities.

**For Me Personally**

I am originally from New York City, and I was drawn to live in this particular nook of the Sangre de Cristo Mountains, I have lived here since 2000. I so value the small town of Crestone: stopping at a stop sign when no other cars are on the horizon, and the darkness of night and the vault of stars above.

The Crestone Baca community is unique: I fit into the contemplative, meditation lifestyle and I know that my environment will be completely disturbed by the close proximity of oil and gas exploration. Are there not enough examples of this in Rifle & Silt, Colorado (and many other areas of our beautiful state)? On a larger scale the spiritual tourism that is attracted to this community will stop, and will virtually affect every economic and spiritual enterprise here.

It will be truly destructive to this community (and myself) to have oil and gas workers, truckers, and transients coming through- instead of the slow and steady flow of hikers, mountain enthusiasts, lamas and seekers.

### **Public Safety**

Lastly, it is common knowledge that oil and gas exploration uses hazardous chemicals and can create toxic environmental concerns and situations? We live at the end of a dead end road!! In case of an accident or toxic spill we are trapped and our children are either separated from us at school or in transit and in potential danger.

Our emergency systems are designed for a small town. Who addresses and provides assurances in case of hazardous spills, accidents, wild fires and the need to evacuate? Oil and gas exploration has the capacity to pollute and endanger our land, air, water, and noise and light environments. What insurance is a high-risk venture like Lexam's going to provide to USFWS and to the people who live here (and the states south of us and Mexico who drink our water)?

Not only have I not heard of any bonds or provisions for if there is an accident, or Lexam decides to drop the project, but it was mentioned at the 2/12/08 meeting that USFWS could only address in the EA report the effects of 2 exploratory wells. I bet Lexam is looking and making provisions for more wells and mass production, should they find something profitable, how come USFWS is not looking ahead? Another good reason for a **complete Environmental Impact Study**.

I am not a geologist, biologist, or scholar but I do that know this is a very risky enterprise, by an outfit that clearly claims **THIS IS A WILD CAT, HIGH RISK FINANCIAL VENTURE**. I would like to see USFWS and our governmental bodies **PROTECT** this valley, my home and my lifestyle.

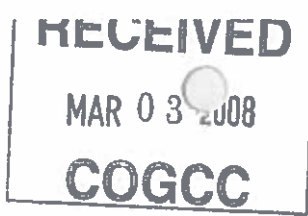
**Thanks for Listening,**



**Malina Feder  
PO Box 812  
Crestone, CO 81131  
719-256-4211**

**PS. I realize how the impacts of oil and gas exploration will effect my lifestyle, my health and my community, how is it that USFWS deemed in their Environmental Assessment that there will be no measurable impact on the Baca National Wildlife Refuge??**

**We must make sure that the governmental agencies are working on behalf of the people and land that they are sworn to protect and represent.**



copy to  
David Neslin

Open letter to Governor Bill Ritter

2/20/08

*I have always told people that the San Luis Valley is more than a home to me. It is a spiritual place unlike any other on earth.*

*Senator Ken Salazar*

We in the San Luis Valley of southern Colorado live in a unique and spectacular place; indeed, this valley is a priceless, national treasure. Considered North America's largest, alpine agricultural valley, the San Luis Valley is surrounded by the spectacular Sangre de Cristo Range on the east and the San Juan Mountains to the west. It contains the highest sand dunes in North America (The Great Sand Dunes National Park) and the adjoining Baca National Wildlife Refuge (BNWR), which protects a vast network of wetlands that are amongst the most pristine and biologically diverse in the American Southwest. Significant elk, antelope and deer herds, over 45 rare, threatened or endangered species, and some of the oldest archaeological sites in North America, dating back some 11,500 years, are here. The Pueblo, Ute, and Navajo peoples consider this valley and Mt. Blanca the most sacred places in the world. Over 20 spiritual groups, representing a variety of religious traditions, have retreat centers here because of the profound silence and pristine quality of nature. But perhaps most important for future generations, this valley is underlain by one of the largest reservoirs of clean groundwater in North America, including an estimated 140 million+ acre-feet of potable water (Pearl, 1974).

In August, 2006, Lexam Explorations, Inc., a Canadian company, applied for permits to drill two 14,000-foot exploratory gas test wells on sensitive wetlands in the BNWR about 1.5 miles west of our community. Initially, BNWR officials told us they were NOT obligated to conduct a NEPA (National Environmental Policy Act) process because Lexam owns the mineral rights underneath the refuge. However, after our lawyers sued, a federal judge instructed the BNWR that they are legally bound to conduct a NEPA process. So on August 17, 2007, the BNWR initiated an Environmental Assessment (EA)/scoping process at a public meeting where they instructed us to submit our concerns in writing and informed us that, by law, they were obligated to address and respond to our concerns in the EA. As you know, Governor Ritter, NEPA was established to insure public and scientific input to determine whether or not a proposed activity on federal land would result in "significant impacts" to local physical, biological, and cultural environments. Whereas activities with "significant impacts" require full-scale Environmental Impact Statements (EIS), those with "no significant impacts" require the much less comprehensive Environmental Assessment (EA).

On January 18, 2008, the BNWR released the Draft EA, written by ENSR, a private contracting company paid by Lexam. Given this inherent conflict of interest, it is not surprising that the EA is a FONSI ("finding of no significant impact) even though the proposed drilling activity meets all ten criteria for "significant" defined in NEPA. ENSR and BNWR apparently used several devices to justify their FONSI conclusion. The Draft EA: 1) assumes *a priori* (but never proves) "no significant impacts," 2) ignores the NEPA definition of and overwhelming evidence for "significant impacts," 3) ignores the substantial number of questions and concerns which citizens submitted in writing, 4) does not address impacts at all, and 5) limits the assessment to the drilling of exploratory wells, not acknowledging that this "precedent-setting" activity could result in significant "cumulative" impacts if gas production occurs.



Indicative of the conflict of interest here, at the public meeting, William Berg, oil geologist and main author of the Draft EA, challenged our community to prove that drilling would contaminate groundwater. Although it is impossible to prove future occurrences, there is an abundant record of gas drilling accidents that have polluted wells, springs, ponds, etc. Regarding EnCana's gas drilling near Silt, Colorado, for example, Peggy Utesch (Grand Valley Citizen's Alliance) stated, "We know that every day there are accidents in the field - just look at the (COGC) Commission's reports." Indeed, gas-drilling accidents recur worldwide.

The purpose of the BNWR is to restore, enhance, and maintain habitat for wildlife, plants and fish species native to the San Luis Valley. Water is a vital and irreplaceable part of this protection. We believe that we have raised legitimate concerns regarding the adverse impacts to water and the BNWR that have not been addressed through the NEPA process to date. We also believe that some places are best managed for other uses besides energy development and the Baca National Wildlife Refuge is one of them.

