

## StrataRossLAPem Resource

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**From:** Ben Schiffer [bschiffer@wwcengineering.com]  
**Sent:** Friday, November 04, 2011 2:39 PM  
**To:** Saxton, John  
**Cc:** Bjornsen, Alan  
**Subject:** Ross ISR, Docket #040-09091, ACOE Letter to Strata and Plan of Ops Cover Letter  
**Attachments:** POO Cvr Ltr\_1\_20\_11.pdf; ACOE Letter 12\_9\_10.pdf

John--

Hope you are having a good Friday. Please see the attached letter from the ACOE. I believe Alan Bjornsen was interested in having this added to the record. In addition, please see the attached cover letter that accompanied the Plan of Operations submitted to the BLM in January 2011. As always, please let me know if you have any questions regarding these letters. Take care.

Ben

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Benjamin J. Schiffer, PG  
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**Subject:** Ross ISR, Docket #040-09091, ACOE Letter to Strata and Plan of Ops Cover Letter  
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**Received Date:** 11/4/2011 2:39:31 PM  
**From:** Ben Schiffer

**Created By:** bschiffer@wwcengineering.com

**Recipients:**  
"Bjornsen, Alan" <Alan.Bjornsen@nrc.gov>  
Tracking Status: None  
"Saxton, John" <John.Saxton@nrc.gov>  
Tracking Status: None

**Post Office:** wwcengineering.com

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January 20, 2011

Mr. James Bashor, Geologist  
U.S. Bureau of Land Management/Newcastle Field Office  
1101 Washington Blvd.  
Newcastle, WY 82701

**RE: Ross ISR Project Plan of Operations Submittal**

Dear James:

On behalf of Strata Energy and the Ross ISR Project Team, I wish to thank you for the guidance you have provided to date in the preparation of the accompanying documents:

- Application to the US Nuclear Regulatory Commission (USNRC) for a Combined Source and 11e.(2) Byproduct Material License; and
- Application to the Wyoming Department of Environmental Quality/Land Quality Division (WDEQ/LQD) for a Permit to Mine

Input from you and your team has been a key element in helping us to present these documents with confidence to the aforementioned regulatory agencies. The following discussion works through our interpretation of the regulations and provides details regarding the attached documents.

As you are aware, a Plan of Operations must be submitted to BLM for approval before beginning operations greater than casual use on public lands. Strata is providing the accompanying documents to the BLM Newcastle Field Office in place of a separate BLM Plan of Operations in an effort to reduce duplication of information and efforts. This utilization of preexisting documents for the Plan of Operations is consistent with Memorandum of Understanding (MOU) No. WY 19 between the BLM and WDEQ/LQD "to avoid duplication of administration and enforcement", and with a similar MOU between the BLM and USNRC to "improve the interagency communications, facilitate the sharing of special expertise and information, and coordinate the preparation of studies, reports and environmental (NEPA) documents". With this in mind, we look forward to BLM-NFO's participation as a cooperating agency with the USNRC throughout the NEPA process and believe this approach will result in tremendous savings of time and effort for all involved.

As you are further aware, the Plan of Operations must contain information at a level sufficient for BLM to determine that the plan “prevents unnecessary and undue degradation of public lands”. Most of the information required for the Plan of Operations can be found in the WDEQ/LQD Permit to Mine application, but some is found only in the USNRC License Application. The table below lists the information required in a Plan of Operations and a cross-reference to the specific sections in the two documents as to where the information is located.

Both of the attached application documents contain confidential information that is not to be made available to the public. Strata seeks to protect two classes of information from public disclosure: (1) historic and cultural resources information and (2) Central Processing Plant design and process-related plans. According to federal regulations, Strata labeled all pages of the USNRC License Application to be withheld from public disclosure in the top right corner. Confidential information is found in Addendum 3.8-A (2010 Baseline Cultural and Paleontological Resource Survey) of the Environmental Report portion of the USNRC License Application and in Section 3.2 (Recovery Plant, Processing and Chemical Storage Facilities) and Section 5.7 (Radiation Safety Controls and Monitoring) of the Technical Report portion of the USNRC application. Volume 1a of the WDEQ/LQD Mine Permit Application (2010 Baseline Cultural Paleontological Resource Survey) is marked as privileged and confidential as well.

We welcome the opportunity to submit these accompanying documents in place of a separate Plan of Operations for the proposed Ross ISR Project. We look forward to working with BLM staff in the near future to ensure that Strata provides adequate information to facilitate BLM’s evaluation of potential impacts to public health and safety and to the environment on the public lands included in this proposed project. As always, please feel free to contact me or Ben Schiffer with WWC should you have any questions or concerns. Thank you for your time and consideration in this matter.

Respectfully submitted,

Anthony Simpson  
Chief Operating Officer  
Strata Energy, Inc.

