

Enclosure 8 to E-55363

RAI Response Attachments (Public Version)

- a. Attachment LU-2-1
- b. Attachment WR-5-1
- c. Attachment WR-5-2
- d. Attachment ECO-1-1

Attachment LU-2-1

2019 report conducted by Waste Control Specialists and Banks Environmental Data Inc. for oil
and gas wells within 10 km of the proposed CSIF

(Public Version)

Proprietary Information in Attachment LU-2-1 (43 pages)
Withheld Pursuant to 10 CFR 2.390.

Attachment WR-5-1

2019 search conducted by Banks Environmental Data Inc for water wells within 10 km of the
proposed CISF

(Public Version)

Proprietary Information in Attachment WR-5-1 (81 pages)
Withheld Pursuant to 10 CFR 2.390.

Attachment WR-5-2

2007 search conducted by Waste Control Specialists and Banks Environmental Data Inc for
water wells within 10 km of the WCS Low Level Radioactive Waste Facility

TABLE 3-1
WATER WELLS WITHIN A 10-KILOMETER RADIUS OF THE WCS LANDFILL SITE
(BANKS SURVEY)

| Well ID | State | Map Number | Longitude W | Latitude N | Owner | Total Depth (feet) | Date Completed | Proposed Use |
|-----------------|-------|------------|----------------|---------------|--------------------------------|-----------------------|----------------|--------------|
| 322650103041901 | NM | 6 | 103.07194 | 32.44722 | Unknown | 60 | Unknown | Unused |
| 322613103042002 | NM | 7 | 103.07222 | 32.43694 | Unknown | Unknown | Unknown | Stock |
| 322613103042001 | NM | 7 | 103.07222 | 32.43694 | Unknown | Unknown | Unknown | Stock |
| 26-40-201 | TX | 8 | 103.04444 | 32.46028 | Ed Tinsley | Unknown | 01/21/1990 | Stock |
| 26-40-602 | TX | 13 | 103.03139 | 32.42778 | Flying W Diamond Ranch | 80 | 01/21/1990 | Stock |
| 26-40-601 | TX | 13 | 103.03500 | 32.42750 | Bill Vance | Unknown | 01/21/1990 | Stock |
| 26-40-6B | TX | 25 | 103.01114 | 32.44367 | Ralph McWhorter | 85 | 10/13/1978 | Domestic |
| CP 00139 | NM | 30 | 103.09200 | 32.46704 | Marion and William O. Stephens | Unknown | Unknown | Stock |
| 322747103052701 | NM | 30 | 103.09083 | 32.46306 | Stephens, Wayne and William O. | 43 | Unknown | Stock |
| CP 00705 | NM | 33 | 103.08557 | 32.47433 | Unknown | Unknown | Unknown | Domestic |
| CP 00705 | NM | 33 | 103.08557 | 32.47433 | Unknown | Unknown | Unknown | Domestic |
| CP 00678 | NM | 33 | 103.08662 | 32.47521 | Unknown | 125 | 6/24/1985 | Domestic |
| CP 00660 | NM | 33 | 103.08348 | 32.47250 | Hard B. Tapp | Unknown | 12/20/1982 | Domestic |
| CP 00650 | NM | 33 | 103.08662 | 32.47521 | Seth Brown | 155 | 5/19/1982 | Domestic |
| 26-40-6A | TX | 34 | 103.01076 | 32.41932 | Ralph McWhorter | 68 | 08/25/1978 | Domestic |
| 26-40-901 | TX | 38 | 103.01778 | 32.41194 | Ed Tinsley | Unknown | 01/21/1990 | Stock |
| 322552103065701 | NM | 43 | 103.11583 | 32.43111 | Wallach, P. | Unknown | Unknown | Stock |
| CP 00188 | NM | 44 | 103.10917 | 32.41445 | George W. Sims | Unknown | Unknown | Domestic |
| 322446103062501 | NM | 44 | 103.10694 | 32.41278 | Unknown | Unknown | Unknown | N/A |
| 322438103063901 | NM | 44 | 103.11083 | 32.41056 | Sims, George | 55 | Unknown | Commercial |
| 322928103050401 | NM | 45 | 103.08444 | 32.49111 | Elliot Oil Co. | 1200 | Unknown | Commercial |
| 322759103080301 | NM | 47 | 103.13417 | 32.46639 | Skelly Oil Co. | Unknown | Unknown | Other |
| 322752103080201 | NM | 47 | 103.13389 | 32.46444 | Skelly Oil Co. | 79 | Unknown | Other |
| 322746103081401 | NM | 47 | 103.13722 | 32.46278 | Skelly Oil Co. | 90 | Unknown | Other |
| 322746103080001 | NM | 47 | 103.13333 | 32.46278 | Skelly Oil Co. | 84 | Unknown | Other |
| 322738103075901 | NM | 47 | 103.13306 | 32.46056 | Skelly Oil Co. | 81 | Unknown | Other |

TABLE 3-1
WATER WELLS WITHIN A 10-KILOMETER RADIUS OF THE WCS LANDFILL SITE
(BANKS SURVEY)