BNWR representatives have apparently now redefined NEPA in such a way that their only responsibility is to mitigate Lexam's drilling activities. Thus, it seems that representatives of the BNWR, Lexam, and ENSR view the NEPA process as a "done deal." Whereas we are participating in the NEPA process in good faith, we question whether the USFWS is following the NEPA process honestly and fairly. They did not respond to the many concerns we submitted during the EA/scoping process, as they promised they would. So we are concerned that the comments and concerns we are now submitting to the BNWR during the present public comment period will be ignored, just as they were before. And we are also concerned that in this process, no official group is representing the interest of the most valuable part of the BNWR "estate", which is the water that belongs to the people of Colorado. Finally, we feel that, in this case at least, the property rights of American citizens, the U.S. government (the BNWR), and the state of Colorado (the water) should supersede those of a Canadian corporation. For more information, please check our website: <http://WaterWatchAlliance.googlepages.com>.

Although we know you have many diverse interests to balance, we ask you, Governor Ritter, to please consider helping us protect and preserve this unique, special valley as a NO-GO (No Gas and Oil Drilling) Zone. We urge you to place a moratorium on oil/gas drilling until base-line water studies are conducted on our aquifers to help us understand their importance to this valley and to fulfilling Colorado's commitment to the Rio Grande Basin Compact.

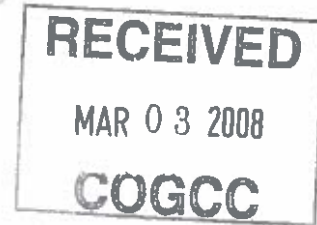
Respectfully yours,



MALINA FEDER PO BOX 812  
CRESTONE, CO 81131

Dr. Eric Karlstrom, Lisa Cyriaks, Chuck Grant, Parvin Johnson, Tom Ontko, Susan N. Vaughan,  
Dr. Phil Schechter, (Water Watch Alliance)

Cc: Senators Ken Salazar and Wayne Allard, Representative John Salazar, Senator Gail Schwarz, David Neslin (COGCC), Jay Slack (U.S. F&WS), Jim Martin (Colorado Dept. of Public Health), Harris Sherman (Colorado Dept. of Natural Resources), Representatives Tom and Mark Udall, Governor Bill Richardson, Senators Barack Obama and Hillary Clinton, media



To: David Neslin

29 Feb 08

Subject: EIS for BNWR letter sent to Michael Blenden, US Fish and Wildlife Service

Dear Michael Blenden

I strongly suggest that a full **Environmental Impact Statement** be done on the BNWR. There are so many issues that were not addressed in the Draft EA. The most important issue is the Aquifer which has not received sufficient study. I cannot believe that the deep drilling proposed will not damage the aquifer and the water supply for countless people and animals. It is a risk that certainly demands further study.

The NEPA process is being bypassed. By law you must complete a full-scale EIS before any exploration drilling can go forward.

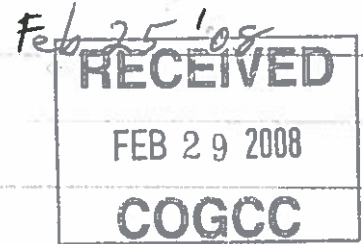
I am sending a hard copy of this letter to Senator Ken Salazar, Representative John Salazar, Senator Wayne Allard, Senator Gail Schwartz, David Neslin: Acting Director COGCC, Jay Slack: Acting Regional Director.

A handwritten signature in blue ink, appearing to read "Juliana Quinn".

Juliana Quinn  
[jgcell@ctelco.net](mailto:jgcell@ctelco.net)  
PO Box 242  
Crestone Co 81131

Dear Mr. Neslin, The San Luis Valley aquifer is a priceless treasure.  
Please do what you can to safeguard it.  
Thank you! Susan M. Vaughan Bx 592 Crestone, Co. 81131

To: Michael Blenden  
U.S. Fish & Wildlife Svc.



Dear Mr. Blenden,

I am writing today to comment on the so called environmental assessment issued by ENSR pertaining to the Baca National Wildlife Refuge.

It is an outrage and it is worthless!

Firstly, The fact that the assessment was bought and paid for by Lexam Exp. Inc. is a blatant conflict of interest.

Secondly, The assessment only addresses exploratory drilling while Colo. regulations would allow Lexam to begin production with no further assessments, studies, or public input.

Thus, the assessment by ENSR has no Relevance to what the impacts to water, air, wildlife and people would actually be!

Thirdly, Somehow the "experts" at ENSR seem to have missed the fact that the drilling would be directly into one of the largest freshwater aquifers in N. America.

Mr. Blenden, ONLY A FULL ENVIRONMENTAL IMPACT STUDY based on Production Impacts as well as drilling is relevant. And such an "EIS" must be issued by a group that is NOT Beholding to the Petroleum Industry!

Anything Less would have NO SIGNIFICANCE!

Sincerely,

Susan M. Vaughan

Copies to: COGCC, Gov. Bill Ritter, Sen. Ken Salazar, Rep. John Salazar  
Colo. Sen. Gail Schwartz



RECEIVED

FEB 29 2008

COGCC

## Open letter to Governor Bill Ritter

2/20/08

*I have always told people that the San Luis Valley is more than a home to me. It is a spiritual place unlike any other on earth.*

*Senator Ken Salazar*

We in the San Luis Valley of southern Colorado live in a unique and spectacular place; indeed, this valley is a priceless, national treasure. Considered North America's largest, alpine agricultural valley, the San Luis Valley is surrounded by the spectacular Sangre de Cristo Range on the east and the San Juan Mountains to the west. It contains the highest sand dunes in North America (The Great Sand Dunes National Park) and the adjoining Baca National Wildlife Refuge (BNWR), which protects a vast network of wetlands that are amongst the most pristine and biologically diverse in the American Southwest. Significant elk, antelope and deer herds, over 45 rare, threatened or endangered species, and some of the oldest archaeological sites in North America, dating back some 11,500 years, are here. The Pueblo, Ute, and Navajo peoples consider this valley and Mt. Blanca the most sacred places in the world. Over 20 spiritual groups, representing a variety of religious traditions, have retreat centers here because of the profound silence and pristine quality of nature. But perhaps most important for future generations, this valley is underlain by one of the largest reservoirs of clean groundwater in North America, including an estimated **140 million+ acre-feet of potable water** (Pearl, 1974).

In August, 2006, Lexam Explorations, Inc., a Canadian company, applied for permits to drill two 14,000-foot exploratory gas test wells on sensitive wetlands in the BNWR about 1.5 miles west of our community. Initially, BNWR officials told us they were **NOT** obligated to conduct a NEPA (National Environmental Policy Act) process because Lexam owns the mineral rights underneath the refuge. However, after our lawyers sued, a federal judge instructed the BNWR that they are legally bound to conduct a NEPA process. So on August 17, 2007, the BNWR initiated an Environmental Assessment (EA)/scoping process at a public meeting where they instructed us to submit our concerns in writing and informed us that, by law, they were obligated to address and respond to our concerns in the EA. As you know, Governor Ritter, NEPA was established to insure public and scientific input to determine whether or not a proposed activity on federal land would result in **"significant impacts"** to local physical, biological, and cultural environments. Whereas activities with "significant impacts" require full-scale Environmental Impact Statements (EIS), those with "no significant impacts" require the much less comprehensive Environmental Assessment (EA).