Enclosures, as noted

cc: Strata Business Office (cover letter only)

Mr. Alan Bjornsen (USNRC HQ) (cover letter only)

Mr. John Saxton (USNRC HQ) (cover letter only)

Mr. Miles Bennett (WDEQ/LQD—District 3) (cover letter only)

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**Ross ISR Project BLM Plan of Operations Checklist (From 43 CFR § 3809.401)**

Operator Information		USNRC ER	USNRC TR	WDEQ/LQD
-	The name, mailing address, phone number, taxpayer identification number of the operator(s)		TR.1.3	Adjudication
-	BLM serial number(s) of any unpatented mining claim(s) where disturbance would occur			Adjudication
-	The point of contact		TR.1.3	Adjudication
<b>Description of Operations - A description of the equipment, devices, or practices you propose to use during operations including:</b>				
-	Maps of the project area at an appropriate scale showing the location of exploration activities, drill sites, mining activities, processing facilities, waste rock and tailing disposal areas, support facilities, structures, buildings, and access routes	ER.1 (Various)	TR.3 (Various)	MP.2 - .7 (Various)
-	Preliminary or conceptual designs, cross sections, and operating plans for mining areas, processing facilities, and waste rock and tailing disposal facilities	ER.1 (Various)	TR.3 (Various)	MP.2 (Various)
-	Water management plans	ER.1.4.10 & 4.13	TR.4.2	MP.2.8 - .2.10 & 7.2
-	Rock characterization and handling plans		Not Applicable	
-	Quality assurance plans	ER.6.4	TR.6.4.4	MP.13.0
-	Spill contingency plans	ER.5.10.2		MP.7.2.3, 9.2.4 & 9.5.3
-	A general schedule of operations from start through closure	ER.1.3	TR.1.9	RP.4.0
-	Plans for all access roads, water supply pipelines, and power or utility services	ER.1.2	TR.6.2.1	MP.2.5 & 2.6
<b>Reclamation Plan - A plan for reclamation to meet the standards in § 3809.420:</b>				
-	Drill-hole plugging	ER.3.1.9	Adden 2.6-E	Adden RP-1
-	Regrading and reshaping	ER.5.3	TR.6.2	RP.3.2.1.1 & 3.2.6
-	Mine reclamation, including information on the feasibility of pit backfilling that details economic, environmental, and safety factors	ER.5.0	TR.6.0	RP.6.0 & Adden RP-3
-	Riparian mitigation	ER.5.4.1	TR.6.2.7	RP.3.2.1.2
-	Wildlife habitat rehabilitation	ER.5.5.2	TR.6.2.3	RP.3.2.3
-	Topsoil handling	ER.5.3.1	TR.6.2.2	RP.3.2.2
-	Revegetation	ER.5.5.1	TR.6.2.3	RP.3.2.3
-	Isolation and control of acid forming, toxic, or deleterious materials	ER.5.10.2	TR.6.3	RP.2.0
-	Removal or stabilization of buildings, structures and support facilities	ER.5.1.3.4	TR.6.3	RP.2.1.3
-	Post-closure management	ER.6.0	TR.6.4	RP.3.2.3 & 5.0
<b>Monitoring Plan - A proposed plan for monitoring the effect of your operations</b>				
-	Description of resources subject to monitoring plans	ER.6.0	TR.5.7	MP.5.0
-	Details on type and location of monitoring devices	ER.6.0	TR.5.7	MP.5.0
-	Sampling parameters and frequency	ER.1 & 3	TR.5.7	MP.5.0
-	Analytical methods	ER.6.0	TR.5.7	MP.5.0

-	Reporting procedures		TR.5.2 & 5.7	MP.11.0
-	Procedures to respond to adverse monitoring results		TR.5.1.10	
Interim management plan - A plan to manage the project area during periods of temporary closure to prevent unnecessary or undue degradation.				
-	Measures to stabilize excavations and workings		Not Applicable	
-	Measures to isolate or control toxic or deleterious materials (See also the requirements in § 3809.420(C)(12)(vii).)			RP.2.0
-	Provisions for the storage or removal of equipment, supplies and structures			RP.2.1
-	Measures to maintain the project area in a safe and clean condition			MP.2.7, 4.2, 5.14, & 6.1
-	Plans for monitoring site conditions during periods of non-operation		TR.6.2.1.5	RP.1.3.3
-	A schedule of anticipated periods of temporary closure during which you would implement the interim management plan, including provisions for notifying BLM of unplanned or extended temporary closures		TR.6.1.5.2	RP.13.2
-	Operational and baseline environmental information for BLM to analyze potential environmental impacts as required by the National Environmental Policy Act and to determine if your plan of operations will prevent unnecessary or undue degradation. This could include information on public and non-public lands needed to characterize the geology, paleontological resources, cave resources, hydrology, soils, vegetation, wildlife, air quality, cultural resources, and socioeconomic conditions in and around the project area, as well as information that may require you to conduct static and kinetic testing to characterize the potential for your operations to produce acid drainage or other leachate. BLM is available to advise you on the exact type of information and level of detail needed to meet these requirements	ER.3 (Various) ER.4 (Various)	TR.2 (Various) TR.7 (Various)	D1 (Land Use) D2 (History) D3 (Archaeology) D4 (Climatology) D5 (Geology) D6 (Hydrology) D7 (Soils) D8 (Vegetation) D9 (Wildlife) D10 (Wetlands) D11 (Radiology)
Reclamation cost estimate.				
-	At a time specified by BLM, you must submit an estimate of the cost to fully reclaim your operations as required by § 3809.552. BLM will review your reclamation cost estimate and notify you of any deficiencies or additional information that must be submitted in order to determine a final reclamation cost. BLM will notify you when we have determined the final amount for which you must provide financial assurance		TR Addendum 6.1A	RP.6.0



