

UNC-ChurchRockEISCEm Resource

From: Kellermueller, Ronald, DGF <Ronald.Kellermueller@state.nm.us>
Sent: Monday, April 15, 2019 12:29 PM
To: UNC-ChurchRockEIS Resource
Cc: nmesfo@fws.gov; DGF-EEP-TG
Subject: [External_Sender] RE: Church Rock Mine Cleanup. Docket ID NRC-2019-0026
Attachments: 18968_NRC_Church Rock Mine Cleanup.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Attached you should find the comments from the New Mexico Department of Game and Fish. If you have any questions please do not hesitate to contact me.

Yours Truly, Ron

Ron Kellermueller
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Conserving New Mexico's Wildlife for Future Generations

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Federal Register Notice: 84FR2985
Comment Number: 1

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Subject: [External_Sender] RE: Church Rock Mine Cleanup. Docket ID NRC-2019-0026
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DEPARTMENT OF GAME & FISH

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12 April 2019

Nuclear Regulatory Commission
Office of Administration
Mail Stop: TW/FN-7-A60M
Washington, DC 20555

**RE: U.S. Nuclear Regulatory Commission, United Nuclear Corporation, Church
Rock Project (Docket ID NRC-2019-0026); NMDGF No. 18968**

To Whom It May Concern:

The New Mexico Department of Game and Fish (Department) has reviewed the project referenced above. In accordance with the National Environmental Policy Act (NEPA), the Nuclear Regulatory Commission (NRC) is preparing an Environmental Impact Statement that will analyze the impacts of proposed remediation activities at the Church Rock Mine and Mill site, located approximately 17 miles northeast of Church Rock in McKinley County, New Mexico. Staff from the NRC, the Environmental Protection Agency, the Department of Energy, United Nuclear Corporation (UNC), and the Department conducted a site visit to the project on 20 March 2019.

United Nuclear Corporation, a subsidiary of General Electric, is proposing to amend its NRC license. The amendment would authorize the removal and transfer of approximately one million cubic yards of contaminated soil, from the Northeast Church Rock Mine to the nearby Church Rock Uranium Mill site for disposal at the mill's waste facility.

All migratory birds are protected against direct take under the federal Migratory Bird Treaty Act (16 U.S.C. Sections 703-712) and hawks, falcons, vultures, owls, songbirds, and other insect-eating birds are protected from take under New Mexico State Statutes (17-2-13 and 17-2-14 NMSA), unless permitted by the applicable regulatory agency. To minimize the likelihood of adverse impacts to migratory bird nests, eggs, or nestlings from contaminated soil removal activities, the Department recommends that ground disturbance and vegetation removal be conducted outside of the primary breeding season for migratory songbirds and raptors (1 March – 1 September). If ground disturbing and clearing activities during the breeding season cannot be avoided, the area should be surveyed for active nest sites (with birds or eggs present in the nesting territory), and when occupied, nest disturbance should be avoided until young have fledged. For any active nests, adequate buffer zones should be established to minimize disturbance to nesting birds. Buffer distances should be ≥ 100 feet from songbird and raven nests, and 0.25 mile from raptor nests. Active nest sites in trees or shrubs that must be removed should be mitigated by qualified biologists or wildlife rehabilitators. Department biologists are

available for consultation regarding nest site mitigation, and can facilitate contact with qualified personnel.

For the final reclamation of the removal area and mine spoil repository site, the Department recommends that only native plant species are used in the reclamation seed mix. The Department also recommends that the seed mix and mulch be certified weed-free, and that seed test results are requested from the vendor in order to avoid inadvertently introducing non-native plants to the reclamation site. Any alternate seeds used to substitute for primary plant species that are unavailable at the time of reclamation should also be native. When possible, the Department recommends using seeds that are sourced from the same region and habitat type as the reclamation site.

Two lined ponds were observed during the site visit had warning signs with cautions regarding the presence of radioactive materials. These ponds were not fenced, and are freely accessible as a water source to wildlife. It is the Department's understanding that the lined ponds had previously been used for evaporating contaminated groundwater during remediation activities, and are currently being maintained with "relatively clean" well water that is pumped in to protect the liner, and to act as radon barrier. Since the ponds are no longer needed for evaporating contaminated groundwater, it is unclear why the ponds have not been reclaimed, or when they will be reclaimed in the future. Because UNC apparently does not monitor the pond water for exceedances of potentially harmful analytes, the Department is concerned that the water quality of the lined ponds may present a threat to wildlife. The Department recommends that UNC conduct a risk analysis to assess the water quality of the ponds and its potential level of hazard to wildlife. If the water quality is found to be a significant threat, exclusionary mitigation measures should be implemented to prevent terrestrial wildlife, birds, and bats from accessing contaminated pond water.

Thank you for the opportunity to review and comment on the proposed project. If you have any questions, please contact Ron Kellermueller, Mining and Energy Habitat Specialist, at (505) 476-8159 or ronald.kellermueller@state.nm.us.

Sincerely,



Matt Wunder, Ph.D.
Chief, Ecological and Environmental Planning Division

cc: USFWS NMES Field Office