| Well ID | State | Map Number | Longitude W | Latitude N | Owner | Total Depth (feet) | Date Completed | Proposed Use |
|-----------------|-------|------------|----------------|---------------|--------------------------------|-----------------------|----------------|--------------|
| 322737103080101 | NM | 47 | 103.13361 | 32.46028 | Owen, Jim | 80 | Unknown | Commercial |
| 322527103070301 | NM | 47 | 103.11750 | 32.42417 | Wallach, P. | 58 | Unknown | Stock |
| CP 00914 | NM | 48 | 103.12199 | 32.43620 | Robert Wallach | 72 | Unknown | Exploration |
| CP 00133 | NM | 48 | 103.12622 | 32.43438 | Harien Stephens | Unknown | Unknown | Domestic |
| 322609103073401 | NM | 48 | 103.12611 | 32.43583 | Stephens, William O. | 70 | Unknown | Stock |
| 322555103072801 | NM | 48 | 103.12444 | 32.43194 | Lea County Concrete Co. | 80 | Unknown | Commercial |
| CP 00193 | NM | 49 | 103.10698 | 32.40539 | George W. Sims | Unknown | Unknown | Domestic |
| CP 00190 | NM | 49 | 103.10698 | 32.40539 | George W. Sims | Unknown | Unknown | Domestic |
| 322435103063101 | NM | 49 | 103.10861 | 32.40972 | Sims, George | 56 | Unknown | Domestic |
| 322405103062702 | NM | 49 | 103.10750 | 32.40139 | Sims, George | 47 | Unknown | Unused |
| 322405103062701 | NM | 49 | 103.10750 | 32.40139 | Sims, George | Unknown | Unknown | Domestic |
| 322508103070701 | NM | 51 | 103.11861 | 32.41889 | Sims, George | 85 | Unknown | Unused |
| CP 00220 | NM | 52 | 103.12408 | 32.44892 | M. W. Owens | Unknown | Unknown | Domestic |
| CP 00356 | NM | 53 | 103.12301 | 32.42986 | Will J. McCasland | Unknown | Unknown | Domestic |
| CP 00111 | NM | 53 | 103.12084 | 32.43164 | W. J. McCasland | Unknown | Unknown | Domestic |
| 322552103073001 | NM | 53 | 103.12500 | 32.43111 | Eva Owen Estate | 74 | Unknown | Commercial |
| 322551103072801 | NM | 53 | 103.12444 | 32.43083 | Roberts, Grady | Unknown | Unknown | Domestic |
| 322547103072601 | NM | 53 | 103.12389 | 32.42972 | Braithwaite, E.G. | 91 | Unknown | Unused |
| 322546103073001 | NM | 53 | 103.12500 | 32.42944 | Bowman, Gail | 90 | Unknown | Domestic |
| 322538103072701 | NM | 53 | 103.12417 | 32.42722 | McCasland, W.J. | 90 | Unknown | Domestic |
| 26-40-9B | TX | 54 | 103.00654 | 32.39383 | Ralph McWhorter | 70 | 10/04/1978 | Domestic |
| 26-40-9A | TX | 54 | 103.00654 | 32.39613 | Ralph McWhorter | 180 | 08/17/1978 | Domestic |
| 26-40-9A | TX | 54 | 103.00692 | 32.39613 | Ralph McWhorter | 50 | 09/18/1978 | Domestic |
| 322427103065001 | NM | 55 | 103.11389 | 32.40750 | Sims, George | 59 | Unknown | Unused |
| 322425103065301 | NM | 55 | 103.11472 | 32.40694 | Sims, George | 59 | Unknown | Unused |
| CP 00138 | NM | 56 | 103.12839 | 32.43986 | Marion and William O. Stephens | Unknown | Unknown | Stock |
| 322637103074101 | NM | 56 | 103.12806 | 32.44361 | Warren, Gulf | Unknown | Unknown | Unused |

TABLE 3-1
WATER WELLS WITHIN A 10-KILOMETER RADIUS OF THE WCS LANDFILL SITE
(BANKS SURVEY)

| Well ID | State | Map Number | Longitude W | Latitude N | Owner | Total Depth (feet) | Date Completed | Proposed Use |
|-----------------|-------|------------|----------------|---------------|----------------------|-----------------------|----------------|--------------|
| 322635103072601 | NM | 56 | 103.12389 | 32.44306 | Owen, M. W. | 80 | Unknown | Stock |
| 322625103074801 | NM | 56 | 103.13000 | 32.44028 | Warren, Gulf | 85 | Unknown | Unused |
| 322601103074201 | NM | 57 | 103.12833 | 32.43361 | Owens, J.M. & M.W. | Unknown | Unknown | Domestic |
| 322550103074601 | NM | 58 | 103.12944 | 32.43056 | Owens, J.M. & M.W. | 70 | Unknown | Stock |
| 322541103073801 | NM | 58 | 103.12722 | 32.42806 | Warren, Gulf | 195 | Unknown | Commercial |
| 322535103073101 | NM | 58 | 103.12528 | 32.42639 | Snyder, Keith | 87 | Unknown | Stock |
| 322532103073601 | NM | 58 | 103.12667 | 32.42556 | Warren, Gulf | Unknown | Unknown | Commercial |
| 322532103072601 | NM | 58 | 103.12389 | 32.42556 | McCasland, W.J. | 90 | Unknown | Domestic |
| 322531103074501 | NM | 58 | 103.12917 | 32.42528 | Warren, Gulf | 85 | Unknown | Commercial |
| CP 00070 | NM | 59 | 103.10058 | 32.49243 | McVay Drilling Co. | 72 | 9/10/1962 | Stock |
| 26-40-301 | TX | 60 | 103.01889 | 32.49583 | Doug McWharter | Unknown | 01/21/1990 | Stock |
| 26-40-3 | TX | 60 | 103.01555 | 32.49749 | John Goen | 163 | 05/16/1994 | Irrigation |
| CP 00442 | NM | 61 | 103.07806 | 32.50423 | Unknown | 532 | 1/1/1967 | Exploration |
| CP 00195 | NM | 63 | 103.12201 | 32.41084 | George W. Sims | Unknown | Unknown | Domestic |
| 322521103073601 | NM | 64 | 103.12667 | 32.42250 | Humble Oil Co. | 87 | Unknown | Domestic |
| 322510103073601 | NM | 64 | 103.12667 | 32.41944 | Humble Oil Co. | 85 | Unknown | Unused |
| 26-40-3 | TX | 65 | 103.00692 | 32.49466 | John Goen | 147 | 04/14/1994 | Irrigation |
| 322831103071901 | NM | 66 | 103.12194 | 32.47528 | Stephens, Wm O. | Unknown | Unknown | Stock |
| 27-33-4B | TX | 67 | 102.98046 | 32.42099 | Ralph McWhorter | 201 | 09/14/1978 | Domestic |
| 322321103054101 | NM | 68 | 103.09472 | 32.38917 | Simms, George | 386 | Unknown | Unused |
| 322309103054401 | NM | 68 | 103.09556 | 32.38583 | Unknown | Unknown | Unknown | N/A |
| 323031103035002 | NM | 69 | 103.06389 | 32.50861 | McNeil | Unknown | Unknown | Unused |
| 323031103035001 | NM | 69 | 103.06389 | 32.50861 | McNeil | Unknown | Unknown | Stock |
| CP 00221 | NM | 70 | 103.13360 | 32.43522 | J.M. Owen | Unknown | Unknown | Domestic |
| CP 00214 | NM | 70 | 103.13050 | 32.43438 | J. M. and M. W. Owen | Unknown | Unknown | Domestic |
| 322604103075901 | NM | 70 | 103.13306 | 32.43444 | Continental Oil Co. | 75 | Unknown | Commercial |
| 322551103081401 | NM | 70 | 103.13722 | 32.43083 | Owen, J.M. | 290 | Unknown | Domestic |

