



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
5353 Yellowstone Road, Suite 308A
Cheyenne, WY 82009



APR 25 2012

In Reply Refer To:
06E13000/WY12EC0032

Paul Michalak, Chief
Materials Decommissioning Branch
Decommissioning and Uranium Recovery
Licensing Directorate
Division of Waste Management
and Environmental Protection
Office of Federal and State Materials
and Environmental Management Programs
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Mr. Michalak:

Thank you for your letter of March 28, 2012, received in our office on April 2, regarding the proposed Anadarko Bear Creek Site License Amendment (Project). The Project area is located in Sections 9 and 16, T38N, R73W, Converse County, Wyoming and will involve the submission of a new Alternate Concentration Limits (ACL) application.

You have requested information regarding species listed under the Endangered Species Act of 1973, as amended (Act), 16 U.S.C. 1531 *et seq.* In response to your request, the U.S. Fish and Wildlife Service (Service) is providing recommendations for protective measures for threatened and endangered species in accordance with the Act. We are also providing recommendations concerning migratory birds in accordance with the Migratory Bird Treaty Act (MBTA), 16 U.S.C. 703, and the Bald and Golden Eagle Protection Act (BGEPA), 16 U.S.C. 668. Wetlands are afforded protection under Executive Orders 11990 (wetland protection) and 11988 (floodplain management), as well as section 404 of the Clean Water Act. Other fish and wildlife resources are considered under the Fish and Wildlife Coordination Act, as amended, 16 U.S.C. 661 *et seq.*, and the Fish and Wildlife Act of 1956, as amended, 16 U.S.C. 742a-742j.

Threatened and Endangered Species

Based on the information provided, it is unlikely that the proposed action will adversely affect any threatened or endangered species. You may consider this Project, as proposed, to be in compliance with the Endangered Species Act of 1973, as amended (Act), 16 U.S.C. 1531 *et seq.*

This Project should be re-analyzed if new information reveals effects of the action that may affect listed species or designated or proposed critical habitat in a manner or to an extent not considered in this letter; if the action is subsequently modified in a manner that causes an effect to a listed or proposed species or designated or proposed critical habitat that was not considered in this letter; and/or if a new species is listed or critical habitat is designated that may be affected by this Project.

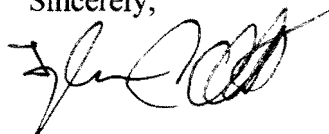
Water Quality

The ACL application document states on page 28 that "there is no apparent risk to human health and the environment because there are no known exposure pathways for contaminated ground water from the uppermost aquifer to lower aquifers or the surface." The document also states that "no one is using or is projected to use the ground water from this aquifer for any purpose." Oil and gas development in the Hornbuckle field (T38N R73W) could result in the use of ground water for drilling and completion of wells. Such use could create an exposure pathway for contaminated ground water to the surface and should be assessed to determine environmental risk and options to prevent the use of the contaminated water.

For our internal tracking purposes, the Service would appreciate notification of any decision made on this Project (such as issuance of a permit or signing of a Record of Decision or Decision Memo). Notification can be sent in writing to the letterhead address or by electronic mail to FW6_Federal_Activities_Cheyenne@fws.gov.

We appreciate your efforts to ensure the conservation of endangered, threatened, and candidate species and migratory birds. If you have questions regarding this letter or your responsibilities under the Act and/or other authorities or resources described above, please contact Pedro 'Pete' Ramirez of my office at the letterhead address or phone (307) 772-2374, extension 236.

Sincerely,



For

R. Mark Sattelberg
Field Supervisor
Wyoming Field Office

cc: WGFD, Non-game Coordinator, Lander, WY (B. Oakleaf)
WGFD, Statewide Habitat Protection Coordinator, Cheyenne, WY (M. Flanderka)
WDEQ, Land Quality Administrator, Cheyenne, WY (N. Nuttbrock)