

**From:** "Nicole Rosmarino" <nrosmarino@fguardians.org>  
**To:** <LES\_EIS@nrc.gov>  
**Date:** 3/18/04 4:58PM  
**Subject:** Forest Guardians Comments in re Docket Number 70-3103

2/4/04  
69FR5374

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Please find copied below and attached in pdf format our comments in re Docket Number 70-3103.

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March 18, 2004

Rules and Directives Branch  
U.S. Nuclear Regulatory Commission  
Mail Stop T6-D59  
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FAX (301) 415-5398, ATTN: Melanie Wong

VIA FAX, ELECTRONIC AND POSTAL MAIL

Re: Docket Number 70-3103

Dear Rules and Directives Branch,

In response to Federal Register of February 4, 2004 (Volume 69, Number 23) regarding a gas centrifuge uranium enrichment facility proposed to be built near Eunice, New Mexico by Louisiana Energy Services (LES), I request that the Nuclear Regulatory Commission (NRC) carefully consider the impacts to imperiled species when conducting environmental analysis (in the form of an Environmental Impact Statement (EIS)) for this project.

Template = ADM-013

F-EIS = ADM-03  
Add = P. Johnson (PJ)  
m. Wong (mew)



March 18, 2004

Rules and Directives Branch  
U.S. Nuclear Regulatory Commission  
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**Re: Docket Number 70-3103**

Dear Rules and Directives Branch,

In response to Federal Register of February 4, 2004 (Volume 69, Number 23) regarding a gas centrifuge uranium enrichment facility proposed to be built near Eunice, New Mexico by Louisiana Energy Services (LES), I request that the Nuclear Regulatory Commission (NRC) carefully consider the impacts to imperiled species when conducting environmental analysis (in the form of an Environmental Impact Statement (EIS)) for this project.

Eunice is located in Lea County, which is an important biodiversity hotspot in the state. We are concerned that the construction and operation of this plant would cause harms to imperiled wildlife, including, but not limited to, the lesser prairie chicken (*Tympanuchus pallidicinctus*), sand dune lizard (*Sceloporus arenicolus*), black-tailed prairie dog (*Cynomys ludovicianus*), black-footed ferret (*Mustela nigripes*), and northern aplomado falcon (*Falco femoralis septentrionalis*). The NRC should request a full list of species of concern, threatened, endangered, sensitive species from the U.S. Fish and Wildlife Service.

First, Lea County contains shin-oak (*Quercus havardii*), which is vital habitat for many wildlife species, including the lesser prairie chicken and sand dune lizard. Both of these species are currently formal candidates for Endangered Species Act listing. Once abundant throughout their range in eastern New Mexico, the lesser prairie-chicken has been extirpated from 56% of its former range in the state and persists only as sparse and scattered populations in another 28% of that range. The core of the remaining populations occupies only 16% of its former range (Bailey and Williams 2000). The sand dune lizard

is verging on extinction (USFWS 2001) and all anthropogenic threats to its survival must be promptly removed (including and especially habitat loss and degradation).

Second, north of Eunice exists one of densest concentrations of black-tailed prairie dogs in the state. Lea County is one of only five counties within the historic range of the black-tailed prairie dog in New Mexico that contain over 5,000 acres of prairie dog colonies (Johnson et al. 2003). This prairie dog species is a formal candidate for ESA listing (65 Federal Register 5476-5488 (February 4, 2000)). One of the primary causes of continued prairie dog decline is habitat loss and degradation (Ibid). In addition, prairie dogs provide vital habitat for the black-footed ferret, mountain plover, swift fox, ferruginous hawk, and burrowing owl (Miller et al. 1994; 1996). The black-tailed prairie dog is considered a keystone species, which creates habitat and serves as a prey base for a wide variety of associated wildlife (Kotliar et al. 1999; Miller et al. 2000).

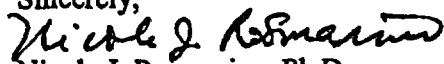
The most imperiled member of the prairie dog ecosystem is the black-footed ferret. The ferret is listed as Endangered under the ESA (50 C.F.R. § 17.11). A 1984 NM Department of Game and Fish report on the ferret in NM provided among its recommendations the following:

- Assume the ferret is still a member of the state's fauna and that it could occur anywhere that prairie dogs occur.
- Conserve prairie dog towns statewide, with special emphasis on public lands—where these animals should be accorded a portion of the available forage and other resources in a genuine multiple use framework. (Hubbard and Schmitt 1984: 111).

Third, the northern aplomado falcon is listed as Endangered under the ESA (50 C.F.R. § 17.11). This critically imperiled subspecies likely disappeared from the U.S. in the 1950s due to habitat destruction (51 Fed. Reg. 6686-90 (February 25, 1986)). There is potential falcon habitat in southern Lea County and there have been sightings of falcons in the county since the 1950s (See Forest Guardians et al. 2002).

In addition to our concerns about impacts of this project on imperiled species, we are also alarmed at potential impacts to water quality and quantity, air quality (e.g. spread of radioactive dust), and harms to human health should this plant be built and put into operation. This issues should be thoroughly assessed in analyses for this project.

Forest Guardians has advocated for the protection of native animals, plants, and their habitat for nearly 15 years in the state of New Mexico. We have over 1,500 members, most of whom reside in the state. We thank you for your thorough review of our concerns.

Sincerely,  
  
Nicole J. Rosmarino, Ph.D.  
Endangered Species Director

### References Cited

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