TABLE 3-1
WATER WELLS WITHIN A 10-KILOMETER RADIUS OF THE WCS LANDFILL SITE
(BANKS SURVEY)

| Well ID | State | Map Number | Longitude W | Latitude N | Owner | Total Depth (feet) | Date Completed | Proposed Use |
|-----------------|-------|------------|----------------|---------------|--------------------------------|-----------------------|----------------|--------------|
| 322551103075001 | NM | 70 | 103.13056 | 32.43083 | Owens, J.M. & M.W. | 300 | Unknown | Unused |
| CP 00192 | NM | 71 | 103.08994 | 32.38186 | George W. Sims | Unknown | Unknown | Domestic |
| 322245103053301 | NM | 71 | 103.09250 | 32.37917 | Texas Co. | Unknown | Unknown | Unused |
| 322446103073601 | NM | 72 | 103.12667 | 32.41278 | Humble Oil Co. | 82 | Unknown | Unused |
| CP 00137 | NM | 73 | 103.11770 | 32.48516 | Marion and William O. Stephens | Unknown | Unknown | Stock |
| 322909103070601 | NM | 73 | 103.11833 | 32.48583 | Unknown | Unknown | Unknown | Stock |
| 322901103071101 | NM | 73 | 103.11972 | 32.48361 | Terry, McNeil | 100 | Unknown | Unused |
| 322637103080901 | NM | 74 | 103.13583 | 32.44361 | Warren, Gulf | 101 | Unknown | Irrigation |
| CP 00700 | NM | 75 | 103.12941 | 32.46792 | Wayne R. Walker | 75 | 9/10/1986 | Domestic |
| CP 00562 | NM | 75 | 103.12837 | 32.47068 | Jimmie D. Weir | 136 | 12/23/1976 | Stock |
| CP 00134 | NM | 75 | 103.12409 | 32.47068 | Harien Stephens | Unknown | Unknown | Stock |
| 322815103075602 | NM | 75 | 103.13222 | 32.47083 | Stephens, W.O. | Unknown | Unknown | Unused |
| 322805103075601 | NM | 75 | 103.13222 | 32.46806 | Skelly Plant #2 | 83 | Unknown | Unused |
| 322803103073901 | NM | 75 | 103.12750 | 32.46750 | Dunn, D.S. | Unknown | Unknown | Domestic |
| 322801103073101 | NM | 75 | 103.12528 | 32.46694 | Osborn, Mrs. O.J. | 85 | Unknown | Domestic |
| 322759103075601 | NM | 75 | 103.13222 | 32.46639 | Skelly Oil Co. | 89 | Unknown | Other |
| 322426103073601 | NM | 76 | 103.12667 | 32.40722 | Marathon Oil Co. | Unknown | Unknown | Unused |
| 27-33-4A | TX | 77 | 102.97541 | 32.41899 | Ralph McWhorter | 176 | 08/08/1978 | Domestic |
| 322241103052801 | NM | 78 | 103.09111 | 32.37806 | Sims, George | 513 | Unknown | Domestic |
| 322227103051401 | NM | 78 | 103.08722 | 32.37417 | Sims, Amanda | 476 | Unknown | Unused |
| 322805103080101 | NM | 79 | 103.13361 | 32.46806 | Unknown | 82 | Unknown | Unused |
| 322805103075901 | NM | 79 | 103.13306 | 32.46806 | Stephens, Wm O. | Unknown | Unknown | Irrigation |
| 322803103080101 | NM | 79 | 103.13361 | 32.46750 | Skelly Oil Co. | 81 | Unknown | Other |
| 322734103082601 | NM | 80 | 103.14056 | 32.45944 | Warren, Gulf | 96 | Unknown | Unused |
| 322731103081701 | NM | 80 | 103.13806 | 32.45861 | Warren, Gulf | Unknown | Unknown | Unused |
| 322724103083201 | NM | 80 | 103.14222 | 32.45667 | Graves, Dr. Sam W. | Unknown | Unknown | Unused |
| 322724103081101 | NM | 80 | 103.13639 | 32.45667 | Warren, Gulf | 84 | Unknown | Unused |

TABLE 3-1
WATER WELLS WITHIN A 10-KILOMETER RADIUS OF THE WCS LANDFILL SITE
(BANKS SURVEY)

