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Comment On: NRC-2011-0148-0007
Supplemental Environmental Impact Statement for the Ross In-Situ Uranium Recovery Project in Crook County, Wyoming

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3/29/2013
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Submitter Information

Submitter's Representative: Mark Konishi
Government Agency Type: State
Government Agency: Wyoming Game and Fish Department

35

General Comment

See Attachment

Attachments

wer12050.00d_signed letter

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Add= J. Moore (Jan 7)



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May 10, 2013

WER 12050
United States Nuclear Regulatory Commission
Draft Supplemental Environmental Impact Statement
Ross In-Situ Uranium Recovery Project
Strata Energy, Inc
Crook County, Wyoming
Docket ID NRC-2011-0148

Cindy Bladey, Chief
Rules, Announcements and Directives Branch
Office of Administration
Mail Stop: TWB-05-B01M
U. S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Ms. Bladey:

The staff of the Wyoming Game and Fish Department has reviewed the Draft Supplemental Environmental Impact Statement for the Ross In-Situ Uranium Recovery Project submitted by Strata Energy, Inc in Crook County. We offer the following comments.

Terrestrial Considerations

CHAPTER 2 IN SITU URANIUM RECOVERY AND ALTERNATIVES

2.1.1 Alternative 1: Proposed Action

Generally, the Proposed Action does not discuss a weed monitoring/control plan for the project area. The existence of noxious/invasive weed species is described in Chapter 3 and weed monitoring and treatment is discussed briefly in Chapter 6. We recommend the proponent develop a weed monitoring plan and include measures to prevent the spread of existing weeds in the project area, as well as prevent the introduction of new weed species into the project area during all phases of the Ross project (i.e., construction, operation, aquifer restoration, and decommissioning).

Additionally, the Proposed Action does not adequately address the construction of above ground powerlines in the project area. The placement and marking of powerlines is a concern we

initially expressed to the NRC in our 9/22/11 comments given the amount of avian activity in the area.

Pg. 2-15, 2.1.1.1 Ross Project Construction, Ross Project Facility – The Proposed Action describes (lines 28-30) two, double-lined surface impoundments, or retention ponds, that will encompass ~16 acres and will be used to manage liquid waste in the project area. The document notes that the size of these impoundments is two times the size of the surface impoundments discussed in the NRC Generic EIS. We request the Proposed Action explain or justify the need for impoundments that exceed the size of typical impoundments for this type of operation.

Pg. 2-16, 2.1.1.1 Ross Project Construction, Ross Project Wellfields – The Proposed Action states (lines 16-17) that wellfields would be fenced to exclude livestock, wildlife, and other intruders during development. Wellfields are stated to encompass ~90 acres across the project area. The type of fencing to be used is not specified. Typical wire fencing may not effectively exclude wildlife. We recommend fencing is either designed to completely exclude wildlife (e.g., chainlink fencing), or is designed to allow for wildlife passage (e.g., smooth/barbed wire wildlife friendly fence).

CHAPTER 3 DESCRIPTION OF AFFECTED ENVIRONMENT

3.2 Land Use

Pg. 3-2, Figure 3.1 Current Land Use of Ross Project Area – The Land Use Categories in the legend do not have labels.

Pg. 3-3, 3.2.2 Hunting and Recreation – The SEIS states (lines 28-31) that there are limited opportunities for hunting in the Ross project area, which is an accurate statement given the lack of public lands. However, the document states the BLM parcel within the project area is inaccessible, but is directly adjacent to a parcel of State lands that is accessible by county road. The BLM parcel is likely accessible via State lands.

3.6 Ecology

Pg. 3-47, Figure 3.16 Baseline Vegetation at Ross Project Area – This figure should include a legend.

Pg. 3-53, 3.6.1.2 Wildlife, Mammals – The SEIS states (lines 7-8) the Ross project area is located within the Thunder Basin and Black Hills white-tailed deer herd units. This information should be corrected to state that the project area is located within the Powder River and Black Hills white-tailed deer herd units.