On January 18, 2008, the BNWR released the Draft EA, written by ENSR, a private contracting company **paid by Lexam**. Given this inherent conflict of interest, it is not surprising that the EA is a FONSI ("finding of no significant impact) even though the proposed **drilling activity meets all ten criteria for "significant"** defined in NEPA. ENSR and BNWR apparently used several devices to justify their FONSI conclusion. The Draft EA: 1) assumes *a priori* (but never proves) "no significant impacts," 2) ignores the NEPA definition of and overwhelming evidence for "significant impacts," 3) ignores the substantial number of questions and concerns which citizens submitted in writing, 4) does not address impacts at all, and 5) limits the assessment to the drilling of exploratory wells, not acknowledging that this "precedent-setting" activity could result in significant "cumulative" impacts if gas production occurs.

Indicative of the conflict of interest here, at the public meeting, William Berg, oil geologist and main author of the Draft EA, challenged our community to prove that drilling would contaminate groundwater. Although it is impossible to prove future occurrences, there is an abundant record of gas drilling accidents that have polluted wells, springs, ponds, etc. Regarding EnCana's gas drilling near Silt, Colorado, for example, Peggy Utesch (Grand Valley Citizen's Alliance) stated, "We know that every day there are accidents in the field - just look at the (COGC) Commission's reports." Indeed, gas-drilling accidents recur worldwide.

The purpose of the BNWR is to restore, enhance, and maintain habitat for wildlife, plants and fish species native to the San Luis Valley. Water is a vital and irreplaceable part of this protection. We believe that we have raised legitimate concerns regarding the adverse impacts to water and the BNWR that have not been addressed through the NEPA process to date. We also believe that some places are best managed for other uses besides energy development and the Baca National Wildlife Refuge is one of them.

BNWR representatives have apparently now redefined NEPA in such a way that their only responsibility is to mitigate Lexam's drilling activities. Thus, it seems that representatives of the BNWR, Lexam, and ENSR view the NEPA process as a "done deal." Whereas we are participating in the NEPA process in good faith, we question whether the USFWS is following the NEPA process honestly and fairly. They did not respond to the many concerns we submitted during the EA/scoping process, as they promised they would. So we are concerned that the comments and concerns we are now submitting to the BNWR during the present public comment period will be ignored, just as they were before. And we are also concerned that in this process, no official group is representing the interest of the most valuable part of the BNWR "estate", which is the water that belongs to the people of Colorado. Finally, we feel that, in this case at least, the property rights of American citizens, the U.S. government (the BNWR), and the state of Colorado (the water) should supersede those of a Canadian corporation. For more information, please check our website: <http://WaterWatchAlliance.googlepages.com>.

Although we know you have many diverse interests to balance, we ask you, Governor Ritter, to please consider helping us protect and preserve this unique, special valley as a NO-GO (No Gas and Oil Drilling) Zone. We urge you to place a moratorium on oil/gas drilling until base-line water studies are conducted on our aquifers to help us understand their importance to this valley and to fulfilling Colorado's commitment to the Rio Grande Basin Compact.

Respectfully yours,

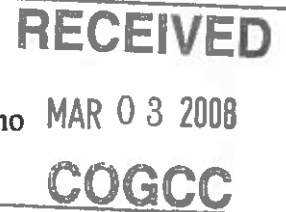


Dr. Eric Karlstrom, Lisa Cyriaks, Chuck Grant, Parvin Johnson, Tom Ontko, Susan N. Vaughan,  
Dr. Phil Schechter, (Water Watch Alliance)

Cc: Senators Ken Salazar and Wayne Allard, Representative John Salazar, Senator Gail Schwarz, David Neslin (COGCC), Jay Slack (U.S. F&WS), Jim Martin (Colorado Dept. of Public Health), Harris Sherman (Colorado Dept. of Natural Resources), Representatives Tom and Mark Udall, Governor Bill Richardson, Senators Barack Obama and Hillary Clinton, media

U.S. Fish and Wildlife Service  
Michael Blenden  
9383 El Rancho Lane  
Alamosa, CO 81101

Vince & Mary Palermo  
P.O. Box 486  
Crestone, CO 81131  
25 February 2008



Re: Response to Draft Environmental Assessment of Planned Gas and Oil Exploration,  
Baca National Wildlife Refuge, Saguache County, Colorado

U.S. Fish and Wildlife Service:

**We insist that an Environmental Impact Statement (EIS) is necessary** on the basis that the Department of the Interior requires you to prepare an EIS whenever actions have an impact on the environment that may be significant. The subject Draft Environmental Assessment (EA) does not address fully these impacts and, therefore, is deemed inadequate to meet the National Environmental Act (NEPA) requirements of the Department of the Interior.

We will discuss the following criteria from NEPA used in determining whether an impact may be significant and warrant an EIS:

- *"The degree to which public health and safety are affected".*

One aspect of public health, of which there are several, is the impact of **noise** on human health and to the well-being of wildlife. Sustained noise has a deleterious effect on health and well-being. The Fish and Wildlife Service (FWS) has done no baseline studies on ambient sound levels in the Baca National Wildlife Refuge (BNWR) or adjacent community. (See attachment "3.11.2 NOISE"). A proper study and evaluation of the cumulative impacts must be done to properly assess this area by conducting a full EIS. The EA is totally inadequate in addressing this issue!

- *"The degree to which impacts are likely to be controversial".*

The subject Draft EA documents a response from 48,500 individuals who all but 3 of which were opposed to the planned gas exploration. The majority of the public response was from "form letters or emails from the NRDC" (EA.5.4). The glaring information given is that there were 1,255 individually written responses with personally generated questions and statements most of which were not adequately responded to either in meetings or in the Draft EA. Most of these personal responses were from local and regional persons with serious concerns and all of who were in opposition with intelligent and reasonable reasons for their positions. This issue is clearly highly "controversial". An EIS must be performed for this reason alone!..according to the NEPA.

- *“The degree to which the potential impacts are highly uncertain or involve unique or unknown risks.”*

The most critical and valued resource is our **water**: surface water, unconfined aquifer and confined aquifer. Gas and oil drilling, as you know, has contaminated aquifers throughout the State, produced serious environmental damage, and caused loss of health and serious illness in many individuals and animals who live in the areas of the drilling. The risks of drilling are clearly a danger to the surface water, and aquifers in particular, and the outcome of drilling is unknown at this time. Therefore, a full EIS must be undertaken in order to evaluate fully the uncertainty of the degree of potential damage to our water. The EA inadequately addresses this significant risk.

Additionally, the **air** quality is at risk and the full impact of drilling is uncertain. The air in the San Luis Valley (SLV) is considered by the EPA as a “Class 1 air shed” and at this time the air is a relatively clean high altitude air space greatly valued for solar energy harvesting. One solar electric plant, Sun Edison, began SLV operation in 2007 and other such companies are evaluating the SLV for locating here because of its exceptional “solar window”. This solar window will be greatly jeopardized due to ozone, volatile organic compounds (VOC’s), particulates, and thermal inversions that are the consequences of gas drilling and will result in haze and significantly decreased solar radiance and solar electric output. This issue can have very serious commercial impact for the SLV and cause a significant setback to the renewable energy future here. This impact has not been addressed at all in the EA and is a highly significant impact that is uncertain and involves a huge unknown risk. A full EIS is necessary to address this extremely critical resource in the San Luis Valley! The drilling will also have a serious political impact with Gov. Ritter’s “New Energy Economy in the San Luis Valley.”