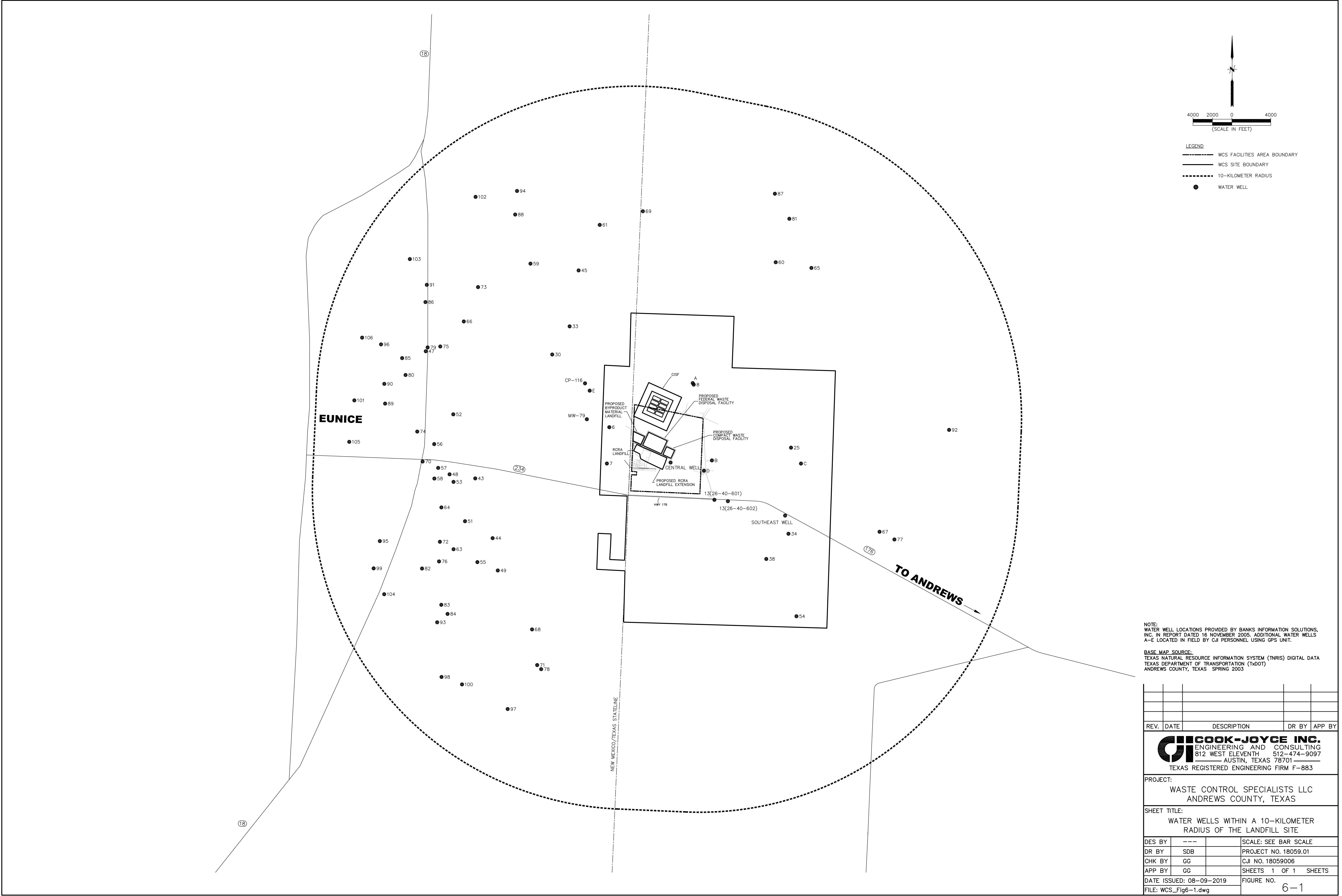
| Well ID | State | Map Number | Longitude W | Latitude N | Owner | Total Depth (feet) | Date Completed | Proposed Use |
|-----------------|-------|------------|----------------|---------------|--------------------------|-----------------------|----------------|--------------|
| 322717103082301 | NM | 80 | 103.13972 | 32.45472 | Warren, Gulf | 96 | Unknown | Other |
| 26-40-3 | TX | 81 | 103.01498 | 32.50827 | John Goen | 136 | 04/19/1994 | Irrigation |
| 322418103075601 | NM | 82 | 103.13222 | 32.40500 | Deck, Millard | 140 | Unknown | Stock |
| 322403103080301 | NM | 82 | 103.13417 | 32.40083 | Mitchell, A.P. | Unknown | Unknown | Stock |
| CP 00581 | NM | 83 | 103.12625 | 32.39815 | Northern Natural Gas Co. | 125 | Unknown | Industrial |
| CP 00581 | NM | 83 | 103.12625 | 32.39815 | Northern Natural Gas Co. | 125 | 4/18/1979 | Industrial |
| CP 00555 | NM | 83 | 103.12732 | 32.39727 | Northern Natural Gas Co. | 497 | Unknown | Industrial |
| CP 00199 | NM | 83 | 103.12625 | 32.39452 | Leo Sims | Unknown | Unknown | Domestic |
| CP 00189 | NM | 83 | 103.12201 | 32.39634 | George W. Sims | Unknown | Unknown | Domestic |
| CP 00189 | NM | 83 | 103.15404 | 32.43260 | Paul D. Prather | 145 | 2/25/1994 | Stock |
| 322342103073101 | NM | 83 | 103.12528 | 32.39500 | Pierce, Ray A. | 78 | Unknown | Stock |
| 322333103072301 | NM | 84 | 103.12306 | 32.39250 | Sims, George | Unknown | Unknown | Stock |
| 322322103072101 | NM | 84 | 103.12250 | 32.38944 | Sims, George | 80 | Unknown | Unused |
| 322751103083101 | NM | 85 | 103.14194 | 32.46417 | Skelly Oil Co. | 85 | Unknown | Other |
| 322849103080601 | NM | 86 | 103.13500 | 32.48028 | Owens, J.M. | 48 | Unknown | Stock |
| 26-40-3 | TX | 87 | 103.02015 | 32.51517 | John Goen | 105 | 04/06/1994 | Irrigation |
| 04/05/94 | TX | 87 | 103.01900 | 32.51709 | John Goen | 138 | 04/05/1994 | Irrigation |
| 323025103062801 | NM | 88 | 103.10778 | 32.50694 | McNeill, Ray | 90 | Unknown | Stock |
| 323025103062501 | NM | 88 | 103.10694 | 32.50694 | Unknown | 90 | Unknown | Unused |
| 323022103062301 | NM | 88 | 103.10639 | 32.50611 | Fullerton Oil Co. | 90 | Unknown | Unused |
| 322704103084901 | NM | 89 | 103.14694 | 32.45111 | Warren, Gulf | 99 | Unknown | Unused |
| 322657103084801 | NM | 89 | 103.14667 | 32.44917 | Skelly Oil Co. | 101 | Unknown | Other |
| 322652103084701 | NM | 89 | 103.14639 | 32.44778 | Skelly Oil Co. | Unknown | Unknown | Unused |
| 322652103084401 | NM | 89 | 103.14556 | 32.44778 | Warren, Gulf | 118 | Unknown | Other |
| 322648103084601 | NM | 89 | 103.14611 | 32.44667 | Skelly Oil Co. | Unknown | Unknown | Other |
| CP 00881 | NM | 90 | 103.14550 | 32.45799 | Richard Don Jones | 95 | 9/7/1999 | Domestic |
| 322729103085201 | NM | 90 | 103.14778 | 32.45806 | Skelly Oil Co. | 106 | Unknown | Unused |

