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One Wildlife Way
Post Office Box 25112
Santa Fe, NM 87504
Phone: (505) 476-8008
Fax: (505) 476-8124

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June 21, 2011

Asimios Malliakos, Environmental Project Manager
US Nuclear Regulatory Commission
Mail Stop T-8F5
Washington DC 20555-0001

Re: International Isotopes Uranium Processing Facility; NMGF Project No. 13058

Dear Mr. Malliakos:

In response to your request, the New Mexico Department of Game & Fish (NMGF) has reviewed information pertaining to the above referenced project. NRC is in the process of preparing an Environmental Impact Statement as required by the National Environmental Policy Act of 1969. Public scoping was conducted in 2010, however NMGF did not submit scoping comments at that time. We appreciate the additional opportunity to contribute to development of the EIS for this project. The comments below are based mostly on information presented in the project Environmental Report, Revision A, dated December 27, 2009.

The purpose and need for the facility is to provide services to the uranium enrichment industry for de-conversion of depleted uranium hexafluoride (DUF6) into uranium oxide for long-term stable disposal. The company will also include a commercial plant to produce specialty fluoride gas products for sale. High-purity silicon tetrafluoride (SiF4) and boron trifluoride (BF3) will be manufactured in the IIFP facility by utilizing the fluorine derived from the deconversion of DUF6. The fluoride gas products are highly valuable for applications in the electronic, solar panel, and semi-conductor markets. In addition, anhydrous hydrogen fluoride (AHF) is a by-product of the de-conversion process and is sold as an important chemical for various industrial applications. The project area is located in Lea County, approximately 14 miles west of Hobbs NM. General habitat type is transitional between Southern High Plains shortgrass prairie and Chihuahuan Desert scrub. Existing surface disturbance on the site is associated with oil and gas development and utility corridors.

Important Habitat

The ER is not entirely correct where it concludes a lack of important habitat on the project area (Sections 3.5.9 and 3.5.13). Despite an unpredictable hydroperiod, ephemeral playa lakes (internal drainage basins) are important breeding and nursery grounds for amphibians, and important stopovers areas for migratory waterfowl and

shorebirds. Project-related facilities should be aligned so as to avoid adverse impact to playa depressions, including excess siltation. Vegetated arroyos, such as the one running west to east across the project area, are used as wildlife movement corridors, and support a disproportionate density of nesting birds. Project-related facilities should be aligned so as to avoid adverse impact to the unnamed arroyo. In addition to black-tailed prairie dogs (a State sensitive and FWS Species of Concern), prairie dog colonies support a large number of associated species, including raptors and mammalian predators. It is unclear from the ER whether the project area includes prairie dog towns, however it is within a Natural Heritage Program of NM buffered location of an occurrence for black-tailed prairie dog, documented in 2005. Project-related facilities should be aligned so as to avoid any prairie dog colonies.

Wildlife Surveys

Presence of lesser prairie-chicken (State sensitive and FWS Candidate for listing) on the project area is possible although not likely. NMGF recommends that construction projects avoid lesser prairie-chicken leks (communal breeding grounds) by 1.5 miles. If construction will take place within 1.5 miles of a lek, no activity should be allowed between the hours of 3:00 to 9:00 am, from February 15 through June 30, to avoid interfering with auditory breeding activity. We recommend that the project area be surveyed in spring of 2012 to determine the presence or absence of this species. NMGF recommended survey protocol is available from our lesser prairie-chicken biologist Grant Beauprez, at (575) 478-2460, or grant.beauprez@state.nm.us.

To avoid violation of the federal Migratory Bird Treaty Act, clearance of vegetation should take place outside the general migratory bird nesting season (April through August). If vegetation will be cleared within the nesting season, nest surveys should be conducted, and active nests avoided until the nestlings have fledged. NMGF recommends pre-construction clearance surveys for swift fox and burrowing owl burrows. A burrowing owl survey and mitigation guideline is available on our website at http://wildlife.state.nm.us/conservation/habitat_handbook/documents/2007burrowingowlfinalfinal.pdf. If any swift fox burrows are likely to be impacted by construction, or included within the fenced area, please contact NMGF for appropriate mitigation measures.

Chapter 6 of the ER proposes an ecological monitoring program. This program does not respond to any particular regulatory requirement, but is intended "to characterize gross changes in the composition of the vegetative, avian, mammalian, and reptilian/amphibian communities of the site associated with operation of the plant." NMGF recommends the addition of a comparable nearby reference area to the study design, to control for climatic and other changes common to the surrounding area. The Wildlife Baseline Study guideline, available on our website at http://wildlife.state.nm.us/conservation/habitat_handbook/documents/WildlifeBaselineStudyGuidelinesand%20Appendix.pdf, includes information that may be useful in designing your monitoring study. NMGF requests that results of the ecological monitoring program be shared with this agency, for purposes of general information.