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Pg. 3-54, 3.6.1.2 Wildlife, Birds – Beginning in this section (line 5), the SEIS references several times “Wyoming Species of Concern (WSOC)” and the WGFD 2005 Comprehensive Wildlife Conservation Strategy (CWCS). The WGFD revised its CWCS in 2010, and it is now referred to as the State Wildlife Action Plan (SWAP). Species of concern are referred to as “Species of Greatest Conservation Need (SGCN)”, and they are organized according to three tiers (i.e., I, II, III). References to WSOC should be replaced with SGCN, and reference to the CWCS should be replaced with the 2010 SWAP. All data and information pertaining to SGCN should reflect the 2010 SWAP.

Pg. 3-55, 3.6.1.4 Wildlife, Protected Species – This section (line 45) again refers to “State of Wyoming’s Species of Concern (WSOC). We recommend this reference is replaced with SGCN, as noted in the previous comment.

This section (pg. 3-55 lines 44-49 and pg. 3-56 lines 1-6) presents some inaccurate information pertaining to State of Wyoming Executive Orders on sage-grouse. In August 2010, former Governor Freudenthal issued Executive Order 2010-4 Greater Sage-Grouse Core Area Protection, which replaced his 2008-2 Executive Order and was subsequently replaced by current Governor Mead in June 2011 with Executive Order 2011-5. Executive Order 2011-5, which is the State’s current guidance, sets forth a permitting process and stipulations for development for surface disturbing activity in designated sage-grouse core areas. Exceptions to the process and stipulations are outlined in Attachment C of the Executive Order, but the application of the process and stipulations is not limited to oil and gas activities as suggested by the text in this section. The process and stipulations for development outlined in the Executive Order are limited to core area, and are not applied by the State to activities in non-core area.

This section (pg. 3-56 lines 1-5) goes on to reference the WGFD’s *Recommendations for Development of Oil and Gas Resources within Important Wildlife Habitats* as it pertains to sage-grouse and Executive Order 2008-2. Guidance in this document yields to Executive Order 2011-5 in terms of sage-grouse protections. Furthermore, the Wyoming BLM’s most recent guidance on sage-grouse management is Instruction Memorandum (IM) No. WY-2012-019 *Greater Sage-Grouse Habitat Management Policy on Wyoming BLM Administered Public Lands Including Federal Mineral Estate*. This IM is consistent with Executive Order 2011-5.

This section (pg. 3-56 lines 18-19) states that two sage-grouse leks are known to occur within 2mi of the Ross Project area. According to WGFD data, only the Oshoto lek is within 2mi of the project area. The Cap’n Bob lek is >2mi from the project area boundary.

This section (lines 29-31) also discusses the threats to sage-grouse as including livestock grazing and hunting. It should be noted that Governor Mead issued Executive Order 2013-3 to supplement Executive Order 2011-5, which clarifies that proper grazing activities and properly managed rangelands are compatible with sage-grouse conservation in Wyoming. Additionally,

the WGFD sets hunting regulations for sage-grouse in Wyoming and has determined that populations of sage-grouse in Wyoming are substantial enough not to be negatively impacted by conservatively regulated harvest. The U.S. Fish and Wildlife Service has determined that habitat loss and fragmentation are the primary threats to sage-grouse. Finally, although the Ross project area is not within a designated sage-grouse core area (lines 32-33), it is within the western range of greater sage-grouse.

Pg. 3-57, Table 3.12 Summary of Sage-Grouse Activity in Oshoto and Cap'n Bob Leaks – The SEIS should include the most current data from 2011 and 2012:

- 2011 – No data available
- 2012 – Oshoto 1 male; Cap'n Bob 4 males

This section (pg. 3-57 lines 24-25) refers to the *Final Comprehensive Wildlife Conservation Strategy for Wyoming*, which should be replaced with the 2010 SWAP and SGCN, as previously noted.

Pg. 3-58 – 62, Table 3.13 Species of Concern in Crook County and at Ross Project Area – This table references “Wyoming Species of Concern Status” in column four, and a 1996 Nongame Bird and Mammal Plan Species of Special Concern and Native Species Status (NSS). These references should be changed to reflect the WGFD’s 2010 SWAP and revised SGCN conservation prioritization system (i.e., tier I, II, III). See attached table with corrections.

