



OFFICE of ARCHAEOLOGY and HISTORIC PRESERVATION

February 22, 2008

Michael Blenden
San Luis Valley NWR Complex
US Fish and Wildlife Service
9383 El Rancho Lane
Alamosa, CO 81101

Re: Draft "Environmental Assessment of Proposed Gas and Oil Exploration, Baca NWR"
(CHS #51875)

Dear Mr. Blenden:

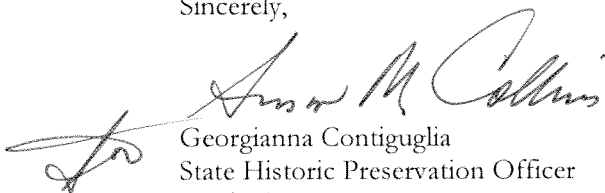
We have recently obtained the draft EA identified above from the US Fish and Wildlife Service (Service) website. As we wish to consult with the Service regarding the potential effects of proposed oil and gas exploration in the Baca National Wildlife Refuge on historic properties please include us on your distribution list for future correspondence regarding this EA.

Upon review of the draft document, we note with concern that the Service has determined that "the proposed action is not considered an undertaking as defined by NHPA [National Historic Preservation Act], and therefore is not subject to review" (pages 1-8, 3-35, etc.). The issue of allowing access to private subsurface mineral rights notwithstanding, the document does not adequately demonstrate that the proposed action is not an undertaking (36 CFR 800.3(a)).

As stated in the draft EA, "the Service has both the responsibility and the authority to formulate standards and measures for ensuring that the surface estate of the Refuge and its associated resources are not unreasonably impacted" by activities associated with the subsurface estate (p. 1-4). The Service plans to use its authority to meet this responsibility "by establishing stipulations and recommendations to protect the surface estate and other resources of the Refuge from unreasonable damage during all phases of currently planned oil and gas exploration being conducted by Lexam, including the intended drilling of two exploratory gas wells on the Refuge" (page 1-1). Consequently, it is our opinion that the definition of an undertaking as defined in 36 CFR 800.16(y) is met by this Federal action which is under analysis in the EA. As a result, it is our opinion that the Service is required to comply with the NHPA. Compliance with the NHPA by the Service does not deny Lexam the reasonable opportunity to explore for minerals.

We look forward to further consultation with the Service and other consulting parties as appropriate regarding this project. If we may be of further assistance, please contact Greg Wolff, Section 106 Compliance Coordinator, at (303) 866-4674.

Sincerely,


Georgianna Contiguglia
State Historic Preservation Officer
GC/GAW