



November 8, 2012

Walt Brown
Columbine District Geologist
San Juan Public Lands Center
15 Burnett Court
Durango, Colorado 81301

Re: LTE 2011 Outcrop Zone Report
Fruitland Formation Outcrop Zone
Archuleta County, Colorado
April 2012 Revised September 2012

Dear Mr. Brown:

The Archuleta County Board of County Commissioners is dismayed and feels as if we and our citizens have been slighted and disregarded by the Bureau of Land Management. Words such as shocked, appalled, disingenuous and bad faith come to mind when we review the above referenced report. Granted, those are strong words; however, in light of the complete disregard of Archuleta County (yet again) and the historical process, these words accurately represent our current reaction to the above referenced report.

Sometime ago, the then sitting Board of County Commissioners of Archuleta County passed Resolution Numbered 2004-48 a copy of which is attached hereto. The BLM should be well aware that Archuleta County has always pushed for a one and one-half mile buffer around U. S. Highway 160 and any drilling activities. The record is clear that Archuleta County and many other commentators withdrew their push for such a buffer in consideration of the establishment of the Northern San Juan Basin Stakeholders Group ("NSJBSG") and the BLM's commitment to engage the NSJBSG. In the present case, such has not occurred and BLM acted unilaterally and without community input in such a manner as to disregard prior commitments. The NSJBSG and Archuleta County were not provided a meaningful opportunity to review the LTE 2011 Outcrop Zone Report let alone the opportunity to do so as part of the BLM process; prior representations to Archuleta County and the NSJBSG have been breached.

The buffer is crucial and all but disregarded in the LTE 2011 Outcrop Zone Report. It is undisputed that the outcrop runs beneath U.S. Highway 160 for roughly 1 ½ miles in the vicinity of Yellow Jacket Pass. A coal fire beneath U.S. Highway 160 would be nothing less than catastrophic. The failure of the LTE 2011 Outcrop Zone Report to adequately address this concern is nothing short of gross negligence. This issue is neither a “red herring” nor “hypothetical” as we are informed that fires have occurred elsewhere in the Fruitland Outcrop and there exists evidence of fires having occurred elsewhere in the Project Area. This issue must be adequately analyzed and to date, it has not been.

Currently, the LTE 2011 Outcrop Zone Report is void of any reference to “non-near surface” or “vertical” fires other than an admission that efforts to extinguish coal fires near the Kf outcrop in La Plata County have failed. We are informed that the body of evidence suggests that the sooner a coal fire is dealt with the greater the chance of such a fire being extinguished. The Citizens of Archuleta County are not placated by the reports commitment to have, “... field crews walk the major drainages annually...” Such annual walks are not conducive to the required “early onset” detection. Further, by the time of the next annual walk, potentially a fire could no longer be characterized as “near surface” such that it would be out of control and unable to be extinguished. As public servants entrusted with public lands it is not only prudent but necessary that we plan for such an occurrence and there is no evidence of such planning in the LTE 2011 Outcrop Zone Report. This is not acceptable to Archuleta County and this would not have occurred had the NSJBSG been engaged as originally promised.

We are heartened but not persuaded by the Reports statement that “[t]he potential for coal fires to occur as a result of Petrox’s CBM development within the Project Area appears low”. The report is absolutely void of any evidence giving rise to such a conclusion. Frankly, in light of the blatant factual errors surrounding wells as discussed below, such an unsubstantiated statement is lacking in credibility. Since it has burned once, we are of the opinion it may burn again. On behalf of our citizens we are concerned that the cleat orientation does not negate the possibility of future coal fires. Is there a reason why in the interests of public health, safety and welfare the government would not procure an independent analysis of these real and potentially devastating concerns?

We have reviewed Figure 3 to the LTE 2011 Outcrop Zone Report which is entitled Surface water Map. This Figure is at best inaccurate and at worst misleading. We have citizens with surface water and natural springs in the project area that are not reflected on said Figure 3. Again, had the BLM adhered to the original commitment to engage the NSJBSG such crucial and credibility killing factual errors might have been avoided.




The credibility of the LTE 2011 Outcrop Zone Report is also called into question by its own inconsistency. On the one hand the LTE 2011 Outcrop Zone Report states that there is no evidence of current coal fires; yet, on the other hand, at Sec. 4.5 it states, “Carbon monoxide is a by-product of coal combustion and with limited measurement points detecting carbon monoxide there does appear to be active combustion/fires in the vicinity of these five coal mines.” It is unacceptable to public trust and lacking in

transparency to allow such diabolically opposed statements to co-exist without explanation or, if appropriate, correction.

Archuleta County has always enjoyed a positive and mutually beneficial relationship with the various federal agencies. For instance our relationships with the San Juan National Forest should serve as a model for local / federal cooperation. We are willing to do the hard work on our side to restore our relationship with BLM. However, when you provide us two weeks to review a 220 page document, when such report is addressed to a former employee who has not worked for Archuleta County in over two years, when you ignore our very real concerns for the health and safety of our citizens, when you present a report with omitted facts and contradictory statements you send a signal of federal dictation rather than community and local involvement.

Please, do not move forward on the basis of this report. Archuleta County urges the Bureau of Land Management to secure independent review by geologists and technical experts to ascertain the real dangers of the proposed activities within the Project Area and if appropriate, to delineate mitigating procedures before the activities are begun rather than being in a position of having to develop such procedures when the harm is upon us. Finally, you leave us no choice but to assert our right to be a Coordinating agency.

Sincerely,


Clifford Lucero, Chair
Michael Whiting
Steve Wadley

The Board of County Commissioners of Archuleta County

Cc: Senator Michael Bennett
Senator Mark Udall
Congressman Scott Tipton
Secretary Ken Salazar