CHAPTER 4 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

4.2 Land Use Impacts

Pg. 4-4, 4.2.1.1 Ross Project Construction – The SEIS cites (pg. 4-2 line 23) wildlife habitat as a land use in the Ross project area. As noted in Chapter 3, sagebrush shrubland is the most diverse vegetation community in the project area, and accounts for approximately 21% of the project area. This section states (lines 1-3) that short-term impacts to land use would be minimized by the phased construction of the Ross project. It should be noted, in terms of wildlife habitat, sagebrush shrubland may take decades to restore, if restoration can be achieved. Any species in the project area that utilizes this habitat may experience long-term impacts from its loss. Tables 3.11 and 3.13 in the previous chapter list several species observed in the Ross project area that are considered sagebrush obligates or sagebrush associated species (e.g., sage thrasher, Brewer’s sparrow, sage-grouse, pronghorn, etc.).

Pg. 4-4, 4.2.1.1 Ross Project Construction – The SEIS states (lines 15-18), “The Applicant would restrict hunting during the life of the Project in order to protect workers. Hunting and recreation are not major land use activities within the Ross Project area and there is no public

access to BLM lands, therefore impacts would be minimal.” As mentioned previously, the BLM parcel in the Ross project area is directly adjacent to a State lands parcel that is accessible via county road. The BLM parcel is likely also accessible. Although hunting is not a major land use in this area, any legally accessible public land in this part of the state is utilized to some degree. Loss of public lands, even 40 acres, is an impact.

4.2 Transportation

Pg. 4-6, 4.2.3 Alternative 3: North Ross Project – The SEIS indicates (lines 31-32) that land use impacts would be less if the Ross project were built at the alternate site, which is not located in an area of dry land crop agriculture or pasture. The document is not explicit about what type of vegetation cover the north site contains (vegetation map does not have a legend for interpretation), and it is unclear how the value of dry land crop agriculture or pasture is weighed against the value of the long-term loss of wildlife habitat in order to draw the conclusion that the impact would be less.

Pg. 4-9, 4.3.1.1 Transportation, Ross Project Construction – Our previous comments (9/22/11) on the Ross project included concerns regarding increased traffic and wildlife mortality in and around the project area. The SEIS states (line 15) that traffic in this area is expected to increase by 400% as a result of project construction, resulting in a moderate to large impact. We appreciate the thought that was put into developing mitigation measures for traffic impacts, which include improved signage, enforced speed limits, decreased speed limits, working with other operators in the area to improve safety, and exploring a carpooling or park-and-ride system to decrease daily personnel traffic. We would encourage the operator to apply these mitigation measures throughout all stages of the Ross project to the extent practicable.

4.6 Ecology

Pg. 4-47, 4.6.1.1 Terrestrial Species, Vegetation – The analysis of vegetation removal and surface disturbance in this section (lines 11-15) again indicates that phased construction will reduce impacts to wildlife. As stated in the SEIS, sagebrush shrubland is the second largest habitat type in the Ross project area, and post-construction vegetation communities will be grass-dominated while it may take decades to reestablish shrub communities (pg. 4-43 lines 34-38). The SEIS should acknowledge that phased construction would not necessarily lessen the impacts of development on sagebrush or shrub dependent species in the area.

This section (line 28) states that two permanent reclamation seed mixtures would be used to reseed disturbed areas, including an upland mix and a pastureland/hayland mix. We recommend the upland mix include a shrub component to reestablished lost shrubland habitat.

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This section (lines 31-32) states the applicant will conduct weed control as needed, but does not describe what prevention, monitoring, or control actions will be taken.

Pg. 4-47, 4.6.1.1 Terrestrial Species, Wildlife – The analysis (lines 39-40) of wildlife impacts resulting from construction in the Ross project area concludes that impacts can be mitigated through the application of “standard management practices suggested by the WGFD,” but does not describe these practices. The SEIS should explicitly describe the mitigation measures the applicant will apply to the proposed development.

This section (lines 41-44) discusses the applicant’s mitigation measures for powerlines as it pertains to APLIC guidance and raptors. In our previous comments (9/22/11), we expressed concern regarding powerlines given the water features in the project area and the observation of waterfowl utilizing the Oshoto Reservoir and Little Missouri River. We recommend mitigation measures for powerlines include using some type of marker on the lines to increase visibility and avoid strikes.

Pg. 4-48, 4.6.1.1 Terrestrial Species, Wildlife, Mammals – The analysis in this section includes mention of impacts resulting from increased disturbance due to the presence of humans. The Proposed Action indicates that a significant amount of noise will be generated as a result of the proposed project. We recommend the impacts of noise on wildlife are specifically addressed in the impacts analysis.

