

Mendiola, Doris

Subject: FW: Docket ID NRC-2013-0164 - Reno Creek DSEIS, WY - DOI Comments
Attachments: Reno Creek DSEIS, WY - DOI Comments.pdf

From: Robert Stewart [mailto:robert_f_stewart@ios.doi.gov]
Sent: Tuesday, August 23, 2016 11:37 AM
To: Bladey, Cindy <Cindy.Bladey@nrc.gov>
Cc: Caverly, Jill <Jill.Caverly@nrc.gov>
Subject: [External_Sender] Docket ID NRC-2013-0164 - Reno Creek DSEIS, WY - 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 or word-processor version, please so advise.

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Add= J. Caverly (5501)



United States Department of the Interior

OFFICE OF THE SECRETARY
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August 23, 2016

In Reply Refer To:
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ER 16/0374

Cindy Bladey
Chief, Rules, Announcements, and Directives Branch
Office of Administration
Mail Stop: OWFN-12-H08
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001.

Subject: Reno Creek In-Situ Uranium Recovery (ISR) Project, Supplement to the Generic Environmental Impact Statement for In-Situ Leach Uranium Milling Facilities, Campbell County, Wyoming

Dear Ms. Bladey,

The Department of the Interior has reviewed the Draft Supplement Environmental Impact Statement (DSEIS) for the Reno Creek In-Situ Leach Recovery (ISR) Project. The U.S. Fish and Wildlife Service and Bureau of Land Management provide the following comments.

U.S. FISH AND WILDLIFE SERVICE (USFWS) COMMENTS

We are providing recommendations for protective measures under the Migratory Bird Treaty Act, 16 U.S.C. 703 (MBTA) and the Bald and Golden Eagle Protection Act, 16 U.S.C. 668 (Eagle Act).

Pg. 2-20, Class 1 Deep Disposal Well, lines 14 – 20. The applicant proposes a surface impoundment for backup storage before injection into deep disposal wells. Because in situ uranium mining wastewater can have high concentrations of radionuclides, salts, trace metals, and other contaminants, we recommend preventative measures be taken to ensure that migratory birds do not land on the impoundment. In Wyoming's arid environment, this is particularly important during migration as the proposed project lies within the central flyway and birds will seek out water sources to drink and rest.

Pg. 4-21, Construction Impacts, lines 1 – 8. Mud pits typically do not attract birds when drilling is ongoing and we appreciate the applicant's commitment to backfill the pits within 30 days. Should drilling activities cease without closure of the mud pits or the pits are not backfilled within 30 days, we recommend the applicant take preventive measures to keep birds and other

wildlife from using the pits as the animals can mistake the pits for natural bodies of water potentially ingesting chemicals and/or oils used during drilling.

Pg. 4-52, Construction Impacts on Vegetation, lines 18 – 39. We support the fencing of newly seeded areas and implementing a vegetation monitoring plan to improve the success of revegetation efforts. We also recommend that the seed mix include native plant seeds that are considered pollinator-friendly.

Pg. 5-37, Cumulative Effects, Wildlife, lines 10-18. We appreciate the applicant's commitment to minimize disturbance to wildlife by using a phased approach to reduce the amount of habitat affected at one time, the commitment to construct overhead power lines in accordance with Avian Power Line Interaction Committee standards, and reseed and re-vegetate disturbed areas. Where possible, however, burying transmission lines and using seed mixes that benefit pollinators, birds, and other wildlife should be considered.

Pg. 6-4, Table 6-1. Summary of Mitigation Measures Proposed by AUC. We are encouraged that speed limits will be enforced. To further reduce risk to drivers and wildlife, specifically eagles, we advise that any road-killed animals be removed to diminish scavenging opportunities near roads.

Pg. 6-13, Table 6-2. Summary of Mitigation Measures Identified by the NRC. We support the proposed mitigation measures identified by the NRC for managing drilling fluid and encourage the applicant to implement these options.

