United States Department of the Interior

FISH AND WILDLIFE SERVICE
New Mexico Ecological Services Field Office
2105 Osuna NE
Albuquerque, New Mexico 87113
Phone: (505) 346-2525 Fax: (505) 346-2542

MAY 31 2007

Thank you for your recent request for information on threatened or endangered species or important wildlife habitats that may occur in your project area. The New Mexico Ecological Services Field Office has posted lists of the endangered, threatened, proposed, candidate and species of concern occurring in all New Mexico Counties on the Internet. Please refer to the following web page for species information in the county where your project occurs: http://www.fws.gov/southwest/es/NewMexico/SBC_intro.cfm. If you do not have access to the Internet or have difficulty obtaining a list, please contact our office and we will mail or fax you a list as soon as possible.

After opening the web page, find New Mexico Listed and Sensitive Species Lists on the main page and click on the county of interest. Your project area may not necessarily include all or any of these species. This information should assist you in determining which species may or may not occur within your project area.

Under the Endangered Species Act, as amended (Act), it is the responsibility of the Federal action agency or its designated representative to determine if a proposed action "may affect" endangered, threatened, or proposed species, or designated critical habitat, and if so, to consult with us further. Similarly, it is their responsibility to determine if a proposed action has no effect to endangered, threatened, or proposed species, or designated critical habitat. If your action area has suitable habitat for any of these species, we recommend that species-specific surveys be conducted during the flowering season for plants and at the appropriate time for wildlife to evaluate any possible project-related impacts. Please keep in mind that the scope of federally listed species compliance also includes any interrelated or interdependent project activities (e.g., equipment staging areas, offsite borrow material areas, or utility relocations) and any indirect or cumulative effects.

Candidates and species of concern have no legal protection under the Act and are included on the web site for planning purposes only. We monitor the status of these species. If significant declines are detected, these species could potentially be listed as endangered or threatened. Therefore, actions that may contribute to their decline should be avoided. We recommend that candidates and species of concern be included in your surveys.

Also on the web site, we have included additional wildlife-related information that should be considered if your project is a specific type. These include communication towers, power line safety for raptors, road and highway improvements and/or construction, spring developments and livestock watering facilities, wastewater facilities, and trenching operations.

Under Executive Orders 11988 and 11990, Federal agencies are required to minimize the destruction, loss, or degradation of wetlands and floodplains, and preserve and enhance their natural and beneficial values. We recommend you contact the U.S. Army Corps of Engineers for permitting requirements under section 404 of the Clean Water Act if your proposed action could impact floodplains or wetlands. These habitats should be conserved through avoidance, or mitigated to ensure no net loss of wetlands function and value.

The Migratory Bird Treaty Act (MBTA) prohibits the taking of migratory birds, nests, and eggs, except as permitted by the U.S. Fish and Wildlife Service. To minimize the likelihood of adverse impacts to all birds protected under the MBTA, we recommend construction activities occur outside the general migratory bird nesting season of March through August, or that areas proposed for construction during the nesting season be surveyed, and when occupied, avoided until nesting is complete.

We suggest you contact the New Mexico Department of Game and Fish, and the New Mexico Energy, Minerals, and Natural Resources Department, Forestry Division for information regarding fish, wildlife, and plants of State concern.

Thank you for your concern for endangered and threatened species and New Mexico's wildlife habitats. We appreciate your efforts to identify and avoid impacts to listed and sensitive species in your project area.

Sincerely,

Wally Murphy
Field Supervisor

301 415 5397 SC

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

May 11, 2007

RECEIVED
MAY 25 2007
FWS-NMESF

Mr. Eric Mein
U. S. Fish and Wildlife Service
New Mexico Ecological Field Office
NMESFO
2105 Osuna Road
Albuquerque, New Mexico 87113

SUBJECT: REQUEST FOR INFORMATION REGARDING ENDANGERED SPECIES FOR THE HOMESTAKE MINING COMPANY OF CALIFORNIA PROPOSED EVAPORATION POND #3, CIBOLA COUNTY, NEW MEXICO

Dear Mr. Mein:

The Homestake Mining Company of California (HMC) is proposing to build an evaporation pond on a 33-acre site in Cibola County, New Mexico, as part of a long-term groundwater restoration effort at the facility. The purpose of the pond is to add evaporative capacity, allowing HMC to extract contaminated groundwater at higher pumping rates; this will expedite the groundwater cleanup. The proposed location for the pond and alternatives is on private land adjacent to the HMC facility, located north of the City of Grants, in Section 26, T12N, R10W (Figure 1). HMC currently manages a groundwater restoration program subject to U. S. Nuclear Regulatory Commission (NRC) License SUA-1471, and New Mexico Environment Department Discharge Plans, DP-200 and DP-725.

HMC has applied for an amendment to the NRC Site License to add a new evaporation pond and expand the NRC-licensed site boundary. HMC has prepared an Engineering Design Package and Environmental Report in support of the amendment request that can be found at http://www.nrc.gov/reading-rm/adams/web-based.html, and by searching under ML063050641. The Environmental Report for the proposal can be found by searching under ML070850561. If you have difficulty accessing this information, you may contact the Public Document Room Librarian at 1-800-397-4209.

The action area is limited to those areas in close proximity to the proposed pond alternatives and the area in proximity to HMC site. Please provide any information that you may have regarding the presence of endangered or threatened species or critical habitat in the area. After assessing the information provided by you, we will determine what additional actions are necessary to comply with the Section 7 process.

If you have any questions, please contact me at 301-415-7777 or, by e-mail to rcl1@nrc.gov.

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In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at http://www.nrc.gov/reading-rm/adams.html.

Sincerely,

for

Ron C. Linton, Project Manager
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs

Docket No.: 040-08903
License No.: SUA-1471

Enclosure: Figure 1