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SLVEC Monthly Press Release
September, 2006
" Eye on the Valley" from your public lands advocacy organization
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September 12: Lexam plans to drill 2 test wells on the Baca National Wildlife Refuge

Lexam Corporation, based out of Toronto, Canada, www.lexamexplorations.com announced its intention to drill two 14,000 ft. test wells near the Willow Creek drainage on the newly established Baca National Wildlife Refuge at a meeting in Crestone on Tuesday, September 12. Drilling could start as early as Spring of 2007.

Lexam estimates it will take between 75-90 days to complete the drilling of wells. The last time Lexam performed exploration activities in the late 1990's drilling two wells at depths of 5,000 and 7,000 ft. The company found trace hydrocarbons and now wants to continue exploration at a further depth.

Jim Donaldson, representing Lexam, U.S., based out of Lakewood, CO, along with two members of Lexam's Board from Toronto assured the 50 plus local residents in attendance of the company's intention to collect baseline data to protect water quality and cultural resources in the area. When Lexam's representatives were asked whether they would be open to "selling the mineral rights to the federal government for retirement," they were not closed to the idea. This exploration will determine what their next steps are.

Lexam acquired the Mineral rights in 1987 for approximately 2 million dollars from American Water Development, Inc., (AWDI) and their predecessor and now owns 100 percent of the mineral rights and 75 percent of the oil and gas rights. The mineral rights were originally severed from the Baca Ranch, once a Spanish Land Grant, in the early 1970s.

SLVEC believes it is in the community's interest to watch Lexam's actions with vigilance and continue to communicate concerns clearly to U.S. Fish and Wildlife Service. A summary of this meeting will be posted on the Saguache County website: www.saguachecounty.net in the next few weeks.

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August 2: A Day with the Forest Service

SLVEC staff participated in a day-long site visit hosted by the US Forest Service (USFS) in August, of an area in the Rio Grande National Forest slated for timber salvage (Rock Creek); and the site at Bishop Rock where Off-Road Vehicles (ORVs) have severely damaged natural resources; and visited the re-growth at the Million Fire site of 2002. The tour was hosted by Rio Grande National Forest Divide District Ranger Tom Malecek, and joined by Colorado Wild Director Ryan Bidwell as well as SLVEC Board member Rex Shepperd.

At Bishop Rock, Malecek showed how the USFS, in partnership with the BLM, have put up barriers to ORVs that had clearly been running straight uphill, creating erosion and gullies. He said that the habitual abuse would be hard to redirect, as this is a popular spot for youth from Monte Vista to gather. Noting that trying to stop or undo the damage is expensive, discussion ensued regarding citizen involvement and possibilities for education and "patrolling" areas to minimize impacts.

Rock Creek plans for Timber Salvage and Re-designation based on Roadless

areas Acknowledging that timber cutting fills a specific quota for the RGNF, and that beetle kill timber gets a good market price per board foot, the USFS officials showed SLVEC where they have designated sites in the Rock Creek area for re-cutting or cutting beetle-killed trees. They were eager to show where lines had been redrawn to exclude cutting in areas to respect Roadless areas. FS also showed their decision to not build a temporary road which would have impacted a wetland. This sale will amount to about 2 million board feet of timber.

Million Fire (Timber) Salvage and Re-vegetation Project The Million Fire occurred in the Spring of 2002. It appears that re-growth is occurring slowly. In certain areas, the aspen are showing signs of stress as a fungus is attacking the leaves. This stress is also likely due to drought conditions that have occurred over the past four years. The fire damaged, timber extracted exposed soils have been subjected to more sunlight and heat, with very little moisture content and shade to cool the surface/subsurface for the creation of healthy bacteria. Ponderosa Pine and Spruce/fir have been replanted and for the most part, are slowly adjusting to the soils. It appears re-vegetation is taking its time to recover after the fire and subsequent salvage of timber. These areas seem to be struggling and do not contain the vitality we were hoping to see. SLVEC will continue to monitor these areas with the Forest Service in coming years.

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Sept 12: Task Force Decision on Colorado's Roadless Areas!

Colorado's 4.1 million Roadless acres are treasured by hunters, anglers, and hikers and are home to many imperiled species, including the northern goshawk, Canada lynx, and cutthroat trout. Colorado's tourism- and recreation-based economies, its residents' quality of life, and a range of outstanding backcountry opportunities rely on the preservation of these lands.

On September 12th, the 13-member Roadless Areas Review Task Force released its recommendations to the Governor for protecting Colorado's Roadless forests, but rejected a bid to stop potential development while awaiting a final decision from state and federal officials.