TABLE 3-1
WATER WELLS WITHIN A 10-KILOMETER RADIUS OF THE WCS LANDFILL SITE
(BANKS SURVEY)

| Well ID | State | Map Number | Longitude W | Latitude N | Owner | Total Depth (feet) | Date Completed | Proposed Use |
|-----------------|-------|------------|----------------|---------------|------------------------|-----------------------|----------------|--------------|
| 322724103085102 | NM | 90 | 103.14750 | 32.45667 | Skelly Oil Co. | 103 | Unknown | Unused |
| 322724103085101 | NM | 90 | 103.14750 | 32.45667 | Graves, Dr. Sam W. | 94 | Unknown | Unused |
| CP 00212 | NM | 91 | 103.13480 | 32.48516 | J. M. Owens | Unknown | Unknown | Domestic |
| 27-33-4A | TX | 92 | 102.95876 | 32.45059 | EMCO Machine Works | 147 | 02/26/1981 | Domestic |
| 322324103073501 | NM | 93 | 103.12639 | 32.39000 | Sims, Leo | Unknown | Unknown | Stock |
| 322322103074001 | NM | 93 | 103.12778 | 32.38944 | Sim, Leo | 80 | Unknown | Unused |
| 323046103062202 | NM | 94 | 103.10611 | 32.51278 | Unknown | Unknown | Unknown | N/A |
| 323046103062201 | NM | 94 | 103.10611 | 32.51278 | Unknown | 900 | Unknown | N/A |
| 322444103084801 | NM | 95 | 103.14667 | 32.41222 | Cities Service Oil Co. | Unknown | Unknown | Unused |
| 322804103085701 | NM | 96 | 103.14917 | 32.46778 | Eubanks, O.R. | 80 | Unknown | Commercial |
| 322804103084801 | NM | 96 | 103.14667 | 32.46778 | Eubanks, O.R. | 100 | Unknown | Commercial |
| 322803103085701 | NM | 96 | 103.14917 | 32.46750 | Eubanks, O.R. | Unknown | Unknown | Commercial |
| 322159103060601 | NM | 97 | 103.10167 | 32.36639 | Hansen, Ernest | 300 | Unknown | Domestic |
| CP 00706 | NM | 98 | 103.12414 | 32.37462 | Ellie Spear | 96 | 12/31/1986 | Domestic |
| CP 00187 | NM | 98 | 103.12414 | 32.37825 | George W. Sims | Unknown | Unknown | Domestic |
| 322258103073001 | NM | 98 | 103.12500 | 32.38278 | Boyd, Ollie I. | Unknown | Unknown | Unused |
| 322243103072501 | NM | 98 | 103.12361 | 32.37861 | Unknown | Unknown | Unknown | N/A |
| 322237103073601 | NM | 98 | 103.12667 | 32.37694 | Sims, Leo | 80 | Unknown | Unused |
| 322230103072301 | NM | 98 | 103.12306 | 32.37500 | Sims, George | 75 | Unknown | Unused |
| 322424103085401 | NM | 99 | 103.14833 | 32.40667 | Fristoe, L.W. | 63 | Unknown | Unused |
| 322416103085401 | NM | 99 | 103.14833 | 32.40444 | Fristoe, L.W. | Unknown | Unknown | Stock |
| 322222103070201 | NM | 100 | 103.11722 | 32.37278 | Sims, George | Unknown | Unknown | Domestic |
| CP 00736 | NM | 101 | 103.15723 | 32.45163 | Ronald K. Woorden | 120 | 9/10/1988 | Domestic |
| CP 00346 | NM | 101 | 103.15828 | 32.45254 | H.A. Bramlett | Unknown | Unknown | Domestic |
| 322714103093101 | NM | 101 | 103.15861 | 32.45389 | Graves, Dr. Sam W. | 63 | Unknown | Stock |
| 322708103091801 | NM | 101 | 103.15500 | 32.45222 | Jones, Ron | Unknown | Unknown | Unused |
| 322706103093001 | NM | 101 | 103.15833 | 32.45167 | Faulkner, T.P. | 80 | Unknown | Domestic |