Best Management Practices

Consult the website of the NM Rare Plants Technical Council (<http://nmrareplants.unm.edu/>), or contact the NM Forestry Division, for information about plant species of concern. Conduct surveys of any suitable habitat that may be present on the project site, for rare plants which are known to occur in Lea County.

Prepare a noxious weed management plan, including a pre-construction survey, post-construction monitoring plan, steps to prevent new infestation or the spread of existing infestations, and assignment of responsibility for control of any plants on the NM Department of Agriculture Noxious Weed list.

It may not be necessary to exclude wildlife from stormwater retention ponds, unless they are expected to contain potentially harmful substances such as hydrocarbons, detergents, acids, salts, surfactants, dispersants, or heavy metals. Large wildlife will be excluded by site perimeter security fencing. If total exclusion is desired, ponds can be

covered or netted to exclude flying and terrestrial animals. Extruded, knit or woven material is preferred above monofilament netting material, as it is less likely to ensnare wildlife and cause injury or death. Light colors are better (more visible) than dark. Netting should be maintained taut around the frame. If the pits will contain only water and soil, and they are not covered or netted, they should be provided with ramps to allow the escape of wildlife which may become trapped. If space allows, ramps may consist of sloping back at least one side of the pit to a 3:1 or greater horizontal:vertical ratio. Constructed ramps are commonly made from sheets of expanded metal for steel tanks, or constructed of packed earth for earthen pits. Ramps made of material with surface texture can be used in the presence of smooth liners or other slippery substrate. To be effective, the escape mechanism must be intercepted by an animal swimming around the periphery of the tank or pit at any reasonably anticipated water level. NMGF is available for consultation regarding netting or escape ramp options for any specific size and type of pit. Open above-ground tanks should also be covered, netted or provided with means of escape.

Screen all open stacks and vents, to exclude birds or bats which may seek these locations to nest or roost.

NMGF Trenching guidelines

(http://wildlife.state.nm.us/conservation/habitat_handbook/documents/TrenchingGuidelines.pdf) should be included as specifications for all underground utility installation. All new electric distribution lines should be constructed in accordance with the Avian Power Line Interaction Committee (APLIC) *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006*. This report may be ordered from APLIC at <http://www.aplic.org>.

Thank you for the opportunity to comment on this project. We have enclosed a list of state and federal Wildlife of Concern known to occur in Lea County, for your information. If there are any questions, please contact Rachel Jankowitz at 505-476-8159, or rjankowitz@state.nm.us.

Sincerely,



Matthew Wunder, Chief
Conservation Services Division

cc: Wally Murphy, Ecological Services Field Supervisor, USFWS
George Farmer, SE Area Habitat Specialist, NMGF

NEW MEXICO WILDLIFE OF CONCERN LEA COUNTY

For complete up-dated information on federal-listed species, including plants, see the US Fish & Wildlife Service NM Ecological Services Field Office website at <http://www.fws.gov/southwest/es/NewMexico/SBC.cfm>. For information on state-listed plants, contact the NM Energy, Minerals and Natural Resources Department, Division of Forestry, or go to <http://nmrareplants.unm.edu/>. If your project is on Bureau of Land Management, contact the local BLM Field Office for information on species of particular concern. If your project is on a National Forest, contact the Forest Supervisor's office for species information. E = Endangered; T = Threatened; s = sensitive; SOC = Species of Concern; C = Candidate; Exp = Experimental non-essential population; P = Proposed

<u>Common Name</u>	<u>Scientific Name</u>	<u>NMGF</u>	<u>US FWS</u>	<u>critical habitat</u>
Sand Dune Lizard	<i>Sceloporus arenicolus</i>	E	P	
Bald Eagle	<i>Haliaeetus leucocephalus</i>	T		
Plomado Falcon	<i>Falco femoralis</i>	E	Exp	
Peregrine Falcon	<i>Falco peregrinus</i>	T	SOC	
Lesser Prairie-Chicken	<i>Tympanuchus pallidicinctus</i>	s	C	
Mountain Plover	<i>Charadrius montanus</i>	s	SOC	
Least Tern	<i>Sterna antillarum</i>	E	E	
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	s	SOC	
Burrowing Owl	<i>Athene cunicularia</i>		SOC	
Broad-billed Hummingbird	<i>Cynanthus latirostris</i>	T		
Loggerhead Shrike	<i>Lanius ludovicianus</i>	s		
Bell's Vireo	<i>Vireo bellii</i>	T	SOC	
Baird's Sparrow	<i>Ammodramus bairdii</i>	T	SOC	
Sprague's Pipit	<i>Anthus spragueii</i>		C	
Cave Myotis Bat	<i>Myotis velifer</i>	s		
Black-tailed Prairie Dog	<i>Cynomys ludovicianus ludovicianus</i>	s	SOC	
Swift Fox	<i>Vulpes velox velox</i>	s	SOC	
Black-footed Ferret	<i>Mustela nigripes</i>		E	
Western Spotted Skunk	<i>Spilogale gracilis</i>	s		
Sandhill White-tailed Deer	<i>Odocoileus virginianus texana</i>	s		