This section (lines 25-26) again implies that impacts to wildlife would be minimized by the phased construction and staged restoration of the Ross project. The analysis should disclose impacts that may occur as a result of the loss/fragmentation of sagebrush shrubland habitat (~21% of the project area), and those species that are associated with sagebrush habitat identified in the Ross project area.

This section (lines 27-28) states that big game movement would not be significantly impacted by the Proposed Action; however, the applicant discusses using fences to prevent livestock and wildlife access to wellfields, which encompass ~90 acres of the Ross project area. The SEIS should offer more explanation on how fences will be used and how impeding big game movement will be avoided.

This section (lines 29-30) discusses mitigation measures that include fences designed to permit big game passage. To this point in the SEIS, the applicant has only discussed the use of exclusionary fences to prevent animals and humans from accessing the surface impoundments and the wellfields when under development. We recommend the applicant clarify the intended use of fences in the project area, and design them to either be completely exclusionary or wildlife-friendly, when appropriate.

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This section (pg. 4-48 lines 48-49 and pg. 4-49 line 1) states that “species that occur in the area have shown the ability to adapt to human disturbance in varying degrees, and each also has a high reproductive potential and tend to re-occupy and adapt to altered or reclaimed areas quickly.” This statement lacks a literature citation. If the statement is founded in science, we recommend citing the source of information. If the statement is anecdotal, we recommend deleting it.

Pg. 4-49, 4.6.1.1 Terrestrial Species, Wildlife, Birds – This analysis does not discuss the potential impacts of the Proposed Action on waterfowl. The SEIS should disclose potential impacts to waterfowl resulting from development in the Ross project area including disruption of water features, loss of wetlands, overhead powerlines, and surface impoundments for liquid waste management. This analysis section should include proposed mitigation measures to address potential impacts.

Pg. 4-50, 4.6.1.1 Terrestrial Species, Wildlife, Protected Species – The WGFD has various classifications for sage-grouse leks, including three pertaining to annual status (i.e., active, inactive, and unknown) and three pertaining to management categories (i.e., occupied, unoccupied, and undetermined), which are based on annual status. Management category is the classification that WGFD uses to determine the application of protective stipulations. This section (line 13) describes the Cap’n Bob lek as the only “active” lek near the Ross project area as determined by 2010 data. With the incorporation of 2012 data, both the Oshoto and Cap’n Bob leks are active. However, we recommend referring instead to the lek’s management category, which is “occupied.” This section (lines 16-19) should be further clarified and revised with regard to information about seasonal stipulations:

- The WGFD recommends the application of seasonal stipulations (March 15 – June 30) in identified nesting and early brood rearing habitat within 2mi of an occupied lek in non-core area.

The Oshoto lek is classified as occupied and is within 2mi of the Ross project area. The applicant should either demonstrate that the portion of the 2mi buffer that overlaps the project area does not contain suitable nesting or early brood rearing habitat, or should apply the above mentioned seasonal stipulations to wellfield development activity in this area. The applicant may also consider mitigating impacts to sage-grouse by minimizing the disturbance of nesting and early brood rearing habitat.

The first bulleted mitigation measure in this section (line 42) states “design of fencing to permit big game passage as required by the WGFD.” WGFD fence suggestions are recommendations, not requirements. The SEIS language should be edited to reflect this point. As stated previously, the applicant should clarify where exclusionary fences will be used and where wildlife-friendly

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fences will be used. Wildlife-friendly fence may include a 4-strand fence design with the following specifications:

- Smooth bottom wire at least 16" off the ground
- Barbed top wire no higher than 45" off the ground

The third bulleted mitigation measure (pg. 4-51 lines 1-2) states that speed limits in the project area will "minimize collisions with wildlife, especially during the breeding season." The SEIS should specify what species it is referencing.

The fourth bulleted mitigation measure (lines 4-5) again refers to "active sage-grouse leks." We recommend the SEIS use the management category of "occupied" instead. Further, the WGFD recommends the applicant document the habitat in the Ross project area that is within 2mi of the Oshoto lek as either suitable or unsuitable for nesting or early brood rearing. Seasonal stipulations described above (March 15 – June 30) should be applied to development/construction activity that will occur in suitable sage-grouse habitat within 2mi of the Oshoto lek.

