

November 10, 2009

MEMORANDUM TO: File

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SUBJECT: SUMMARY OF TELECONFERENCE WITH PEDRO  
RAMIREZ, WYOMING FIELD OFFICE, U.S. FISH AND  
WILDLIFE SERVICE, REGARDING ENDANGERED  
SPECIES ACT INFORMAL CONSULTATION FOR THE  
PROPOSED NICHOLS RANCH ISR PROJECT (DOCKET  
NO. 040-09067)

On November 6, 2009, The U.S. Nuclear Regulatory Commission (NRC) staff held a teleconference with Pedro Ramirez of the Wyoming Field Office of the U.S. Fish and Wildlife Service (FWS) to discuss the status of informal consultation under the Endangered Species Act (ESA) as part of the review for the Supplemental Environmental Impact Statement (SEIS) for the Nichols Ranch In-situ Uranium Recovery (ISR) Project. The following is a summary of the teleconference and a list of participants.

### **Background**

On and within the vicinity of the Nichols Ranch ISR Project site, potential suitable habitat (a black-tailed prairie dog complex totaling 941.8 acres) for the black-footed ferret (*Mustela nigripes*) exists; however, no black-footed ferret population occurs near the site. The black-footed ferret is a federally endangered species that is closely associated with prairie dog habitat. The FWS relieved the requirement for black-footed ferret surveys to be conducted in black-tailed prairie dog habitat within the State of Wyoming for the purpose of identifying previously unknown ferret populations in 2004 (FWS, 2004). However, the FWS continues to direct Federal agencies to assess whether a proposed action could have an adverse effect on the value of prairie dog habitat as a

future reintroduction site for the black-footed ferret for prairie dog complexes 1,000 acres or greater in size. Due to the presence of black-tailed prairie dog habitat of nearly 1,000 acres, the NRC has continued informal consultation with the FWS to ensure that the provisions of the ESA are upheld regarding the black-footed ferret.

### **Meeting Summary**

NRC staff updated Mr. Ramirez on the project status for the proposed Nichols Ranch ISR Project SEIS and discussed the expected conclusions on impacts to federally threatened and endangered species. NRC described the occurrence of black-tailed prairie dog (*Cynomys ludovicianus*) habitat on and in the vicinity of the proposed Nichols Ranch ISR Project site and sought clarification as to whether the habitat was sufficiently large to initiate formal consultation regarding the black-footed ferret.

Mr. Ramirez said that, consistent with the 2004 FWS letter block-clearing the State of Wyoming from conducting black-footed ferret surveys in black-tailed prairie dog habitat less than 1,000 acres in size, the black-tailed prairie dog habitat on the proposed Nichols Ranch ISR Project site does not need to be surveyed. Mr. Ramirez informed the NRC that initiating formal consultation and submitting a Biological Assessment (BA) for the black-footed ferret to the FWS would not be necessary for this proposed project.

### **Meeting Participants**

Pedro Ramirez, FWS  
Briana Balsam, NRC  
Nathan Goodman, NRC  
Irene Yu, NRC

### **References**

FWS (U.S. Fish and Wildlife Service) 2004. Letter to Interested Parties from B.T. Kelly, Field Supervisor, Wyoming Field Office, U.S. Fish and Wildlife Service. Subject: Block Clearance for Black-Footed Ferret Surveys. February 2, 2004. ADAMS No. ML092780370.

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<b>DATE</b>	11/9/2009	11/9/2009	11/10/2009

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