

# Blue Goose Alliance Bulletin

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## **Federal Court Injunction Bars Drilling In Baca National Wildlife Refuge, CO**

Alliance President Don Redfearn, today, praised the coalition of local community organizations, individuals, conservation groups, and the Energy Minerals Law Center, for their efforts in blocking oil and gas drilling on the BACA NWR. On September 3, Federal District Court Judge Walker Miller issued a preliminary injunction to block oil and gas drilling in the wetlands of the Baca National Wildlife Refuge in Southern Colorado. Redfearn said, "This is an important action to stop all exploration activities on the refuge pending a final decision in the lawsuit which was originally filed in 2007, and if Judge Miller continues along the path he set in this decision, his final decision will provide important protections and guidance for national wildlife refuges across the country."

Judge Miller's decision halts activities by Lexam Explorations, a Canadian mining company, within the portions of the refuge where such activities had been underway for several years. The Judge wrote that "it is undisputed that the Refuge contains unique resources, including sensitive wetlands, habitat for a variety of wildlife and fish, aquifers that play an important role in the wetlands and in providing water for the community, clean air, and a large expanse of undeveloped land with a significant 'sense of place' and quiet."

Baca NWR was established in 2000, for the purpose of protecting the water, wetlands, wildlife and habitats, and the landscapes within and adjacent to the area. Drilling activities and proposals represent serious and potentially severe threats to those purposes and especially to the vital aquifers that are integral to the refuge. In granting the preliminary injunction, Judge Miller affirmed the plaintiff's claim that Lexam's drilling would threaten "irreparable harm" to the refuge and underlying aquifers. He also wrote that the proposal submitted by Lexam and approved by the Fish and Wildlife Service did not present sufficient safeguards, and questioned "whether the agency really evaluated the efficacy of many of the proposed safeguards."

In his order, Judge Miller said the Agency's decision failed to include meaningful analysis of the chemicals and other materials that would likely be used during the drilling and "what hazards they might pose, and on what basis the agency has concluded that these will not have significant effect on the delicate resources of the Refuge, including the aquifers." Based on the evidence presented, Judge

Miller wrote that the San Luis Valley Ecosystem Council is "likely to prevail on the merits," and he labeled the decision to approve the drilling "arbitrary and capricious."

A diverse group of San Luis Valley residents including ranchers, farmers, teachers, artists, business owners, faith leaders and scientists united to oppose the drilling proposal. Initially, the Blue Goose Alliance served on the Coalition's Advisory Committee, and later worked as a cooperating conservation organization. The Alliance submitted its own severe analysis of the FWS/contractor produced Environmental Analysis. The Alliance also consistently provided

suggestions and possible strategies to the primary groups and to their legal representatives. As the coalition celebrated the victory, they sent a note to the Alliance thanking them for being “a big help.”

Bill Reffalt, the Alliance’s Vice President and Issues Coordinator, will continue monitoring the lawsuit, but believes the Judge has strongly indicated the path he intends to follow, barring substantial new evidence from the Government. In addition, Reffalt said, “I consider it timely for the Baca Refuge to initiate its Comprehensive Conservation Planning, thus bringing the general public into the equation about the future of the refuge. This will balance the uses and activities with the important wildlife and habitat management programs necessary to assure protection for the endangered species, as well as the varied fish and wildlife resources. Having oil and gas exploration and possible development drive refuge planning effectively shuts out the public interests and that has been a very disturbing aspect of this issue. The BGA certainly intends to push hard now for moving the public interests and fish, wildlife, plants and habitat interests into the forefront at the Baca. We fully intend to fulfill our role of advocate and provider of information to the public and to other stakeholders in this process,” concluded Reffalt.

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