

Wu, Irene

From: Kock, Andrea -PSME
Sent: Monday, January 11, 2010 11:13 PM
To: Ford, William
Cc: Bjornsen, Alan; Yu, Irene; Swain, Patricia; Shroff, Behram; Balsam, Briana; VonTill, Bill; Kock, Andrea
Subject: Some thoughts on how to address changing sage grouse criteria in our SEISs.

Some of you know that last week we (me, Bill, Alan,, and Briana) had a call with the WY fish and Game, USFWS, BLM, and WY DEQ to discuss WY Fish and Game's request for a extension to the comment period on our SEISs due to the impending decision of the USFWS on a decision of whether listing of the sage grouse as endangered is warranted at the end of Feburary. If such as decision is made, a year long rulemaking process occurs to determine if the species should be listed.

Last week we had a call with those listed to discuss the benefit of extending the comment period as well as what WY Fish and GAmE would expect of NRC and the applicants if a decision of warranted is made. In reality no changes to guidance or stipulations will likely be made before our documents are final. WY Fish and GAmE agreed to provide comments by Feb. 1 but they will respond assuming that a decision that listing the sepcies is warranted occurs. In addition WY Fish and Game pointed out that the criteria for protection of sage grouse have changed in 2009. The revised criteria look much more stringent that what we were basing our impacts analysis on. Alan has a copy of these.

Due to the change in crteria as well as anticipating WY Fish and GAmE comments on our SEISs in dicating further mitigation is needed, here's what I would propose:

- (1) alan and briana are completing an anlysis of the differences between the 2008 and 2009 criteria
- (2) once we have these differences identified, each PM through the safety branch contact the applicants to determine if they have evaluated their compliance with these new criteria and made any changes in the actions they will take to protect the species. We should document the new criteria and any additional mitigative actions by the applicants in our documents.
- (3) BLM has indicated that it will grant a approval of a POO noting that WY Fish and Game criteria must be met. We could document this in our SEISs as well and also call W DEQ to determine if their permit will be conditioned on abiding my WY Fish and GAmE criteria. We could document expected actions by these agencies in our SEISs.
- (4) Bill Ford let's set up a discussion with Keith, Patty, and Bill, and OGC on whether a license condition indicating that the applicant must meet W Fish and GAmE criteria for sage grouse is warranted.

any other thoughts?