TABLE 3-1
WATER WELLS WITHIN A 10-KILOMETER RADIUS OF THE WCS LANDFILL SITE
(BANKS SURVEY)

| Well ID | State | Map Number | Longitude W | Latitude N | Owner | Total Depth (feet) | Date Completed | Proposed Use |
|-----------------|-------|------------|----------------|---------------|-------------------------|-----------------------|----------------|--------------|
| 322659103093001 | NM | 101 | 103.15833 | 32.44972 | Faulkner, T.P. | 90 | Unknown | Domestic |
| 322658103092601 | NM | 101 | 103.15722 | 32.44944 | Bramlett, H.A. | 90 | Unknown | Domestic |
| CP 00197 | NM | 102 | 103.11985 | 32.51060 | George W. Sims | Unknown | Unknown | Domestic |
| 322932103082701 | NM | 103 | 103.14083 | 32.49222 | Humble Oil Co. | Unknown | Unknown | Unused |
| 322923103083201 | NM | 103 | 103.14222 | 32.48972 | Humble Oil Co. | 60 | Unknown | Unused |
| 322921103083001 | NM | 103 | 103.14167 | 32.48917 | Humble Oil Co. | Unknown | Unknown | Unused |
| CP 00673 | NM | 104 | 103.14443 | 32.39727 | Paul E. and Mary Hughes | Unknown | Unknown | Domestic |
| CP 00548 | NM | 105 | 103.15832 | 32.43986 | A.J. Redden | Unknown | Unknown | Domestic |
| 322641103093001 | NM | 105 | 103.15833 | 32.44472 | McLean, R.L. | 93 | Unknown | Irrigation |
| 322638103093001 | NM | 105 | 103.15833 | 32.44389 | McLean, R.L. | 100 | Unknown | Irrigation |
| 322633103093401 | NM | 105 | 103.15944 | 32.44250 | Eunice Rental Tool Co. | 103 | Unknown | Commercial |
| 322632103093401 | NM | 105 | 103.15944 | 32.44222 | Eunice Rental Tool Co. | 100 | Unknown | Commercial |
| 322810103092001 | NM | 106 | 103.15556 | 32.46944 | Unknown | Unknown | Unknown | Stock |



Attachment ECO-1-1

Five-Year Report Concerned with Threatened and Endangered Species Occurring near the Land Disposal Facilities Pursuant to Radioactive Material License No. R04100; License Condition 160

July 11, 2014



July 11, 2014

VIA Fed Ex

Mr. Charles Maguire Director
Radioactive Materials Division, MC-233
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

References: (1) Radioactive Material License No. R04100, Amendment 25
CN600616890/RN101702439

**Subject: Five-Year Report Concerned with Threatened and Endangered Species
Occurring near the Land Disposal Facilities Pursuant to Radioactive Material License No.
R04100; License Condition 160**

Dear Mr. Maguire:

Amendment 25 of Radioactive Material License R04100 (RML R04100) License Condition 160 requires:

The Licensee must provide to the executive director every five (5) years written documentation from the Texas Parks and Wildlife Department and the United States Fish and Wildlife Service regarding the presence of threatened or endangered species occurring near the site of the land disposal facility.

This letter along with the attached enclosures fulfills the five-year requirement of this license condition.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Corporate
5430 LBJ Freeway, Ste. 1700
Three Lincoln Centre
Dallas, TX
972-715-9800
Fax. 972-448-1419

Facility
P.O. Box 1129
Andrews, TX 79714
888-789-2783
Fax. 432-525-8902

Charles Maguire, Director
July 11, 2014
Page 2 of 2

WCS requests that a copy of all correspondence regarding this matter be emailed directly to my attention at (jcartwright@wcstexas.com) as soon as possible after issuance. If you have any questions or need additional information, please call me at 432-525-8500.

Sincerely,

A handwritten signature in blue ink, reading "Jay B. Cartwright". The signature is fluid and cursive, with the first name "Jay" and last name "Cartwright" clearly legible.

Jay Cartwright,
Radiation Safety Officer and Director of Radiation Safety

Enclosures

cc: Bobby Janecka, TCEQ
Elicia Sanchez, WCS
Scott Kirk, WCS
Jane Grimm, WCS
WCS Regulatory Compliance
WCS Records Management

ENCLOSURES

- 1.) Summary of Federal and State listings of Threatened and Endangered Species, Andrews County, Texas**
- 2.) Texas Parks and Wildlife Department List of Threatened and Endangered Species, Andrews County Texas**
- 3.) U. S. Department of Fish and Wildlife List of Threatened and Endangered Species,**

ENCLOSURE 1

ANDREWS COUNTY, TX

| Taxon | Common Name | Scientific Name | Federal Status | State Status |
|---------|---------------------------|--|----------------|--------------|
| Birds | American Peregrine Falcon | <i>Falco peregrinus anatum</i> | DL | T |
| Birds | Peregrine Falcon | <i>Peregrinus anatum</i> | DL | T |
| Birds | Northern Aplomado Falcon | <i>Falco femoralis septentrionalis</i> | LE | |
| Birds | Bald Eagle | <i>Haliaeetus leucocephalus</i> | DL | T |
| Birds | Lesser Prairie Chicken | <i>Tympanuchus pallidicinctus</i> | LT | |
| Birds | Whooping Crane | <i>Grus americana</i> | LE | E |
| Birds | Least Tern | <i>Sterna antillarum</i> | LE | |
| Birds | Piping Plover | <i>Charadriusmelodous</i> | LT | |
| Mammals | Gray Wolf | <i>Canus lupus</i> | LE | E |
| Mammals | Black-footed Ferret | <i>Mustela nigripes</i> | LE | |
| Reptile | Texas Horned Lizard | <i>Phrynosoma cornutum</i> | | T |

| Status Key | |
|------------|---|
| DL, PDL - | Federally Delisted/Proposed for Delisting |
| LE, LT - | Federally Listed Endangered/Threatened |
| E, T - | State Listed Endangered/Threatened |