- *“Whether the action may establish a precedent for further actions with significant effects, or represents a decision in principle about a future consideration.”*

We do not accept the statement of Mike Blenden that after the wells are drilled, another study will follow before further drilling will take place. It does not make sense to think that Lexam will politely refrain from moving forward to extraction/production if commercial gas reserves are discovered. Their whole purpose of drilling is commercial extraction and the intent of permitting a well is exactly that. Plus any “exploration” will put extensive infrastructure in place. This issue must be addressed now with a full EIS and, if not, the opportunity to examine the significant impact of subsequent drilling based on this exploration will be missed because the horse will be out of the barn and the “future consideration” will not be

adequately examined. It is absurd to think that the USFWS will be capable of dealing with "future actions" after the exploratory drilling begins. Future actions must be dealt with now through the complete NEPA process.

- *"Whether the action is related to other actions that may have individual insignificant impacts but cumulatively significant effects. Significance cannot be avoided by terming an action temporary or breaking it down into small component parts."*

The USFWS is declaring the exploratory drilling as a "temporary activity" in stating "the scope of this EA does not address productions of natural gas and oil from any of the wells described above." (1.3) This is terming the actions "temporary or breaking it down into small component parts" (Above). Gas exploration and extraction are integral parts of the whole, namely, the commercial natural gas industry. It cannot be dealt with by breaking it down into smaller parts. The whole issue of the commercial gas industry invading the Baca NWR must be dealt with in its entirety with a full EIS, as the NEPA document requires.

- *"The degree to which an action adversely affects an endangered species or its habitat."*

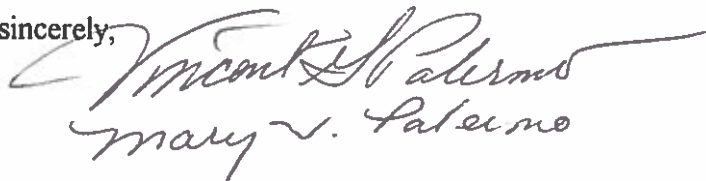
The Draft EA presents a general overview of big game, small game and furbearers, non-game species, birds, mammals, amphibians, and fishes. Yet, nowhere is there information on the effects of gas drilling on this **wildlife**, or of the cumulative effects on the habitat destruction, of noise pollution, or the toxic impact of drilling chemicals and fumes. For example, studies on the mountain plover have shown a reduction in numbers in areas of drilling as well as interference with mating vocalizations by noise associated with drilling and gas extraction. The USFWS has done no applicable investigation or research on the Baca NWR. A Comprehensive Conservation Plan is needed to fully assess these wildlife impacts. At the very least, a full EIS is necessary to anticipate and deal with habitat and wildlife impacts. The EA is inadequate for this purpose.

4/Palermo

In closing, we want to let you know that we truly appreciate your leadership in stewarding this national wildlife refuge. We, as public citizens, truly value the rights of Nature to survive and to thrive---now and into the future. The quietude and the beauty of the Baca NWR are exactly why we live here, and why we want to protect this fragile and pristine area by insisting that you **do a full NEPA EIS.**

Thank you!

Most sincerely,

Handwritten signatures of Vincent G. Palermo and Mary J. Palermo. The signature of Vincent G. Palermo is written in a cursive style, and the signature of Mary J. Palermo is written below it in a similar style.

Vincent G. Palermo

Mary J. Palermo

Email = [nulife4u2@msn.com](mailto:nulife4u2@msn.com)

Phone/fax = 719-256-4135

Attachment

Cc:

Jack Slack, USFWS Regional Director,

Sen. Ken Salazar

Sen. Wayne Allard

Gov. Bill Ritter/Tom Plant, Director, Energy Office

Sen. Gail Schwartz

David Neslin, Director, COGCC

Rep. John Salazar

Saguache BoCC

### 3.11.2 NOISE—Palermo Attachment

Sound Basics: The human ear responds to sound/noise in a non-linear manner. The scientific measure of sound perception is the decibel (dB), which is logarithmic and represents the subjective response to sound energy level. The perception of the smallest difference in sound level is 3dB and is a 2x increase in sound energy. The ear is able to perceive the faintest of sounds (0dB) up to extremely high levels of sound energy (120 dB – the pain threshold) that is a trillion times the sound energy of 0dB. The ear accomplishes this by decreasing its sensitivity as sound becomes louder.

A modified measuring curve, dBA, attenuates the high and low frequency response of the measuring instrument to approximate the response curve of the human ear. For ambient sound that is non-localized, such as insects in a field, dBA is the appropriate designation. For localized sound/noise, such as machinery, rigs, motors, compressors, distance from the source must be specified, for instance: “well site 85dBA at 50 feet”. This is because the decrease of noise level is non-linear at increasing distance from its source. *A standard distance for sound level compliance is 350 feet.* Acoustic engineering and treatment of a noise source can greatly decrease the noise level and mitigate deleterious effects to humans and wildlife. Natural sounds, such as a stream or birds, are more acceptable and tolerated by humans and wildlife than are non-natural sounds such as motors and compressors.

3.11.2.1 The Planned Project Area is a wildlife preserve adjoining a retirement and spiritual retreat community. It is **not** a rural/agricultural area, which typically has a background sound level of 45dBA created by tractors, trucks, and cows. The ecosystem approximates Hovenweep National Monument located 20 miles west of Cortez, CO, in which scientific studies of sound have been performed. In addition, there have been similar ecosystem areas studied in the Grand Canyon. Natural ambient sound levels of the Grand Canyon in an area which has vegetation similar to the Baca NWR were in the range of 5dBA to 45dBA with a median of 16.7dBA and mean of 19.6dBA (Ambrose, S. 2005 NPS Report #GRCA05-02). In the Hovenweep National Monument, also with similar vegetation to the Baca NWR, the range was 16.5dBA to 24.7dBA in summer and 15.6dBA to 18.2dBA in winter (Ambrose, S. unpublished data).

The Baca NWR is clearly not a rural/agricultural area and the above data suggests a background sound level in the BNWR the between 15 to 25dBA. The adjoining retirement and spiritual retreat community highly values quietude and is of similar sound level background with occasional vehicular sounds depending on location.

The acoustic energy between 25dBA and 45dBA is an increase of 100 times and represents a six fold increase in subjective sound level. The increase of sound energy from 15dBA to 45dBA is 1000 times, *and an increase in sound energy level from 15 dBA to 55dBA is 10,000.* The draft Environmental Assessment (EA) is incorrect in addressing sound/noise with data that is obtained from non-equivalent sources. No sound measurements were performed by the FWS in the location of the Baca NWR. Paragraphs 3-5 are misleading, non-applicable and irrelevant.

