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Drilling on Baca NWR Halted

Alamosa, CO- As part of ongoing litigation, the San Luis Valley Ecosystem Council, Lexam Exploration, and the U.S. Fish and Wildlife Service reached an agreement to “*cease all construction activities*” related to drilling on Colorado’s Baca National Wildlife Refuge (NWR) until Aug. 2009. The agreement came in response to requests from two environmental groups in the San Luis Valley who have challenged the Canadian wildcat company, Lexam Exploration’s, bid to drill for gas and oil in Colorado’s newest and largest wildlife refuge.

The San Luis Valley groups, including the San Luis Valley Water Protection Coalition, are asking that the U.S. Fish and Wildlife Service conduct an open and rigorous evaluation of the impacts of drilling on the Valley’s aquifer systems, wetlands, wildlife, endangered species, local economies and cultural resources. There are also concerns that the project could affect the exceptional visual and air quality and natural soundscapes in the Great Sand Dunes National Park and preserve that is less than three miles from the proposed drilling sites.

The San Luis Valley Ecosystem Council filed the original lawsuit in May of 2007 charging that the U.S. Fish and Wildlife Service (FWS) failed to comply with the National Environmental Protection Act (NEPA). The FWS initiated an Environmental Assessment (EA) study in response to the lawsuit and released its final decision in October that concluded that drilling on the refuge would not have significant impacts.

“We appreciate the US Fish and Wildlife Service’s new willingness to slow down and analyze the actual impacts of the proposed drilling in response to concerns raised by citizens, county government, state wildlife and cultural resource agencies, the National Park Service, EPA and even the U.S. Fish and Wildlife Service’s own experts,” said Chris Canaly, Director of the Ecosystem Council.

Lexam is proposing to drill two 14,000 ft. wells on the Refuge, in search of oil and natural gas. *“They want to drill without assessing the potential consequences of introducing large quantities of hazardous and toxic fluids into the complex and poorly understood aquifer system that the Refuge was created to protect. We think Lexam’s high risk drilling proposal poses an unreasonable and unacceptable risk to the water users of*

the San Luis Valley”, said Ceal Smith, consultant for the San Luis Valley Water Protection Coalition (WPC) who has joined the Ecosystem Council in the lawsuit.

Lexam purchased the oil and gas interests on the refuge in the 1990’s, before the Baca NWR was created to protect the unique aquifers, abundant wildlife, and cultural resources. *“The best solution to avoid risking the Valley’s aquifers, wildlife and special values of the Great Sand Dunes National Park is to have the Federal government do what it wanted to do in the first place -- purchase the mineral rights”* says Canaly. *“We would like to see FWS do a feasibility study for a mineral’s buyout as part of a Comprehensive Management Plan that has yet to be developed for the 97,500-acre Refuge”*, Canaly concludes.

“The agreement will allow a more deliberate examination of the extent to which the FWS must act to protect the surface rights,” said Travis Stills, the attorney with the Energy Minerals Law Center who is handling this case. *“The unique conditions and special sense of place in the San Luis Valley deserve consideration, and this agreement moves one step closer to an open and transparent examination of the impacts which oil and gas development could have on the Refuge and the Valley as a whole.”*

“The ability of Federal employees to analyze the full scope of this proposal was severely limited under the Bush administration,” says Smith. The WPC obtained documents that show that industry friendly attorneys consistently circumvented legitimate concerns of state and federal agency scientists and the public. *“Attorneys in the Regional Solicitors Office invited Lexam to oversee development of the EA from beginning to end”*, says Smith. *“We hope this marks an end to an era when industry gets its way at the expense of the environment, public health and our vital air and water resources,”* Smith concluded.

The Baca National Wildlife Refuge is located in the rural San Luis Valley, Colorado, where the new Department of Interior Secretary Ken Salazar was born and raised and served as Senator before being recruited by the Obama administration.

President Obama was recently quoted in *the Salt Lake Tribune*; *"We had an administration that I think was heavily tilted towards opening up lands to commercial interests, was less concerned with environmental and sustainability issues. And I think for our Department of Interior to say, 'Let's just take a look at what benefits we're getting' and 'Are we getting a fair deal?' There's nothing inappropriate."*

Interior Secretary Ken Salazar pulled the plug on 77 disputed federal oil and gas leases in Utah earlier this month, rejecting the leases for some 103,000 acres of public land adjacent to Arches and Canyonlands National Parks, Dinosaur National Monument, and Desolation and Nine Mile Canyons.