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To: <LES_EIS@nrc.gov>
Date: 3/4/04 5:54PM
Subject: Docket No. 70-3103

2/4/04
69 FR 5374
23

Attached please find the comments of the New Mexico Audubon Council on the proposal for the construction, operation and decommissioning of a gas centrifuge uranium enrichment facility to be located near Eunice, New Mexico.

If for any reason you are unable to read the attachment, please contact me. I would appreciate it if you would acknowledge receipt of these comments by return email.

Thomas Jervis, Ph.D., President
New Mexico Audubon Council
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R-RIDS = ADM-03
Add = T. Johnson (MCS)
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New Mexico Audubon Council

Representing Four Local Chapters of the National Audubon Society in New Mexico
Conserving and restoring natural ecosystems, focusing on birds, other wildlife, and their habitats for the
benefit of humanity and the earth's biological diversity

March 4, 2004

Chief, Rules and Directives Branch
Mail Stop T6-D59
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

electronic to <LES_EIS@nrc.gov>

Docket No. 70-3103

The New Mexico Audubon Council, representing 4,000 members of local Audubon groups in New Mexico is concerned with any developments which may have an undue impact on birds, other wildlife, and habitat in New Mexico. Our members observe birds and other wildlife in southeastern New Mexico and are concerned that the proposal for the construction, operation and decommissioning of a gas centrifuge uranium enrichment facility to be located near Eunice, New Mexico will have just such an undue effect.

We are particularly concerned about two species that are candidate species for listing under the Endangered Species Act (ESA): The Sand-dune Lizard and the Lesser Prairie-chicken.

The Sand-dune Lizard is endemic to a small area of the Shinnery Oak/sand dune community in parts of southeast New Mexico and adjacent Texas. The species is threatened by activities that remove the Shinnery Oak, alter the dominant vegetation structure, increase the percentage of grasses, disrupt the morphology of the sand dunes, or otherwise degrade suitable habitat. Based on long-term monitoring of the species, stable populations of Sand-dune Lizard are known to occur only in blowout areas within Shinnery Oak habitat. The Fish and Wildlife Service (FWS) has listed the Sand-dune Lizard as a Category 2 Notice of Review Species under the ESA. The lizard is currently listed as threatened by the New Mexico Department of Game and Fish.

Construction activity, including road construction and operation of vehicles off-road in suitable habitat puts the lizard at risk of direct take. Direct take could also occur during summer months when sand dune lizards are laying eggs in underground nests that could be crushed. Any reduction of habitat will have at least a localized effect on populations of Sand-dune Lizards. Fragmentation of habitat by roads and other structures that interrupt dispersal paths for juvenile Sand-dune Lizards will also lower the probability of continued survival of the species.

The Lesser Prairie-chicken was once widespread in eastern New Mexico but has seen its range dramatically diminished. Lesser Prairie-chickens have been extirpated from 56% of their historical range in the state. Populations are sparse and scattered in another 28%, leaving only 16% of historically occupied habitat with relatively healthy populations of the birds. The species has disappeared from over 90% of its original range in parts of Kansas, Oklahoma, Texas, Colorado and New Mexico. The FWS has determined that the species is warranted for listing as a threatened species under the ESA, but that the species listing was precluded by the need to list other higher-priority species. The "warranted, but precluded" finding established the Lesser Prairie-Chicken as a "candidate species" under the ESA.

The persistence of only a single Lek (dancing/breeding site) in the immediate vicinity of the proposed development is particularly worrisome. The Lek near Eunice is one of a few representing a sparse and scattered population in southeastern New Mexico. This population is therefore extremely vulnerable, as its disruption would mean that there are no other population reservoirs in the area to repopulate the area should climate and other conditions make recovery possible. Small, isolated populations of wildlife tend to lose genetic diversity, resulting in declining reproduction and survival, and inability to adapt to changing environmental conditions. This has been demonstrated in populations of Greater Prairie-chickens. Whether the population near Eunice is sufficiently isolated is unknown, but it is certain that extirpation of this population will dramatically affect the range of the species in New Mexico.

Lesser Prairie-chickens are threatened by drought as well as a number of human activities. Conversion of land to agriculture, grazing practices that reduce nesting and brood cover, fragmentation by roads, and structures (power lines, fences) that provide perches for avian predators are important factors in the decline. The most recent decline and disappearance of prairie-chickens has occurred during a period of rapidly expanding oil and gas development. This development consumes habitat, while creating perching sites for avian predators on power lines and poles. Noise from drilling and pumping interferes with the breeding activity of Lesser Prairie-chickens, in which males attract females with "booming" sounds that are audible to humans for at least a mile. Construction, operation, and decommissioning of the proposed facility will likewise disrupt breeding with noise and structures.

In addition to concerns with these ESA candidate species, we are generally concerned with the effect of any further development in the Shinnery Oak/sand dune ecotype. Any further development in these areas further fragments the habitat, whether by actual construction or the construction of roads, power lines, fences, etc. and has a cumulative impact on what is a limited and decreasing resource in New Mexico and the West. The cumulative effect of this fragmentation is particularly felt by endemic species to this ecotype such as the Sand-dune Lizard. Construction, operation, and decommissioning of the proposed facility will have a lasting cumulative impact on all aspects of the Shinnery Oak/sand dune community. Should construction proceed, we believe that suitable mitigation would involve the complete retirement of all disturbance (grazing, roads, oil and gas development, etc.) in suitably large (~5,000 Ac.) areas of the Shinnery Oak/sand dune community to provide a preserve for those species dependent on this biotic community.

We appreciate the opportunity to comment on this proposal and ask that we be kept informed of further developments, including the opportunity to comment as the NEPA process goes

forward.

Sincerely,

A handwritten signature in cursive script that reads "Thomas Jervis". The signature is written in black ink and is positioned above the typed name.

Thomas Jervis, Ph.D., President
60 Barranca Rd.
Los Alamos, NM 87544