**(2) NOISE—Palermo Attachment**

**Baseline Representation:** Representative ambient sound energy levels adjacent to the Baca NWR (recorded by Vince Palermo using an Extech sound level meter) are:

<u>Reading</u>	<u>Place</u>	<u>Time</u>	<u>Date</u>
26.5dBA	Chalet I, 262 Moonlight Way, side deck	4:05pm MST	2/18/08
25.7dBA	Spanish Creek Trail, in trees	4:20pm	" "
25.6dBA	Spanish Creek Trail, open area	4:21pm	" "
25.2dBA	Carmelite Monastery, near retreat hut	5:05pm	" "
25.7dBA	Carmelite Monastery, devotional path	5:15pm	" "
26.5dBA	N. Crestone Creek, campsite #11	3:15pm	" 2/19/08
31.6dBA	N. Crestone Creek, Trail 744, stream/40 ft, snow	4:15pm	" "
26.2dBA	N. Crestone Creek, " , stream/50 ft, snow	4:45pm	" "

Animal studies have shown an avoidance of noise levels over 45dBA when they are free to choose locations. Bird songs and calls are masked by noise. The Mountain Plover vocalizations are masked by noise levels of 45dBA or higher.

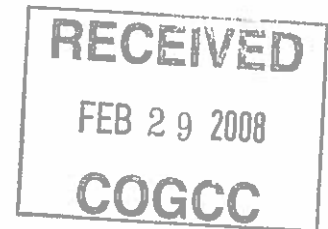
Humans show health effects from prolonged noise exposure, including mental and body fatigue, insomnia, headaches, muscle aches, irritation, anxiety, depression, and raised blood pressure. (Proc Inter-Noise, 2005, 5, 2809-2812) The cost of adaptation to noise by animals and humans is significant and not addressed by the draft EA.

### **11.2.2 REGULATORY FRAMEWORK**

The Federal guidelines of 55dBA are not acceptable for wildlife, and for humans who have chosen to move to the area for its quietude and for an environment conducive to well being. Noise levels must be regulated to *far* below 45dBA in order to preserve the tranquility and well being for wildlife and humans. The Colorado's guideline of 55dBA at the boundary of the Baca NWR property line (Draft EA, p.3-43) is inappropriate and does not fit COGCC guidelines. Current COGCC guidelines for sound mitigation compliance require 55dBA-day/50dBA-night at 350 ft. from each noise source such as a drill pad, compressor, processing station, etc. Where there is more than one, they are taken in aggregate.



PATRICK AND SANDRA HAMMOND  
1134 BADGER ROAD  
P.O. BOX 907  
CRESTONE, COLORADO, 81131



February 25, 2008

Attention: David Neslin

RE: Comments addressed to Mike Blendon, Project Leader, USFWS on the Draft EA for the Proposed Gas and Oil Exploration, Baca National Wildlife Refuge

Dear Sir,

We have lived in the Baca since 2005 and, like many others, were regular visitors here before that, attending retreats with our spiritual teacher every August for many years. We are extremely concerned about the destructiveness of the proposed drilling and have carefully read the Draft EA. In the Draft EA there are many under- and un-addressed issues concerning the potential significant impact of drilling in the Refuge on the actual water and air quality, the actual environment impact, the actual welfare of wildlife, the actual effects on our health and the preservation of under-ground archeological artifacts. However, in this letter we will limit our comments to the significant impacts on the residents of the Baca and Crestone, the spiritual Centers and economic base this represents. This is a completely unique community in an equally unique environment. Adequately protecting this unique human environment and irreplaceable landscape MUST be addressed in order to be in compliance with NEPA.

The NEPA process requires, as part of informed decision-making, that you to look at the intensity and severity of "significant" impacts, including the context of the proposed drilling. The context is not just within the 14 acres of the Refuge or within the context of a de facto decision to allow Lexam to drill. To have focused exclusively on the physical Refuge per se (and only of a limited area of that) has yielded an exceedingly narrow scope of information and shows complete disregard for significant impact on the Refuge's nearby human residents in Crestone/Baca. To have said nothing about real, significant impacts on the human environment, let alone the natural environment (there is not even a management plan in place) is a glaring omission. Pages 3-39 through 3-43 and pages 4-18 through 4-21 of the Draft EA comprise the entire assessment of direct human impact and it is significantly inadequate in content, documentation and context in terms of the intensity and severity of impact, especially on our community. As such, it does not address the real purpose of NEPA to inform decision makers through the provision of documented scientific and socio-economic data and to give voice to the public's concerns and lives. Indeed, the Draft EA's picture makes our community completely invisible by sweepingly eliminating all human factors in the immediate vicinity of the Refuge, even though the Refuge is next to the town of Crestone and in view of the Baca. It is not just one of the "several small communities ... nearby" (in 3.10); the Refuge is in our front yard. Indeed, it is our front yard.

On the whole, it can be said that we who live in this remote location have chosen to do so because of the completely unique environment. It is not an easy place to live, but over one thousand of us have made it our home, our community and our life. Additionally, many people come as visitors to study and spend extended periods of time in retreat at the spiritual Centers. Many of us eventually buy homes here, contributing to the economic well being of our community. This environment decision makers through the provision of documented scientific and socio-economic data supports the contemplative and spiritual practice of many individuals and numerous spiritual Centers based on qualities of environment which are unparalleled on this earth, such as the profound quiet and vast, pristine views which are the basis for many of the spiritual practices done here. The peaceful and beneficial relationship among the 20+ groups of practitioners in Crestone/Baca is extraordinary in the world today. The drilling could easily destroy this harmony, destroy the irreplaceable environment and destroy the fragile economy the spiritual activity supports.

One might have expected to find reference to our community's pervasive contemplative and spiritual activity and the spiritual Centers as the most viable economic activity of our community, bringing business to our few stores, filling our few restaurants and adding residents to our community who value life in this remote area. The Draft EA says Alamosa would be Lexam's base of operations for their employees, presumably including food, housing, entertainment, shopping and offices. So even Lexam's presence in the Valley will have little positive impact on Crestone/Baca's economic future. Tourism and related hospitality services, and the many retreats offered at over 20 spiritual Centers form the basis of our local economy. There is not now, nor for the foreseeable future, will there be "industry" here, with the possible exception of solar energy technologies (the development of which would be adversely effected by oil and gas development due to the degradation of the air shed). There is no other long-term, viable economic base. But even in section 3.10.2, Economic Overview, **the spiritual Centers are never mentioned.** There is no assessment of the economic impact on our community, yet it is not unreasonable to argue that the drilling will almost certainly force numerous residents whose lives revolve around those spiritual practices which depend on this pristine environment to move away. Additionally, the drilling could literally be the demise of the spiritual Centers which are the economic base of our community. Despite the fact that Crestone is world known as a spiritual epicenter, it is highly doubtful that people would want to make the difficult trip here to practice in the 24/7 noise, haze, contaminated air, and bright night lights which even the Lexam and the EA promise will accompany the drilling. Therefore it is clear that, as a result of the drilling, there will be a negative cumulative impact to our economy and it would swiftly occur. **The potential demise of the spiritual Centers is certainly an intense and severe impact to be considered.**