American Peregrine Falcon and **Peregrine Falcon**: Both are delisted at the Federal level and listed as threatened in the State of Texas. These falcons are year round residents and local breeders in west Texas, nesting in tall cliff eyries, landforms which are absent at the WCS facility. These birds occupy a wide range of habitats during migration including urban, lakeshore and coastal environments. They migrate across the state from more northern breeding areas in the US and Canada, and winters along the coast and farther south. The preferred habitat for these falcons does not exist at the WCS site. It is likely that they migrate through Andrews County as a transient population.

Northern Aplomado Falcon: This bird is listed as endangered at the federal level. This falcon frequents desert grasslands and coastal prairies of western Texas, most of New Mexico and southeastern Arizona, using the abandoned nests of other hawks or ravens for rearing young. A "non-essential" experimental population has been established in Arizona and New Mexico. Numerous captive reared Aplomado Falcons have been released in Texas. The U. S. Fish and Wildlife Service cite mesquite encroachment on grasslands as a negative habitat factor for this falcon, thus the preferred habitat for the falcon does not exist near the WCS operation. It is likely that the Northern Aplomado Falcon seeks out more favorable habitat.

Bald Eagle: The Bald Eagle is listed as threatened by the State of Texas but it has been delisted at the Federal level. The ideal habitat for this bird is nearby rivers and large lakes. The Bald Eagle nests in tall trees or on cliffs near water. These habitat types are non-existent for many miles surrounding the WCS facility. It is possible that Bald Eagles migrate through the west Texas/southeast New Mexico area but it is very unlikely that Bald Eagles would take up residence in the area.

Lesser Prairie Chicken: The Lesser Prairie Chicken is listed as threatened at the Federal level but is not listed at in the State of Texas. The ideal habitat for this bird is arid grasslands generally interspersed with shrubs, but dominated by grasses. Lesser Prairie Chickens nest in scrapes lined with grasses. As part of the permitting process, WCS performed an intensive study to determine if Lesser Prairie Chickens frequented company controlled property. No evidence of the existence of these birds on WCS controlled lands was found.

Whooping Crane: Whooping Cranes are listed as an endangered species at both the Federal and State level. This bird prefers marshy wetland habitats, nesting on raised mounds within the marsh. The WCS facility is located in an arid region and no ideal habitat for Whooping Cranes exists for many miles surrounding the facility. Andrews County appears to be on the extreme western edge of the migration path between breeding grounds in Canada and wintering grounds on the Texas gulf coast. It is possible that Whooping Cranes could migrate through Andrews County as a transient population.

Least Tern: Least Terns are listed as endangered at the Federal level but is not listed at the State level. These birds live along rivers, wetlands, ponds and lakes. The WCS

facility is located in an arid region and no ideal habitat for Least Terns exists for many miles surrounding the facility. Andrews County may be on the migration path of the Least Tern between breeding grounds to the north and wintering grounds in the Caribbean and South America. It is possible that Least Terns could migrate through Andrews County as a transient population.

Piping Plover: This bird is listed as threatened at the Federal level but is not listed at the State level. The Piping Plover inhabits wide, flat open sandy beaches and nest along small creeks or wetlands. In the summer, the birds inhabit the Northern Great Plains, the Great Lakes Region and the Atlantic Coast. In the winter, the birds migrate to the Gulf of Mexico and points farther south. The WCS facility is located in an arid region and no ideal habitat for Piping Plovers exists for many miles surrounding the facility. Andrews County may be on the migration path of the Piping Plover between breeding grounds to the north and wintering grounds in the Gulf of Mexico. It is possible that Least Terns could migrate through Andrews County as a transient population.

Gray Wolf: The Gray Wolf is listed as an endangered species at both the Federal and State level. These animals are wide ranging and currently exist as a recovering population in the forests and savannas of northern tier states (Great Lakes and Rocky Mountain regions) of the United States. The wolf is relatively abundant in Canada and Alaska. The Gray Wolf population has recovered in reintroduction areas to the point that the species is proposed for delisting in 2014. A subspecies, the Mexican Gray Wolf, will remain on the endangered list for some time into the future. Recovery efforts for the Mexican Gray Wolf are ongoing in Arizona and New Mexico. There are no known populations of Gray Wolves or the Mexican Gray Wolves in Andrews County, Texas.

Black-footed Ferret: Black-footed Ferrets are listed as an endangered species at the Federal level. The preferred habitat for these animals is large Prairie Dog towns on open grasslands. These ferrets typically reside in the abandoned burrows of Prairie Dogs or other burrowing animals. Populations of Black Footed Ferrets have been re-established in Arizona, Colorado, Montana, South Dakota, Utah and Wyoming from captive stocks. Recovery efforts continue and delisting of the animal may occur in ten years or so, provided the population continues to recover. There are no Prairie Dog towns known on the WCS property thus, no suitable habitat exists at the WCS facility for the Black-footed Ferret.

Texas Horned Lizard: Texas Horned Lizards are listed as threatened in the State of Texas. This lizard ranges from Colorado and Kansas to northern Mexico and from southeastern Arizona to Texas. Isolated, introduced populations exist in the Carolinas, Georgia and northern Florida. The Texas Horned Lizard may also be native to Arkansas and Louisiana. This reptile typically occupies bright sunny areas near Harvester Ant hills. These ants make up the majority of this lizard's diet. The decline of the Texas Horned Lizard has been attributed to the invasion of Fire Ants into Texas. Fire Ants eradicate Harvester Ant colonies, removing the lizard's primary food source.