Under the recommendations, temporary roads could be built for logging and other work to prevent wildfires and to gain access to existing energy and mineral leases. Ski areas would also be able to build roads on up to 10,000 acres. The rest of the remote land, declared off-limits to development in the closing days of the Clinton administration, would be protected. The Roadless protections were challenged in the courts and replaced last year by the Bush administration, potentially opening the land to logging and other development.

The recommendations now go to Gov. Bill Owens, who has until mid-November to petition the federal government to protect the land. He doesn't have to accept the recommendations from the 13-member bipartisan group. The plan does protect Roadless forests from new roads for new oil and gas leases, but it also creates sweeping exemptions for coal mining. We encourage you to visit the task force web site For much more information please visit: www.roadless.net.

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September 21-Breaking news on Roadless Rule:

The following article appeared on September 21st, 2006 on the (Associated Press) AP newswire and gives a great summary of the Roadless Area Conservation Rule status that was just decided in the District Circuit Court of Appeals.

Experts predict more legal wrangling over roadless forests

By JUDITH KOHLER

DENVER (AP) - A court's reinstatement of a ban on new roads on remote national forest land doesn't mean states can't pursue their own management plans for the nearly 59 million acres, a top U.S. Department of Agriculture official said Thursday.

Agriculture Undersecretary Mark Rey, who oversees the Forest Service, said federal officials are analyzing Wednesday's ruling by U.S. District Judge Elizabeth Laporte in San Francisco. The decision overturned a Bush administration's rule that potentially opened the land to development.

Rey said the administration disagrees with Laporte's conclusion that the administration violated federal laws by not doing an environmental analysis and evaluating the potential impacts on endangered species. He said the intent was always to do those evaluations on a state-by-state basis.

The administration will comply with the ruling, Rey said. But states can still petition Agriculture Secretary Mike Johanns for individualized management plans as amendments to the Clinton-era rule that was reinstated.

"If a state is interested, we'll continue to write a state-specific rule," Rey said.

Rey, however, said he expects more lawsuits. He said the six federal judges who have weighed in on the 2001 road-building ban have split evenly.

"I guess maybe what we need is a tie-breaker," Rey said.

The ultimate referee could be the U.S. Supreme Court, said Mark Squillace, director of the University of Colorado's Natural Resources Law Center.

"What seems clear is that this is going to remain in the courts, likely through the end of the Bush administration," Squillace said.

The Bush administration gave governors 18 months to petition the agriculture secretary to protect the forest land when it replaced the road-building ban last year.

Idaho Gov. Jim Risch said Thursday that he will still submit a proposal for his state's 9.3 million acres of roadless areas that would prohibit road-building on 3.1 million acres and allow some development on the rest.

Wyoming Gov. Dave Freudenthal pledged to try to revive his state's lawsuit that resulted in throwing out the 2001 policy that banned roads on 58.5 million acres, most of it in the West.

The roadless rule was passed in the waning days of the Clinton administration after more than two years of public hearings and 1.6 million comments. About a third of the country's 192 million acres of national forest lands was affected.

Some of the areas protected as roadless have trails and roads, but generally are prized for their pristine qualities and are considered important as wildlife habitat, watersheds, scenic and recreation areas.

Court challenges quickly followed. The 9th U.S. Circuit Court of Appeals upheld the rule in 2001.

Two years later, U.S. District Judge Clarence Brimmer in Cheyenne, Wyo., overturned the rule, saying the road ban illegally designated wilderness. Only Congress can set aside wilderness areas.

The Bush administration approved a policy last year that potentially opened the land to logging, road-building and other development. Five states have submitted petitions asking that all their roadless areas be protected: California, New Mexico, Virginia, South Carolina and North Carolina.

Earlier this month, a task force appointed by the Democratic-controlled Colorado Legislature and Republican Gov. Bill Owens recommended banning development on most of the state's 4.1 million acres of roadless forests. Exceptions included removing 8,000 acres leased by ski areas and about 70,000 acres for a coal mine as long as operations continue.

Jim Sims, executive director of the Denver-based Western Business Roundtable, said it makes sense for state and local officials and residents to have a say in managing the large tracts of federal land, some of which contain oil and gas and other minerals.

"The people near the land do a better job and have greater stake in the right kind of conservation," Sims said.

Eddie Kochman, a member of the Colorado roadless task force, said he agrees that local input is important. Kochman, a retired state fisheries manager, said "90-percent-plus" of Coloradans who commented said the roadless areas should be left undeveloped.