One might have expected to find more extensive, accurate and scientific consideration of the impact on the physical setting (3.11.1.2), on the noise/ambient soundscape (3.11.2.1) and Aesthetics (4.11) as it affects Crestone/Baca. But this was not the case with the Draft EA. The assessments presented and the data to back up these assessments are totally inadequate from our viewpoint. For example, the visual impact was not even studied from the Crestone/Baca perspective and as to noise levels, we are not an agricultural

community with farming noise as was suggested in the Draft EA and our baseline noise levels are much lower than those stated. The negative impact on our lives of insidiously present background noise, degenerated air quality and constant night light will have intensely significant impact not only on our spiritual lives, but our mental and physical health as well. **No consideration was given to these realities vis a vis the residents of and visitors to Crestone/Baca.**

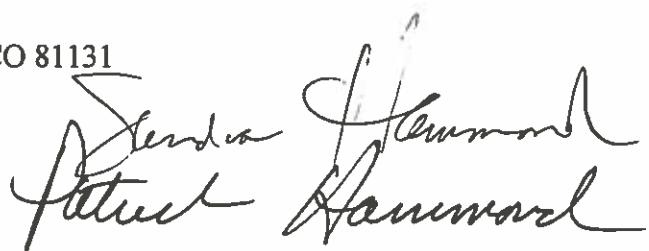
One might have expected the Draft EA in sections 3.10.6, 3.10.7 and 4.10.1.2 to consider the extreme limitations and dangers to our community if there were an emergency caused by Lexam's activity which blocked, damaged or otherwise made Road T unusable. It is **the only road** into and out of Crestone/Baca and that makes us very vulnerable. But the **Draft EA did not even mention this.** Additionally, it speaks about our population as if the "town of Crestone (population 73 in 2000)" is the sum total of people who live here and the only notable activity concerns the three USFS trailheads. There are over a thousand residents and many visitors staying at the spiritual Centers for extended periods of time in addition to the mountain climbers and visitors accessing the Great Sand Dunes National Park from the north. Any problem with Road T would absolutely impact more than 73 people and **no contingency plan was offered if this road were rendered impassable if, for example, there was a wildlands fire or a toxic chemical spill from Lexam itself.**

Because of these (among many other gross oversights) we are asking that the USFWS recognize the inadequacies of this Draft EA and proceed directly to the conduct of a full EIS before making a decision about when, how and if any drilling should and may occur on the refuge. **The Protective Measures and Standards proposed in the Draft EA do not address our vital concerns and the damage to our community and our lives could be irreparable.** It is clear that, according to NEPA, the purview of an EA is not limited to the exploratory aspect of the drilling only. This ignores cumulative long-range impacts and seeks to minimize the understanding of those. The requested EIS should not only address exploration but also address production. Without addressing this, granting permission for exploratory drilling alone will set a clear and erroneous precedence.

After careful reading and discussion of the Draft EA we have concluded that this EA is very flawed and blatantly wrong. **We feel that drilling in the refuge is not an appropriate use of this wildlife resource at all.** Allowing production to proceed directly from exploration (as Lexam's state issued permits do) on the basis of this wholly inadequate EA would be a travesty of NEPA and common sense. Only by doing a thorough and excellent EIS can we be assured this will not happen.

Thank you for your attention and consideration,  
Sandra and Patrick Hammond  
1134 Badger Road, P.O.B. 907, Crestone, CO 81131  
719 - 256 - 4181

[sandrahammond100@earthlink.net](mailto:sandrahammond100@earthlink.net)  
[patrickhammond100@earthlink.net](mailto:patrickhammond100@earthlink.net)

Handwritten signatures of Sandra and Patrick Hammond in black ink.

**RECEIVED**

MAR 03 2008

**COGCC**

# The Spiritual Life Institute

*"I have come that they may have life and have it to the full." (John 10:10)*

Michael Blenden  
US Fish and Wildlife Service  
9383 El Rancho Lane  
Alamosa, CO 81101

27 February, 2008

Dear Mr. Blenden,

As active members of the Crestone Spiritual Alliance and long time residents of the San Luis Valley here in Crestone, we the Nada Carmelite Hermitage community would like to convey to you once again our deepest concerns with regards to the Lexam Company's proposed drilling sites on the Wildlife Refuge. We strongly request that a full Environmental Impact Statement be implemented prior to any further consideration of gas and oil exploration with it's possible subsequent drilling operation being set in place. The scope of the Environmental Assessment seems far too narrow and limited and thus we strongly encourage you to pursue a full EIS that is necessary to fulfill appropriate protection of the Wildlife Refuge for which you, as an integral part of the US Fish and Wildlife Service, are largely responsible to maintain and protect.

This EA as it currently stands lacks the basic information as required by the NEPA and therefore we ask that you demand a full Environmental Impact Statement.

As we stated in our letter to you in September of 2007, our ministry and life here at Nada Hermitage as a retreat center is to provide a quiet, solitary, sacred wilderness setting as a place of refuge for people from all walks of life, religious traditions and affiliations to come to spend time apart from their day to day life, steeped in the silence and solitude and beauty of this desert valley. One of the frequent comments from retreatants as they are leaving to return to home is how important they feel maintaining places like Nada and Crestone itself are as there are few places left anywhere where they can find such a sacred, still environment.

By way of reintroduction we are the Spiritual Life Institute, a non-profit Roman Catholic community operating for the last twenty-five years as a spiritual retreat center named the Nada Carmelite Hermitage here in Crestone serving the people of the San Luis Valley, from different parts of Colorado, as well as people from around the country, Canada, Mexico and parts of Europe. For nearly 45 years as a community and for the 25 years we have been in Crestone we have offered to people from all walks of life the opportunity to come to our Hermitage to retreat, to be still, to rest, to pray and meditate, to reconnect with themselves and then return to their lives refreshed and renewed. As part of the

Nada Hermitage  
P.O. Box 219  
Crestone, CO 81131 USA  
(719) 256-4778 (phone)  
(719) 256-4719 (fax)

Holy Hill Hermitage  
Skreen, Co. Sligo  
Ireland  
353-71-66021 (phone)  
353-71-66954 (fax)

wilderness retreat experience we encourage our guests to explore the richness of this San Luis Valley, visit places like the Great National Sand Dunes and hike on trails in these Sangre de Cristo mountains. Since the mid 80's many families and individuals have moved to Crestone to be close to Nada, finding their own means of income, establishing businesses of their own and enriching our lives as they worship and pray with us. But a crucial component to the kind of retreat experience we provide is a sacred wilderness landscape that is a beautiful, quiet environment conducive to renewal. Crestone and this Valley is that place.

Therefore I am sure you can understand that our very life as a retreat center would be seriously threatened if the proposed oil and gas drilling by Lexam goes forward with the incumbent noise level and the accompanying halogen lighting, to say nothing of the possible threat to the quality of the water and the very air we breathe so vital for the life of the San Luis Valley.

Experts in the various fields dealing with this possible threat to the numerous species of wildlife as well as the preservation of this pristine wilderness, the water and air quality, are doing their part to address these issues that are so vital to living here in the Crestone/Baca, San Luis Valley. It is what drew many of us here in the first place.

