



PRESS RELEASE

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Alamosa, CO- The San Luis Valley Ecosystem Council (SLVEC) has filed a lawsuit against the U.S. Fish and Wildlife Service (U.S. F&WS) regarding a Lexam Exploration Inc. (Lexam) proposal to drill two 14,000-foot oil or gas test wells on the newly established Baca National Wildlife Refuge (Baca NWR). Lexam's website (http://lexamexplorations.com/energy_projects.php) describes the proposed project as "high risk" and "high cost."

SLVEC has filed suit to ensure that the public is fully informed of Lexam's drilling plans for the Baca NWR. SLVEC's suit seeks to ensure that a full range of alternatives and mitigation measures are presented to the public before the drilling project causes any further surface impacts to the Baca NWR. The suit asks the Colorado Federal District Court in Denver to ensure that impacts to the Baca NWR are not allowed by the US F&WS until after the public has had an opportunity to participate in the formal decision making process mandated by the National Environmental Policy Act (NEPA).

Lexam Explorations, Inc. owns some subsurface mineral rights under the land which was purchased by the American public and designated as the Baca National Wildlife Refuge. The Baca NWR was purchased as part of the Great Sand Dunes National Park and Preserve Act of 2000.

In July of 2006, Lexam informed the U.S. F&WS that Lexam intends to drill two, 14,000-foot deep exploratory wells on the refuge. Since this is a split-estate situation (surface rights owned by the federal government and subsurface rights by Lexam and others), the

U.S.F&WS claimed that the federal government could not prohibit Lexam from accessing the minerals and therefore need not implement the informed decisionmaking and public participation mandates of NEPA.

SLVEC's lawsuit asserts that U.S. F&WS has ample legal authority to protect the Baca NWR, even where the minerals are owned by a private company. Further, the lawsuit asserts that not only does the U.S. F&WS have the legal duty to implement NEPA, the public owners of these federal lands deserve to have input into what happens on the Baca NWR.

Drilling in the unique conditions found in the San Luis Valley raises questions about the impact that a 14,000-foot oil and gas test well could have on underlying geologic and hydrologic structures. The proposed drilling area lies near the Sangre de Cristo fault line, and will pass through two aquifers. The expected impacts to the groundwater in the Valley's closed-basin system are unknown.

The number of oil and gas well permits issued since 2002 has risen dramatically in the State of Colorado. In the San Luis Valley, there are now over a hundred oil and gas leases issued on federal lands outside the Baca NWR. The San Luis Valley has seen little active drilling and this is the first attempt at deep drilling on the Valley's eastern edge. Drilling could have a significant impact on wildlife refuge habitat.

Biologic inventories have not been performed on Refuge lands. At the Great Sand Dunes National Park, located adjacent to the Baca National Wildlife Refuge, biologic inventories have revealed areas of global biologic significance, including at least twenty-eight rare, threatened, or endangered species, including the globally imperiled slender spider flower. Colorado Division of Wildlife (CDOW) biologists recently discovered a genetically unique population of the endangered Rio Grande sucker on the Baca National Wildlife Refuge. This population is considered by CDOW to be critical to the recovery of the species throughout the Rio Grande watershed.

SLVEC is a non-profit organization whose mission is to protect and restore - through research, education, and advocacy - the biological diversity, ecosystems, and natural resources of the San Luis Valley and associated bioregion, balancing ecological values and human needs. The Energy Minerals Law Center represents communities impacted by energy mining and filed the lawsuit on behalf of the SLVEC and its members.

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