The tenth bulleted mitigation measure (lines 19-22) describes the sagebrush habitat restoration that will occur post-construction on reclaimed lands in the project area. Reclamation should include re-establishing any and all shrub communities that are disturbed by the Proposed Action. In other words, restoration of sagebrush should not be independent of reclamation; it should be part of reclamation. The applicant may also consider minimizing the project footprint in sagebrush habitat.

Pg. 4-52, 4.6.1.2 Ross Project Operation – This section (lines 2-4) states "Additional mitigation measures such as perimeter fencing, surface impoundment netting or other avian deterrents, and periodic wildlife surveys would also limit impacts during the Proposed Action's operation." It is unclear how periodic wildlife surveys would mitigate the impacts of operation, unless the applicant has developed an adaptive management plan that will be implemented in response to declining wildlife populations in the project area. No such plan has been described thus far in the SEIS.

Pg. 4-52, 4.6.1.2 Ross Project Operation, Terrestrial Species, Wildlife – This section (lines 33-37) notes that impacts to wildlife caused by the surface impoundments will be reduced by fencing to exclude wildlife access. As was suggested in our previous comments (9/22/11), we recommend that, in addition to exclusionary fencing, the applicant install escape ramps in each cell of the impoundments to prevent drowning in the event that wildlife finds entry into the impoundment area.

4.8 Noise

Pg. 4-68, 4.8.1.1 Ross Project Construction – This section of the analysis (lines 4-9) states that impacts to wildlife from noise would be small because wildlife would generally avoid areas where noise-generating activity is occurring. While we don't disagree that wildlife may avoid areas where disruptive construction or development noise is occurring, the SEIS should analyze avoidance as the impact, not the solution to the impact. Although noise may be temporary and may not entail the actual disturbance or long-term loss of habitat, it may constitute a short-term loss of habitat because the area of avoidance is unusable as a result of the noise conflict.

Pg. 4-69, 4.8.1.2 Ross Project Operation – Same comment as above concerning analyzing wildlife avoidance as an impact caused by noise-generating activity (lines 13-14).

CHAPTER 5 CUMULATIVE IMPACTS

5.2 Other Past, Present, and Reasonably Foreseeable Future Actions

Pg. 5-3, 5.2.1.1 Uranium Recovery, Lance District, Ross Amendment Area 1 – This section (line 35) refers to Figure 5.4, however, no such figure exists in the SEIS.

Pg. 5-12, Oil and Gas Production – This section (lines 4-7) indicates that oil and gas exploration and production in Wyoming, and specifically in the Powder River Basin, is low and on the decline, citing a 2005 BLM document on reasonably foreseeable development. This information is outdated and inaccurate and should be corrected for the purposes of a cumulative effects analysis. Conventional oil and gas exploration and production of deep plays is on the rise, particularly in the Powder River Basin, with hundreds if not thousands of wells predicted to be developed over the next few years. We strongly recommend that this information is corrected and the cumulative effects analysis revised to reflect current energy development predictions. We recommend contacting the Buffalo, Casper, and Newcastle BLM Field Offices for more current information.

5.4 Land Use

Pg. 5-15 – This section (lines 32-37) again underestimates the reasonably foreseeable future impacts of oil and gas development in conjunction with the Ross project. The analysis uses 2010 well data to derive an amount of land in Crook, Weston, and Campbell counties (land use cumulative impacts study area) impacted by oil and gas development. The cumulative effects analysis should take into consideration reasonably foreseeable oil and gas development as embodied in land management agency resource management plans. Moreover, the analysis uses 2.75 acres as the average disturbance caused by a drilling location and associated access road. It is unclear whether the SEIS is referring to a well pad that is in production and has been

reclaimed down to a minimal footprint, or a well pad prior to interim reclamation. A source for this information should be cited. In any case, wildlife habitat is listed as a land use, but the SEIS does not adequately address the cumulative impacts of increasing, long-term habitat fragmentation as a result of cumulative energy development activities (including RFAs) in the impacts study area.