We are concerned about every aspect. But as I have restated here, on a very foundational level and speaking specifically for our Carmelite community, if this exploration and drilling takes place, we would quickly become one of the threatened species and would have to leave this Valley where we have lived and survived and been a place of refuge for thousands of people over the last twenty-five years. If the beauty and the stillness and the pristine wilderness of this place is threatened – our lives and existence are equally threatened and unquestionably in danger of extinction. Our deepest hope and clear sense of call is to continue for yet another 25 years in our mission as a silent and solitary retreat center at Nada hermitage here in Crestone.

Please do everything you can to help preserve and protect this Valley that is such a place of connection for those of us who live here and for the countless numbers of people who have and who will visit this Valley and whose lives are irrevocably changed and enhanced in a way only the beauty of a sacred and pristine wilderness landscape can provide.

To this end we ask again that a thorough Environmental Impact Statement be completed to fulfill appropriate protection of the Wildlife refuge, the San Luis Valley as a whole, the water, air and on the going quality of life for all of us who live here and for the future visitors and residents of this beautiful, unique place.

Thank you so much for taking the time to read this letter, listening to our on going concerns and considering our comments.

Respectfully,

  
Susan Ryan

Nada Carmelite Hermitage

Box 219

1 Carmelite Way

Crestone, CO 81131-0219

[www.spiritualinstitute.org](http://www.spiritualinstitute.org)

RECEIVED

FEB 29 2008

COGCC

***Sanctuary House***  
**P. O. Box 332**  
**Crestone, Colorado 81131**

February 26, 2008

David Neslin, Acting Director  
COGCC  
1120 Lincoln Street, Suite 801  
Denver, CO 80203

Re: USFWS Environmental Assessment of Proposed Drilling in the San Luis Valley

Dear David Neslin,

Having lived in the Crestone/Baca for nearly 15 years, and having built one of the premier retreat centers in our area, my wife and I are very concerned about the proposed drilling of two exploratory wells near our community by Lexam, Inc.

The nature of the Crestone/Baca area is beauty (some of the most exquisite territory in Colorado, here at the foot of the Sangre de Cristo Mountains), silence (there being no less than a dozen major retreat facilities in our small town of less than 1200 persons), and communion with nature. There is simply no other community like ours in the United States. And that fact is our calling card, our pride and joy, our attractive potential for those who are considering and will consider visiting and even residing here. This triangulation of beauty, silence and communion with nature in our spiritually oriented environment is our most valuable asset. While it may escape quantification, this quiet remoteness of location, coupled with its scenic splendor and the harmony of our citizens is a commodity which—if tampered with by visual alteration, sound pollution, social alteration of attitudes or jobs or shift in demographics, a reduction in the quality of air (Colorado's finest, thus far), and/or any modification in vegetation or habitat (since our 8000-foot locale is noticeably fragile)—would have difficult if not devastating impacts on our citizenry and surroundings.

Then there is the striking issue of all this heavy-duty activity proposed on our one road—we live at the dead end of Road T, and the only entrance into our community is Camino Baca Grande.

And yet, with all these deep concerns about a company coming into close proximity with our citizens and all that we hold dear, it is the water issues which are the most potentially devastating. Lexam is drilling as far into the earth as Crestone Peak (the most sacred mountain the world to the Hopi) or Mt. Blanca (the most sacred mountain to the Navajo) rise in elevation. We sit on some of the major aquifers in the nation. Our valley is the largest high-altitude agricultural valley in the world. Yet we are to believe that 350' of surface casing and 3000' of casing (plus drilling mud and cement) are going to protect one of the most precious of our country's resources, a resource vital to every person in

this entire valley, from Villa Grove to San Luis and from Del Norte to La Veta. The lives of every person in our region are being put on the line for Lexam's longing for gas and oil.

This EA offers not one sentence of one paragraph about the techniques of fracturing, the explosions set off underground to break through solid obstructions, and what could happen if an explosion broke the casing. There is no history set forth to comfort us, and no assertion that such a tragic event could not possibly happen. Has one ever happened? We're left in the dark...with our lives at stake for the slim chance that Lexam will strike something useable and profitable. Profitable to whom? And at what cost to us who just have to look on and potentially watch our way of life here alter. Alter irrevocably? We don't know.

Evidently, the actual below-surface drilling is beyond USFWS's jurisdiction. Maybe so. But if such a vital area is not 100% addressed, then any drilling by Lexam will feel like an invasion by an unwelcome army whose potential for community injury may justify this metaphor. The 100% assurance of our aquifer protection is our bottom line. And when the bottom line is barely touch on, then the EA before us is not sufficient.

Numerous are the reasons why this EA is not nearly a strong enough or effective enough study to address the great seriousness of the proposal before us. Others expert in the specific of these many arenas will speak out their knowledge. But if the concern announced here were the only one presented by the public, it would, in our minds, be enough to warrant much further study and investigation.

At the very least, an Environmental Impact Study (EIS) is warranted. Its request is the primary purpose of this letter.

Sincerely,

A handwritten signature in cursive script that reads "William & Barbara Howell". The ink is dark and the script is fluid, with a small ampersand connecting the names.

William and Barbara Howell  
Founders, Sanctuary House



**RECEIVED**

FEB 29 2008

**COGCC**

February 25, 2008

Dear David Neslin,

Please consider the following comments regarding the Environmental Assessment of Proposed Gas and Oil Exploration, Baca National Wildlife Refuge, Saguache County, Colorado.

There are several important aspects of the EA which are missing altogether, or insufficiently supported. A proper EIS is ESSENTIAL as part of the NEPA process, and ANY activity on the refuge should be suspended until a proper Management Plan is in place because of:

- >The extremely controversial nature of this proposal (I understand there were over 50,000 voices of opposition from many regions even before this comment period!)

- >The obvious contradiction of intention between a "National Wildlife Refuge"\* , haven to many rare and endangered species, and "Gas and Oil Exploration" via drilling 14,000 ft through supposedly protected environment.

- >The premature timing of this proposed action – NO inventory or baseline data have been collected from the refuge or the surrounding community which would be impacted, and the Management Plan for the Refuge has not been started!

Major aspects of the Assessment which are entirely missing or inadequately addressed include:

- >impact on the local economy, particularly the detriment to over 20 Spiritual Retreat\*\* Centers which are supported by Retreatants. (These retreatants also support the economy of the Town of Crestone)

- >Cumulative effects on WATER, AIR, LIGHT, NOISE, and TRAFFIC

- >Health and safety of the public (evacuation plan/road closures in a one road entry/exit to our community, local capacity of emergency response, impact of large truck traffic and potential toxic spills

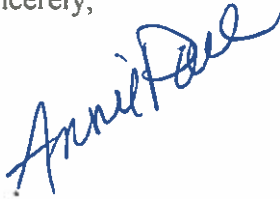
- >Tribal concerns to protect potential archeological finds

- >Exploration alternatives: No Drill option, suspension of activity until Comprehensive Plan is in place, relocation to less sensitive locations near existing roadways



I am sure these comments echo many that you have already received. Perhaps one aspect which has not been voiced as often is the sense of betrayal by our government agencies. Five years ago, when the land was being acquired for the Great Sand Dunes National Park and Baca Wildlife refuge, there were many cynics who declared their mistrust of the Federal Government in managing these lands. I was one of the optimists that believed that putting the land in the hands of Federal Agencies would SURELY protect the precious water of this valley. Please don't prove me wrong!