Kochman added, though, that any management plans must recognize the fact that national forest lands belong to all Americans.

"That's why we created the Forest Service, the Bureau of Land Management, the National Park Service -- to give some level of consistency to manage those lands to the benefit of every citizen in this country," Kochman said.

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September 12: Household Well Testing Campaign Update

The Environmental Protection Agency (EPA) released well testing results to SLV residents on September 12th regarding the Household Well Testing Initiative this past summer, 2006. If you have participated and not heard back, please contact us. In June and July, over 450 citizens of the Valley brought water samples to the EPA's mobile lab to test water from household unregulated wells for contaminants. This subsidized program, called the Community Household Drinking Water/Well Initiative, was provided by a group of Valley, state, county, and health agencies and the Environmental Protection Agency's (EPA's) Environmental Justice Program.

SLVEC and local partners coordinated the well testing effort. This project will continue into the future after securing funding so that the link can be made and strengthened between public health and natural resource issues. People will also be provided with the opportunity to develop appropriate tools so better decisions can be made about maintaining or improving the quality of their drinking water.

SLVEC is also working with the Colorado Department of Health and Environment to develop follow-up and alternatives for the EPA program. The CDHE project builds on this testing effort by establishing an on-going program of testing, as well as the development of a database and research projects aimed at identifying areas of the SLV that have problems with toxic substances in well water. That project will use the data from the EPA-sponsored projects, and collect new data from areas that have not been tested before.

From August 2006 to August 2007, the analytical laboratory of the Colorado Department of Health and Environment will provide free analysis for samples of water.

Please contact SLVEC (see info above) if you have concerns about your household well and would like to participate in this program!!!!

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September 26: Village at Wolf Creek (VWC) Update

There are still a number of hurdles that stand before the McCombs/Honts partnership, and the development called "Village at Wolf Creek" (VWC). These hurdles include returning to Mineral County for development approval sometime late this year or early next year, since the plat (term for design of development) has been re-designated by the developer due to finding another 12 acres of wetlands on the property and not having road access when approved the first time. In response, SLVEC and Colorado Wild filed a lawsuit against Mineral County in late 2004 which is now in the appeal process, the developer having appealed Judge Kuenhold's decision which resulted in SLVEC and Colorado Wild submitting a cross appeal. There will be a decision sometime in Spring of 2007. The permit process for this VWC development has now made its way to the State agencies. The VWC developers also still need to obtain an access permit from the Colorado Department of Transportation (CDOT) for an access road, the developers wanting Tranquility Road, which is connected to Forest Service Road 391. According to the Record of Decision (ROD) on the Forest Service Environmental Impact Statement (EIS), the developers must build 2 roads, the Snowshed Road and a continuation of Tranquility Road for safety purposes. The developers appealed this decision because they want access through Tranquility road and it is unclear what their intentions are for the Snowshed road. SLVEC and Colorado Wild also appealed the Forest Service ROD but for different reasons, most notably the lack of input from other state and federal agencies during the EIS process. The Regional Forest Service office has stood by the Rio Grande National Forest ROD. This ROD will probably be challenged in court.

There is another permit process that the developers must undergo with CO Dept. of Health and Environment regarding the building of a wastewater treatment facility on their property and a permit regarding effluent limits. There was an update summary "Village at Wolf Creek" site visit that was sent out September 27th-28th or visit our website: www.slvec.org. It's important to review this site visit summary because it explains the quandary

regarding water quality monitoring and lack of oversight due to the developer's resistance to file for an Army Corps 404 permit.

SLVEC is unclear of the date regarding the pending lawsuit filed between the partnership of McCombs/Honts and the Wolf Creek Ski Area. The case was supposed to go to trial sometime this fall but we are unaware if a date has been set. We will keep you posted.

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SLV BLM Travel Management Plan: The preferred alternative has been selected by the SLVBLM for its travel management plan, now slated for release in fall. This is the first time the agency has developed a travel management plan for the San Luis Valley. The plan will outline which routes will remain open and which the BLM will wish to close to traffic. SLVEC submitted a Citizens Management Alternative (CMA) and has worked hard with the SLV BLM office to provide accurate data so that a comprehensive travel plan can be implemented, and SLVEC applauds the agency's efforts.

Great Sand Dunes National Park and Preserve Preferred Alternative

The Great Sand Dunes Planning Website: <http://parkplanning.nps.gov>
Next Great Sand Dunes National Park Advisory Council Meeting
Thursday, November 9th, National Park Service Visitors Center

Date for next Sonoran Meeting

Saturday, October 21st at Colorado College.

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