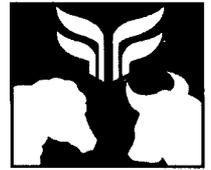


Wyoming Department of Agriculture

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The Wyoming Department of Agriculture is dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life.



Dave Freudenthal, Governor
John Etchepare, Director

September 22, 2008

Chief, Rulemaking, Directives and Editing Branch
U. S. Nuclear Regulatory Commission
Mail Stop T6-D59
Washington, D. C. 20555-0001

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To Whom It May Concern:

Following are comments from the Wyoming Department of Agriculture (WDA) pertaining to the Draft Generic Environmental Impact Statement (DGEIS) for In-Situ Leach (ISL) Uranium Milling Facilities draft report for comment developed by the United States Nuclear Regulatory Commission (NRC) for areas of Wyoming, South Dakota, Nebraska, and New Mexico.

Our comments are specific to our mission: to be dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources, and quality of life. As this proposed project affects our agriculture industry, our natural resources, and the welfare of our citizens, it's important that we be kept informed of proposed actions and decisions and that we continue to be provided the opportunity to express pertinent issues and concerns. Also, as three of the four potential ISL areas are located in Wyoming, we strongly suggest you consider our comments pertaining to the DGEIS.

We are concerned that some of our earlier submitted comments and concerns were not presented in this draft. These include:

- cut fences and gates left open due to travel to and from uranium developments
- damaged range improvements (i.e. vegetation improvement projects)
- social and economic impacts on livestock operators

The WDA realizes that the intent of this GEIS is as a starting point for site-specific analysis. We offer the following general comments to provide more detail to the Draft GEIS:

Develop Environmental Impacts More Specifically For Each Region

The WDA is concerned the DGEIS does not provide more specific information in Chapter 4 for each of the four regions identified for potential uranium extraction. In Wyoming, there are vast differences between the three areas identified. Each ecosystem is unique, with varying precipitation, vegetation, and land uses, as noted in Chapter 3 of the DGEIS. These differences will affect reclamation efforts. Each area has experienced different levels of energy development. For example, the Wyoming East Region has vast amounts of coal-bed methane development that other regions have not experienced. The

SUNSE Review Complete
Template = ADM-013

FRIDS = ADM-03
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WDA recommends analyzing the environmental impacts individually for each region to determine cumulative impacts, surface disturbance impacts, and reclamation processes.

Analyze Livestock Grazing in Socio-Economics

Many environmental impact studies are deficient in analyzing social and economic impacts imposed by proposed energy developments. Since grazing on public land represents a vital economic value to agriculture producers and local communities, we specifically suggest the socio-economics analysis includes the impacts upon livestock grazing in the planning areas. The cumulative impacts of energy developments upon livestock grazing may jeopardize the livelihoods of grazing permittees due to lost grazing lands and Animal Unit Months (AUMs), increased weeds, and a decrease in forage palatability. The loss or impaired ability of livestock grazing operations must be evaluated in the Final GEIS (FGEIS), as it is not evaluated in the DGEIS.

In addition to its economic value, grazing also represents irreplaceable environmental and social values, contributing to the preservation of open spaces, scenic vistas, and the traditional image of historic rural landscapes of Wyoming. Any loss of these important environmental, historic, and social values of livestock grazing to users of the area and residents of impacted communities should be analyzed and included in the FGEIS.

Develop Specific Reclamation Procedures

Successful and speedy reclamation, mitigation, and weed control are imperative. It is crucial that food and habitat for livestock and wildlife become available as soon as possible. The FGEIS and the Record of Decision (ROD) need to reflect a performance-based approach ensuring monitoring will continue throughout the life of these projects. This plan needs to ensure timely and successful reclamation of disturbed areas and fix standards that are measurable, quantifiable, time-sensitive, and verifiable through monitoring. In addition, we insist the consequence of not meeting reclamation goals be stated clearly in the FGEIS and the ROD.

Consider Development on an Individual Project Basis

We understand that the Final GEIS will be used to aid in developing project plans on an individual basis. The WDA encourages the NRC to seek flexible, site-specific decisions that are in the best interests of the affected resources and citizens throughout the life of this plan. It is also imperative that the NRC continuously inform all livestock grazing permittees of the issues, decisions, and resulting actions regarding this proposal, as well as promote opportunities for uranium developers, grazing permittees and private landowners to work cooperatively.

Following are our specific comments to the DGEIS:

NRC's Site-Specific Environmental Review

Section 1.8.3 (page 1-26)

The DGEIS text does not discuss the use (or non-use) of Categorical Exclusions. The DGEIS should indicate if 10 CFR 51.22 will apply to proposed ISL projects in Wyoming.

Livestock Grazing and Agricultural Resources

Section 4.2.1.1 (page 4.2-3)

The current text reads:

“...fencing would potentially restrict livestock access to forage along some dirt roads, well fields, and the central processing facility. If part of the land was cultivated, mitigation measures might need to be considered and implemented to mitigate the loss of agricultural production.”

The WDA recommends mitigation measures for loss of AUMs in addition to cultivated lands since rangelands, cultivated land, and pasture land would all likely be restricted with fenced areas throughout the life of the plan.

We recommend the following wording:

“If part of the land is cultivated, or if livestock grazing permits currently exist on the land, mitigation measures will be implemented to mitigate the loss of agricultural production.”

We support compensatory mitigation discussions between ISL lease holders and livestock permittees to lessen the economic impacts. Such mitigation strategies could include, but are not limited to, the following:

- movement of livestock to an open allotment or pasture
- purchase of hay in lieu of allotment use and to replace lost cultivated land
- construction of water developments and range improvements on either public or private land
- purchase or lease of additional grazing land to replace lands where grazing is temporarily removed
- reimbursement to producers for temporary loss of AUMs and pastures.

These specific measures need to be addressed in the Final GEIS in each phase of the ISL process.

Transportation Impacts

Section 4.2.2 (page 4.2-5)

This section does address incidental livestock kills, but fails to address the loss of forage palatability due to dust from increased traffic, gates left open, and the interference in herding and movement of livestock. Each of these impacts may affect livestock producers in the proposed project areas. Thus, we recommend adding these negative effects to the Final GEIS.

Construction Impacts to Ecological Resources
Section 4.2.5.1 (page 4.2-27)

Currently, the DGEIS reads:

“Clearing herbaceous vegetation during construction in a open grassland or shrub steppe community is anticipated to have a short-term impact. If active re-vegetation measures were used with seed mixtures approved by the WDEQ, Land Quality Division, rapid colonization by annual and perennial herbaceous species ... would restore most vegetative cover within the first growing season.”

Restoring land to pre-construction vegetative communities within the first growing season is an unrealistic expectation. In Wyoming, low average annual precipitation, variable seasonal precipitation, drought occurrences, and short growing seasons make it difficult for plants to establish in one growing season. Unless aggressive reclamation efforts occur, including irrigation, one growing season will not be sufficient to restore vegetative cover to its pre-disturbed state. We recommend the Final GEIS recognizes these limitations in each of the regions analyzed and describe in greater detail what type of vegetative cover is desired.

In conclusion, we appreciate the opportunity to comment on the DGEIS. We encourage continued attention to our concerns and we look forward to being informed and involved in proposed actions and decisions.

Sincerely,



John Etchepare
Director

JE/jc

CC: Governor's Planning Office
Wyoming Game and Fish Department