Pg. 6-14, Table 6-2. Summary of Mitigation Measures Identified by the NRC. NRC proposes, as a mitigation measure, that vent pipes be covered with either netting or other methods to prevent bats, birds, or small mammals from being trapped. We also recommend anti-perching devices be placed over any vents that could be hazardous to birds. In addition, any other openings large enough to allow birds or other small wildlife to enter should be covered with mesh or metal screening.

Furthermore, we also recommend the mitigation measures NRC has identified for transmission lines: burying the lines, adherence to the timing and spatial restrictions, and the development of a bird mitigation and monitoring plan. The applicant is committed to conducting annual raptor surveys but monitoring and surveys are not mitigation. Mitigation is defined as avoidance, minimization, and compensation. These actions should be applied sequentially with compensation being considered only after all appropriate and practical avoidance and mitigation measures have been considered. In light of the cumulative impacts in the Project area, where suitable habitat may not be present for species to relocate to, mitigation is extremely important. Additionally, all migratory bird species, not just raptors, need to be considered in the mitigation and monitoring plan and for all of the Project's actions, not just transmission lines. Mitigation, such as habitat enhancement and restoration efforts using seed mixes that specifically provide conservation for birds, pollinators, and other wildlife, should be emphasized.

Pg. 7-12, Wildlife Monitoring. The DSEIS discusses the Project's potential impact to wildlife from loss, alteration, and/or incremental habitat fragmentation; the displacement of and stresses

on wildlife; and direct and indirect mortalities. To quantify these impacts, the applicant proposes an ecological monitoring program where annual raptor surveys will be conducted for the life of the Project. We appreciate the applicant's commitment to reduce impacts to raptors, but as stated in the above comment, monitoring and surveys are not mitigation; therefore the possible mitigation strategies will need to be defined and should account for all migratory bird species.

If you have any questions regarding USFWS's comments, please contact Kim Dickerson at the Wyoming Ecological Services Field Office, 5353 Yellowstone Road, Cheyenne, WY 82009; Kimberley_Dickerson@fws.gov; or phone (307) 772-2374, extension 230.

BUREAU OF LAND MANAGEMENT (BLM) COMMENTS

This is a solid EIS and we have very limited comments. This EIS follows the Wyoming Game and Fish Department strategy of complying with the Governor's Executive Order and also with the BLM 2016 Resource Management Plan Amendment (RMPA), Wyoming Sage-grouse Management EIS (BLM/WY/PL-10/030+1610) as well as the Buffalo RMP. You may consider including this RMPA in your conformance statement, although nothing further need be done for conformance.

Suggestions:

1. When the term "Core area" (for Greater Sage-grouse) is used, the currently used term is General Habitat Management Area; GHMA (for non-core) and Priority Habitat Management Areas; PHMA (in-core). As the project is all outside core, we would suggest editing this to either read, GHMA or non-core/GHMA so that agency terms are interchangeable.
2. Table 4-7, pg. 4-59 should include Greater Sage-grouse timing limitations/spatial buffers.
3. Section 5.1.1, pg. 5-3 - You may wish to include the large-scale Oil & Gas projects currently in Alternatives development just south of your project area.
 - Greater Crossbow Oil and Gas Development Project (borders your project)
 - Converse County Oil and Gas Development Project

As there may need to be some consultation and coordination between your project manager and BLM's project manager for Greater Crossbow Oil and Gas Development Project, we have included the project manager's contact information below:

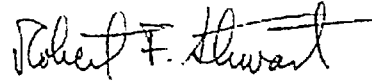
Thomas Bills
Greater Crossbow Oil and Gas Development Project
NEPA & Environmental Coordinator
BLM Buffalo Field Office
(307) 684-1133
tbills@blm.gov

Ms. Cindy Bladey

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Should you have questions regarding BLM's comments, please contact Walt Loewen at the BLM State Office, 5353 Yellowstone Road, Cheyenne, WY 82009; wloewen@blm.gov; or phone (307) 775-6235.

Sincerely,

A handwritten signature in black ink that reads "Robert F. Stewart". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Robert F. Stewart
Regional Environmental Officer