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, OMAHA DISTRICT  
WYOMING REGULATORY OFFICE  
2232 DELL RANGE BOULEVARD, SUITE 210  
CHEYENNE WY 82009-4942

Ross ISR Project

December 9, 2010

Wyoming Regulatory Office

Tony Simpson  
Strata Energy, Inc.  
P.O. Box 2318  
Gillette, WY 82716

Dear Mr. Simpson:

This letter is in response to a request we received September 13, 2010, from WWC Engineering (WWC) on behalf of Strata Energy, Inc., concerning verification of delineated aquatic sites at the Ross Project property near Oshoto. The Ross Project area includes 1721 acres located in portions of Sections 7, 17, 18 and 19, Township 53 North, Range 67 West, and portions of Sections 12, 13 and 24, Township 53 North, Range 68 West, Crook County, Wyoming.

The U.S. Army Corps of Engineers regulates the placement of dredged and fill material into waters of the United States under Section 404 of the Clean Water Act (33 U.S.C. 1344). The Corps' regulations are published in the *Code of Federal Regulations* as 33 CFR Parts 320 through 332. Detailed information on Section 404 requirements in Wyoming can be obtained from our website at: <https://www.nwo.usace.army.mil/html/od-rwy/Wyoming.htm>

We have reviewed the report titled *Revised Jurisdictional Wetlands Delineation for the Proposed Ross ISR Project, Oshoto, Wyoming*, dated September 2010, that documents aquatic resource delineation conducted by WWC, and determined that methods used to identify wetlands and other surface waters are consistent with the *Corps of Engineers Wetland Delineation Manual* (1987) and current supplements. Therefore, Exhibit 1, titled *Wetlands and Other Waters of the U.S. delineation for the Proposed Ross ISR Project Oshoto, Wyoming (Wetlands Map)*, dated August 23, 2010, provides an accurate depiction of boundaries for all wetlands and other waters within the Ross Project Area. This verification is valid for a period of 5 years, until **December 29, 2015**, unless new information warrants a modification.

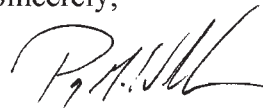
The delineation report identifies a total of 65 acres of wetlands and open waters, of which approximately 34 acres are palustrine emergent wetland, and 31 acres are open water. A total of 22,130 linear feet of other waters of the U.S. (channeled waterways) have also been identified. All of the wetland areas are adjacent to Deadman Creek, Oshoto Reservoir, unnamed tributaries of Little Missouri River, or Little Missouri River, which is a traditional navigable water. Therefore, these waterways and adjacent wetlands are likely to be waters of the United States as defined at 33 CFR Part 328.3(a)(5) and (7).

Please understand that this letter provides verification of a wetlands and other waters delineation only, which does not constitute an approved jurisdictional determination. An extensive evaluation in accordance with administrative procedures implemented by Headquarters of the U.S. Environmental Protection Agency and U.S. Army Corps of Engineers on June 5, 2007, is now required before exerting jurisdiction over many streams and wetlands. The procedure is based primarily on rulings by the U.S. Supreme Court on January 9, 2001, in the case of *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers* and on June 19, 2006, in the case of *Rapanos et ux., et al. v. United States*.

The administrative procedure described above is not necessary prior to undertaking activities authorized by nationwide permits. On March 12, 2007, nationwide permits were published in Part II of the *Federal Register* (Vol. 72, No. 47). Those permits are available for a period of 5 years, currently until March 18, 2012. Information on nationwide permits is available from our website. Please refer to Nationwide Permit 12 or 44 concerning potential ISR activities. These permits do require a pre-construction notification as defined under General Condition 27 and WWC is familiar with that procedure.

Thank you for your interest in cooperating with requirements of the U.S. Army Corps of Engineers' regulatory program. Please contact me at (307) 772-2300 and reference our file NWO-2010-00969 if you have any questions about the jurisdictional determination procedure or permit requirements.

Sincerely,



Paige M. Wolken  
Project Manager  
Wyoming Regulatory Office

Copy Furnished:

✓ John Berry  
WWC Engineering  
1849 Terra Avenue  
Sheridan, Wyoming 82801

The Omaha District, Regulatory Branch, Wyoming Regulatory Office is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete a Customer Service Survey found on our web site at <https://www.nwo.usace.army.mil/html/od-rwy/survey.htm> Paper copies of the survey are also available upon request for those without Internet access.