

**Mendiola, Doris**

**Subject:** FW: NUREG-1910, Supp. 4 - Dewey-Burdock DEIS - DOI Comments  
**Attachments:** NUREG-1910\_Supplement\_4\_DOI\_Comments.pdf

**From:** Stewart, Robert <[robert\\_f\\_stewart@ios.doi.gov](mailto:robert_f_stewart@ios.doi.gov)>  
**To:** Bladey, Cindy  
**Cc:** Yilma, Haimanot  
**Sent:** Fri Jan 04 10:36:04 2013  
**Subject:** NUREG-1910, Supp. 4 - Dewey-Burdock DEIS - DOI Comments

**PLEASE ACKNOWLEDGE RECEIPT BY REPLY TO THIS MESSAGE**

The Department of the Interior's comments on the subject document are attached.

If you require paper-copy, please so advise.

Robert F. Stewart  
Regional Environmental Officer  
Office of Environmental Policy and Compliance  
U.S. Department of the Interior  
P.O. Box 25007 (D-108)  
Denver, CO 80225-0007  
Voice: (303) 445-2500  
Fax: (303) 445-6320  
Cell: (303) 478-3373  
[robert\\_f\\_stewart@ios.doi.gov](mailto:robert_f_stewart@ios.doi.gov)

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ADD = H. Yilma (hxy4)

ADM03



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
Denver Federal Center, Building 67, Room 118  
Post Office Box 25007 (D-108)  
Denver, Colorado 80225-0007



IN REPLY REFER TO

January 4, 2013

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ER 12/840

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

RE: Draft Supplemental Environmental Impact Statement (DSEIS), Dewey-Burdock Project, Supplement to the In-Situ Leach Uranium Milling Facilities, Custer and Fall River Counties, SD

Dear Ms. Bladey:

The Department of the Interior has reviewed the subject document, issued by the Nuclear Regulatory Commission and noticed for public review on November 23, 2012, and offers the following comments for your consideration.

## COMMENTS

In several locations (pp. 35, 80, 82, 88) the DSEIS refers to measures that will be taken to protect jurisdictional wetlands, i.e., those wetlands defined by the Corps of Engineers for administration of Section 404 permits under the Clean Water Act. However, we did not find protections for *non*-jurisdictional wetlands specifically discussed in the DSEIS. National Wetlands Inventory maps indicate that numerous non-jurisdictional wetlands occur in the project area.

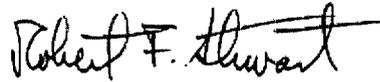
The National Environmental Policy Act and Executive Order 11990 (Protection of Wetlands), respectively, direct Federal agencies to avoid and mitigate environmental impacts and to protect and conserve wetlands. We therefore recommend that measures be taken to protect both jurisdictional and non-jurisdictional wetlands from project impacts.

When a project has the potential to impact wetlands (or other important fish and wildlife habitats), the U.S. Fish and Wildlife Service (USFWS), in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347) and other environmental laws and rules, recommends complete avoidance of these areas, if possible; then minimization of any adverse impacts; and finally, replacement of any lost acres; in that order. Alternatives should be

examined and the least damaging practical alternative selected. If wetland impacts are unavoidable, a mitigation plan addressing the number and types of wetland acres to be impacted and the methods of replacement should be prepared and submitted to the resource agencies for review. Generally, once all measures to avoid and minimize impacts to the maximum extent possible have been taken, the USFWS recommends mitigation in the form of restoration of filled wetlands at a ratio of 1:1, acre for acre. If creation of new wetlands is deemed necessary to mitigate for wetland losses, a 2:1 ratio (restored:impacted) is recommended. Created wetlands may have a lower rate of establishment success, may result in a temporal delay in achieving value to wildlife, or may not contain the degree of biological diversity typically found in a natural wetland basin, thus are not preferred when considering mitigation options. Mere preservation of other existing wetlands is not recommended as a means to offset wetland losses, as this is not consistent with the "no net loss" of wetlands as outlined in EO 11990.

If you have any question regarding these comments, please contact Terry Quisenberry in the U.S. Fish and Wildlife Service office in Pierre, South Dakota, at telephone (605) 224-8693 extension 234.

Sincerely,



Robert F. Stewart  
Regional Environmental Officer