5.5 Transportation

Pg. 5-16 – This section (lines 42-43) states that traffic volumes resulting from the Ross project would increase up to 200%. Chapter 4 indicated that traffic volumes would increase by 400% during construction, particularly on the New Haven Road, which would presumably be used as a main route for the Ross Amendment Area 1, Kendrick, Richards, and Barber satellite ISR projects. Depending on how quickly the Lance District is developed, this area could see sustained high traffic volumes resulting from continual construction, operation, aquifer restoration, and decommissioning activity at four sites that are situated directly north and south of the Ross project area. Additionally, the central processing plant at the Ross site would be used for processing extracted uranium from the other four sites in the Lance District, which would result not only in increased traffic within the satellite project area, but would also result in hauling traffic from the satellite project area to the Ross processing plant. We agree with the SEIS analysis that this would constitute a moderate to large cumulative impact. With regard to wildlife, we would encourage the applicant to consistently apply previously suggested transportation mitigation measures to the Ross project and future satellite projects in the Lance District.

5.8 Ecology

Pg. 5-27 – This section (lines 28-34) describes the cumulative effects study area for ecological resources as the Powder River Basin, and notes the importance of both grassland and sagebrush shrubland habitat in this area. The section goes on to state that ~5% of the Powder River Basin land area has been disturbed by past development, but half of this disturbance has been reclaimed. While we don't disagree with the fact that reclamation has occurred in this area, the statement is misleading in its implication that reclamation has led to decreased fragmentation and that sagebrush shrubland has been restored to functional habitat.

Furthermore, the next paragraph (lines 36-39) goes on to state that the NRC assumes it will take five years for flora and fauna to recover after site restoration. It is unclear whether this assumption is five years after the habitat has been restored to equal or better quality than before disturbance, or five years after final reclamation occurs during the decommissioning phase. It should be noted that the restoration of sagebrush shrublands may take decades, if achieved at all. This consideration should be included in the cumulative effects analysis.

Pg. 5-28, 5.8.1.1 Terrestrial Ecology, Vegetation – While the SEIS describes the ecology cumulative impacts study area as the Powder River Basin in its entirety, this section of the analysis focuses first on eight potential future uranium projects, then on other mineral development in the Powder River Basin. The conclusion is that the impacts of uranium development in the study area would be small, as would the impacts of other mineral development. The cumulative effects analysis should evaluate the potential impacts of current and reasonably foreseeable development as a whole, not piece by piece. A series of decidedly small impacts may add up to something significant when evaluated on a cumulative level, particularly when it involves the disturbance and fragmentation of sagebrush shrublands.

This section (lines 25-30) also indicates that reclamation is required for permitted mineral development activities, and that all but a small percentage of vegetation would be reclaimed; making the impacts to vegetation small. Again, this analysis should take into consideration that restoration of sagebrush shrublands may take decades, if achieved at all. The incremental loss of this vegetation type as a result of current and future development may add up to something more significant than the small impact identified in the SEIS.

Pg. 5-28, 5.8.1.2 Terrestrial Ecology, Wildlife – This section (lines 16-17) again refers to permit reclamation requirements for current and future development activity as a means to decrease the cumulative effects in the Powder River Basin, but previously acknowledged that the level of development in this area has already significantly altered sagebrush shrublands in this area. This seems contradictory to the conclusion that the cumulative impacts of current and future development in the Powder River Basin on terrestrial ecological resources would remain small. The analysis notes (lines 18-19) that cumulative impacts to sage-grouse are moderate; however, it fails to acknowledge the potential impacts of the incremental loss and fragmentation of sagebrush shrublands on a host of other sagebrush obligates and sagebrush associated species in the Powder River Basin, some of which have been documented in the Ross project area.

Pg. 5-30, 5.8.3 Terrestrial Ecology, Protected Species – This section (lines 4-10) discusses sage-grouse as a candidate species and cites a BLM conclusion that the cumulative effects of energy development in the Powder River Basin may lead to a listing decision by the USFWS. It should be noted that the State of Wyoming has implemented the Core Population Area Strategy, which is embodied in Executive Order 2011-5. This statewide conservation strategy has been endorsed by the USFWS as a means to prevent a listing decision if fully supported and implemented. The SEIS should note that the implementation of this policy is a statewide mitigation measure for development in defined core areas, some of which are located in the Powder River Basin.

6.5 Ecological Monitoring

Pg. 6-12, 6.5.2.3 Wildlife Species – The reference to “WSOC” (line 16, 39, and 43) should be changed to “SGCN.”