Sincerely,

A handwritten signature in blue ink that reads "Annie Pace". The signature is written in a cursive, flowing style.

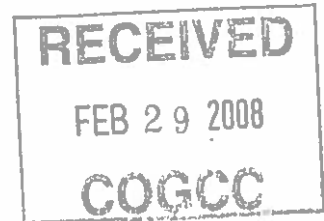
Annie Pace, S.C.A.I.  
Shakti Sharanam  
P O Box 1125  
Crestone, Co 81131  
719 256 5668

@ Webster:

\*refuge: 1)shelter or protection from danger or trouble 2)a place of shelter or protection

\*\*retreat: 1)a place of privacy or safety 2)refuge 3)a period of group withdrawal for prayer, meditation, and instruction under an instructor 4)a place of refuge, seclusion, or privacy 5)a period of retirement for religious exercises and meditation

Dr. David K. Rawlings D.C.  
9745 Hampden Ave #220  
Denver, CO 80231



February 25, 2008

David Neslin  
Colorado Oil and Gas Commission  
1120 Lincoln Street Suite 801  
Denver, Colorado 80203

Re: Baca National Wildlife Refuge area outside Crestone Colorado & the need for a complete Environmental Impact Statement as part of the court mandated National Environmental Policy Act (NEPA) review process in addition to the preliminary Environmental Assessment (EA) which was favorable to the Canadian natural gas drilling interests of Lexam Explorations. Up for reconsideration March 3, 2008

Dear Mr. Neslin

It was with considerable consternation that I received only very recent news of the possibility of natural gas exploration wells in the Baca National Wildlife Refuge area from a member of Choying Dzong – a meditation and spiritual retreat center where I go for quiet meditation and spiritual retreat!!! A number of us have planned or have contemplated retiring to this sacred retreat center before we die because it is so beautiful, so sparsely populated, and so quiet and so spiritual in its outlay of looking over the valley below with dazzling stars at night and beautiful sunsets. There are many other quiet spiritual retreats along this stretch of foothill who have chosen to situate just there because of the peace of this sacred land and environment. And now a foreign company with presumably no other interests than temporary financial gain is planning to permanently desecrate this area with toxic chemicals, as well as bring noise, and big ugly equipment, and air pollution... Such a thing is seemingly given acquiescence by the preliminary EA Draft?? --“No significant impact on the Baca National Wildlife Refuge and surrounding area” ?? What an OUTRAGE !! IS NOTHING SACRED ??

You know outrage is not an emotion that true spiritual seekers and aspirants are supposed to get stuck on or cultivate. Especially when they are on a spiritual retreat praying for the well being of all beings, and peace in the world!!! So maybe you can close your eyes for a moment and think of how important this is to some of us and yes to the world right now. Maybe you could do whatever you CAN do to help us in this situation. Please do. There are relatively few numbers of people who live on this land. But that is not the point. Just knowing who they are, what they are being, and what they are doing there, just knowing that this pristine wilderness, this quiet paradise is still there waiting for us to visit again—this is also very important to MANY of us who don't live there, and perhaps to many of us who are not born yet.

So now we are going hope and pray for Our Canadian Brothers- for the management and stockholders of Lexam Explorations. We are not going to lie down and play dead for them because they have, it seems, crossed our path with these preliminary intentions. Still we are going to pray for them. Money is good. It brings lots of happiness to those who use it wisely. We are going to pray that these guys make lots of money for themselves and for their families. They have every right to. We are going to pray that they make lots of money. And that they make so much money with so many other ventures that they never really regret letting go of these particular plans which would be so disturbing to people like me and perhaps to you too.

It may be a stretch for them but let's put it out there that these individuals are not the kind of people who would tear up the parking lots or grounds or surrounding environments of their own churches , temples and synagogues and put up natural gas exploration rigs there and that therefore they will understand.

Thank you for reading this letter.

Do whatever you think is right, and we will honor you for that.

And then sleep well knowing that you did what you thought was right.

Best Wishes,

David K. Rawlings D.C.

P.S. Please understand that in using the word "we" in this letter, I am not implying that I officially or unofficially represent The Choying Dzong or other spiritual retreat centers. I use the word "we" for emphasis only with the assumption that there must be others who, though they do not presently live there, still feel the same as I do on this.

Michael Blenden  
U.S. Fish and Wildlife Service  
9383 El Rancho Lane  
Alamosa, CO 81101

Elizabeth Michalak  
PO Box 604  
Crestone, CO 81131  
(719) 256-4250



February 28, 2008

Dear Mr. Blenden,

I am writing to request an EIS prior to any Lexam involvement on the Wildlife refuge. The Draft EA discussed at the recent POA Hall meeting does not address many of the issues regarding Lexam's proposed drilling, and I believe it would be a serious oversight of the USFWS's responsibilities not to complete a full EIS.

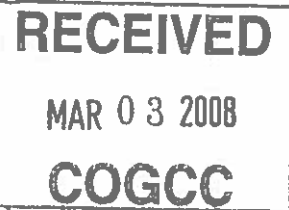
At the recent public meeting, you stated that you would not recommend an EIS until you have received further input. I am adding my voice to the countless requests for an EIS, and I am hoping that you will realize the significance of your decision while you still retain the power to take action. PLEASE protect what the public has entrusted you to protect!

Sincerely,

A handwritten signature in blue ink that reads "Elizabeth Michalak".

Elizabeth Michalak  
PO Box 604  
Crestone, CO 81131

CC: Bill Ritter, Ken Salazar, John Salazar, Wayne Allard, Gail Schwartz, David Neslin.



Salazar, Allard, Schwartz, David Neslin and Jay Slack:

Below is a carbon copy of an originally handwritten letter to Michael Blenden regarding an EIS of the Baca Wildlife Refuge:

2/25/08

Michael Blenden:

I understand the issue of substantive vs. nonsubstantive correspondence; that it's hard to give an opinion full consideration when it comes in the form of a form letter. I hope that this handwritten letter will count as a substantive comment.

After observing the recent meeting with the USFWS and Lexam in Crestone, I get the impression that the USFWS is not particularly concerned with preserving this area. I understand that if such preservation is outside the scope of your list of high priorities, then it's hard to change the wheels that are already in motion. You have your reasons, and they're very logical.

However, I am writing to ask you, as a person with relative power, to step back and look beyond your scope of professionalism. What if five years from now, "Green Your Scene" has become such a powerful trend that the USFWS falls into the doghouse of national opinion for such actions as it is poised to take, letting Lexam slide through the ridiculously-obvious cracks in the EA?

I am one more voice asking that you please recommend and EIS.

Thank you for reevaluating the situation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Katherine Michalak".

Katherine Michalak  
POB 604  
Crestone, CO 81131  
719-256-4250