

July 26, 2016

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**RE: Mancos Shale Oil Drilling, Public Participation, and WPX Energy Explosion**

Dear Secretary Jewell, Mr. Kornze, Ms. Lueders, and Ms. Barr:

A fire at a new WPX Energy well site (consisting of six wells) erupted on the night of July 11, 2016, burning 36 storage tanks and causing the evacuation of 55 residents. This development is just southwest of U.S. Highway 550 near Nageezi, New Mexico, and is just 14 miles from Chaco Culture National Historical Park.

The Bureau of Land Management (“BLM”) Farmington Field Office approved development of federal mineral on this site through an environmental assessment (“EA”) and finding of no significant impact (“FONSI”), identified as National Environmental Policy Act (“NEPA”) No. DOI-BLM-NM-FO10-2016-0036. The EA failed to take a hard look at the health and safety risks of well construction and production, providing only a cursory section on health and safety despite the fact that the project area is adjacent to numerous homes, families, and the major highway in the region. BLM’s failure to properly assess these risks is only exacerbated by the agency’s troubling decisions, as detailed below: (1) to provide the public with the decision documents three months after BLM approved and WPX Energy spudded the wells; and (2) to approve new Mancos shale oil wells even though it has yet to complete the Mancos Shale Resource Management Plan Amendment (“RMP Amendment”). We therefore reiterate our request that BLM impose a moratorium on all further federal reviews and approvals of drilling and construction of infrastructure to extract federal—i.e., publicly owned—minerals in the Mancos Shale oil formation. At

the very least, BLM should provide the public with advance notice and an opportunity to review and comment on decisions regarding Mancos shale oil projects before those decisions are made.

These issues and risks are not new. Ongoing litigation in the U.S. District Court for the District of New Mexico, *Diné CARE et al., v. Jewell et al.*, No. 1:15-cv-00209-JB-LF, with an interlocutory appeal pending before the U.S. Court of Appeals for the Tenth Circuit, No. 15-2130, concerns the precise type of development which occurred at the WPX Energy site. Because the Farmington Field Office has continued to approve new well-development decisions on an ongoing basis, plaintiffs in *Diné CARE* have filed several supplemental petitions for review with the Court. Including the most recent petition, filed on July 22, 2016, BLM has approved at least 360 horizontally drilled and multi-stage fractured wells to date, despite great and substantiated public concern that development of the Mancos Shale formation was never properly analyzed. BLM's Farmington Field Office has consistently fast-tracked approval of these horizontal wells, undermining the RMP Amendment's efforts to account for public input and, to the degree development proceeds, to ensure orderly and efficient development that protects the public interest, including life, property, and the land, air, and water. 43 C.F.R. §§ 3160.0–4; 3161.2.

We emphasize that one of the claims alleged in *Diné CARE* involves BLM's failure to involve the public in its decisionmaking, as required by NEPA. See 40 C.F.R. §§ 1501.4, 1506.6. The timeline for BLM's approval of the WPX Energy project exemplifies Plaintiffs' concerns that the failure to involve the public undermines the agency's credibility and increases the risk of drilling problems. BLM signed the EA and FONSI for the project on February 12, 2016. WPX Energy spudded approved wells between February 17 and 19, 2016. Not until three months later, on May 20, 2016, did BLM post the EA and FONSI to its website and, on May 23, 2016 did BLM send an email to Plaintiffs and counsel informing them of the decision.

In other words, the public was made aware of this drilling project only after BLM approved and WPX Energy drilled these wells. The public, therefore, was unaware of this project and never given the opportunity to meaningfully participate in the agency's decisionmaking. This failure is particularly troublesome in the context of the current litigation—which seeks to enjoin such development until BLM completes a landscape level impacts analysis—suggesting what many in the public deem a concerted effort to facilitate as much development as possible before the Court has an opportunity to rule.

These WPX Energy wells were producing for just one week before the entire site went up in flames. Little is still known about the underlying causes and consequences of the explosion, but what we do know is that 55 residents were evacuated because of extreme danger, many livestock and domestic animals were killed, and nearby residents have reported respiratory and other health problems as a result. Emergency response for this explosion was hours away, citizens were not properly informed, and the BLM had no known evacuation/hazardous materials plan in place.

It is incumbent upon BLM to act as steward of our public lands rather than catalysts for private industry's exploitation absent meaningful public participation and consideration of all potential significant impacts, including health and safety. We again urge you to give your full attention to the WPX Energy explosion, to impose a moratorium on all additional Mancos Shale drilling until BLM completes the required RMP Amendment, and to provide the public the meaningful response it deserves. Given the immediacy of this incident, we would appreciate a prompt response.

Signed,

/s/ Carol Davis

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