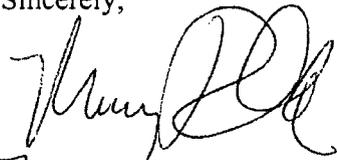
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Aquatic Considerations

The mitigation measures outlined in the SEIS have addressed our aquatic concerns. Therefore, we have no additional comments.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact Amanda Withroder, Staff Biologist, at (307) 473-3436 or Rick Huber, Staff Aquatic Biologist, at (307) 777-4558.

Sincerely,



Mark Konishi
Deputy Director

MK/mf/al

- cc: USFWS
Erika Peckham – WGFD, Sheridan Region
Lynn Jahnke – WGFD, Sheridan Region
Bud Stewart – WGFD, Buffalo Field Office
Paul Mavrakis – WGFD, Sheridan Region
Zack Walker – WGFD, Casper Region
Bob Oakleaf – WGFD, Lander Region
Tracy Pinter – BLM Newcastle Field Office

Table 3.13 Species of Concern in Crook County and at the Ross Project Area
 Corrections to Column 4

Common Name	USFWS Species of Management Concern	BLM Sensitive Species	Wyoming Species of Greatest Conservation Need ¹	Observed on the Ross Project Area
<i>Mammals</i>				
Hayden's Shrew			Tier III	
Vagrant Shrew			Tier III	
Long-eared Myotis			Tier II	
Northern Myotis			Tier II	
Little Brown Myotis			Tier II	
Long-legged Myotis			Tier II	
Fringed Myotis			Tier II	
Hoary Bat			---	
Silver-haired Bat			---	
Big Brown Bat			Tier II	
Black-tailed Prairie Dog			---	
Plains Pocket Gopher			Tier II	
Olive-backed Pocket Mouse			Tier II	
Silky Pocket Mouse			Tier II	
Western Harvest Mouse			---	
Prairie Vole			---	
Sagebrush Vole			---	
Swift Fox			Tier II	
Black-footed Ferret			Tier I	
<i>Birds</i>				
Trumpeter Swan			Tier II	
Northern Pintail			Tier II	
Canvasback			Tier II	
Redhead			Tier II	
Lesser Scaup			Tier II	
Horned Grebe			---	
Western Grebe			---	
American Bittern			Tier II	

¹ Wyoming Game and Fish Department. 2010. Wyoming State Wildlife Action Plan. Wyoming Game and Fish Department. Cheyenne, WY.

Great Blue Heron			---	
Black-crowned Night Heron			Tier II	
White-faced Ibis			Tier II	
Sandhill Crane			Tier III	
Mountain Plover			Tier I	
Upland Sandpiper			Tier II	
Marbled Godwit			---	
Long-billed Curlew			Tier II	
Bald Eagle			Tier I	
Northern Goshawk			Tier I	
Swainson's Hawk			Tier II	
Ferruginous Hawk			Tier I	
Golden Eagle			---	
Merlin			Tier III	
Peregrine Falcon			Tier II	
Prairie Falcon			---	
Burrowing Owl			Tier I	
Short-eared Owl			Tier II	
Greater Sage-grouse			Tier I	
White Pelican			---	
Franklin's Gull			Tier II	
Forster's Tern			Tier II	
Black Tern			Tier II	
Black-billed Cuckoo			---	
Yellow-billed Cuckoo			Tier III	
Lewis's Woodpecker			Tier II	
Willow Flycatcher			Tier III	
Pinyon Jay			---	
Pygmy Nuthatch			Tier II	
Sage Thrasher			Tier II	
Loggerhead Shrike			---	
Dickcissel			Tier II	
Brewer's Sparrow			Tier II	
Sage Sparrow			Tier II	
Lark Bunting			Tier II	
Baird's Sparrow			---	
Grasshopper Sparrow			Tier II	
McCown's Longspur			Tier II	
Chestnut-collared			Tier II	

Longspur				
Bobolink			Tier II	
Cassin's Finch			---	
<i>Amphibians</i>				
Tiger Salamander			---	
Plains Spadefoot			Tier III	
Great Plains Toad			Tier III	
Boreal Chorus Frog			---	
Bullfrog			---	
Northern Leopard Frog			Tier III	
<i>Reptiles</i>				
Northern Sagebrush Lizard			---	
Western Painted Turtle			Tier III	
Prairie Rattlesnake			---	
Plains Hognose Snake			Tier II	
Bullsnake			---	
Wandering Garter Snake			---	
Eastern Yellowbelly Racer			---	