The Texas Horned Lizard has declined over 30 percent of its range but is now reportedly recovering throughout its range.

ENCLOSURE 2

ANDREWS COUNTY

BIRDS

Federal Status State Status

American Peregrine Falcon *Falco peregrinus anatum*

DL T

year-round resident and local breeder in west Texas, nests in tall cliff eyries; also, migrant across state from more northern breeding areas in US and Canada, winters along coast and farther south; occupies wide range of habitats during migration, including urban, concentrations along coast and barrier islands; low-altitude migrant, stopovers at leading landscape edges such as lake shores, coastlines, and barrier islands.

Arctic Peregrine Falcon *Falco peregrinus tundrius*

DL

migrant throughout state from subspecies' far northern breeding range, winters along coast and farther south; occupies wide range of habitats during migration, including urban, concentrations along coast and barrier islands; low-altitude migrant, stopovers at leading landscape edges such as lake shores, coastlines, and barrier islands.

Baird's Sparrow *Ammodramus bairdii*

shortgrass prairie with scattered low bushes and matted vegetation; mostly migratory in western half of State, though winters in Mexico and just across Rio Grande into Texas from Brewster through Hudspeth counties

Bald Eagle *Haliaeetus leucocephalus*

DL T

found primarily near rivers and large lakes; nests in tall trees or on cliffs near water; communally roosts, especially in winter; hunts live prey, scavenges, and pirates food from other birds

Ferruginous Hawk *Buteo regalis*

open country, primarily prairies, plains, and badlands; nests in tall trees along streams or on steep slopes, cliff ledges, river-cut banks, hillsides, power line towers; year-round resident in northwestern high plains, wintering elsewhere throughout western 2/3 of Texas

Lesser Prairie-Chicken *Tympanuchus pallidicinctus*

T

arid grasslands, generally interspersed with shrubs such as sand sagebrush, sand plum, skunkbush sumac, and shinny oak shrubs, but dominated by sand dropseed, sidecoats grama, sand bluestem, and little bluestem grasses; nests in a scrape lined with grasses

Mountain Plover *Charadrius montanus*

breeding: nests on high plains or shortgrass prairie, on ground in shallow depression; nonbreeding: shortgrass plains and bare, dirt (plowed) fields; primarily insectivorous

Peregrine Falcon *Falco peregrinus*

DL T

both subspecies migrate across the state from more northern breeding areas in US and Canada to winter along coast and farther south; subspecies (F. p. anatum) is also a resident breeder in west Texas; the two subspecies' listing statuses differ, F.p. tundrius is no longer listed in Texas; but because the subspecies are not easily distinguishable at a distance, reference is generally made only to the species level; see subspecies for habitat.

Prairie Falcon *Falco mexicanus*

open, mountainous areas, plains and prairie; nests on cliffs

ANDREWS COUNTY

BIRDS

Federal Status State Status

Snowy Plover *Charadrius alexandrinus*

formerly an uncommon breeder in the Panhandle; potential migrant; winter along coast

Sprague's Pipit *Anthus spragueii* C

only in Texas during migration and winter, mid September to early April; short to medium distance, diurnal migrant; strongly tied to native upland prairie, can be locally common in coastal grasslands, uncommon to rare further west; sensitive to patch size and avoids edges.

Western Burrowing Owl *Athene cunicularia hypugaea*

open grasslands, especially prairie, plains, and savanna, sometimes in open areas such as vacant lots near human habitation or airports; nests and roosts in abandoned burrows

Western Snowy Plover *Charadrius alexandrinus nivosus*

uncommon breeder in the Panhandle; potential migrant; winter along coast

Whooping Crane *Grus americana* LE E

potential migrant via plains throughout most of state to coast; winters in coastal marshes of Aransas, Calhoun, and Refugio counties

MAMMALS

Federal Status State Status

Black-footed ferret *Mustela nigripes* LE

extirpated; inhabited prairie dog towns in the general area

Black-tailed prairie dog *Cynomys ludovicianus*

dry, flat, short grasslands with low, relatively sparse vegetation, including areas overgrazed by cattle; live in large family groups

Gray wolf *Canis lupus* LE E

extirpated; formerly known throughout the western two-thirds of the state in forests, brushlands, or grasslands

Jones' pocket gopher *Geomys knoxjonesi*

southwestern plains of Texas; deep sandy soils of aeolian origin; small isolated population vulnerable to land use changes

Pale Townsend's big-eared bat *Corynorhinus townsendii pallescens*

roosts in caves, abandoned mine tunnels, and occasionally old buildings; hibernates in groups during winter; in summer months, males and females separate into solitary roosts and maternity colonies, respectively; single offspring born May-June; opportunistic insectivore

Swift fox *Vulpes velox*

restricted to current and historic shortgrass prairie; western and northern portions of Panhandle

ANDREWS COUNTY

REPTILES

Federal Status State Status

Dune sagebrush lizard

Sceloporus arenicolus

confined to active sand dunes near Monahans; dwarf shin-oak sandhills with sagebrush and yucca; opportunistic insectivore; 'sit and wait' predator; burrows in sand or plant litter to escape enemies

Texas horned lizard

Phrynosoma cornutum

T

open, arid and semi-arid regions with sparse vegetation, including grass, cactus, scattered brush or scrubby trees; soil may vary in texture from sandy to rocky; burrows into soil, enters rodent burrows, or hides under rock when inactive; breeds March-September

PLANTS

Federal Status State Status

Dune umbrella-sedge

Cyperus onerosus

moist to wet sand in swales and other depressions among active or partially stabilized sand dunes; flowering/fruiting late summer-fall

Notes for County Lists of Texas' Special Species

The Texas Parks and Wildlife (TPWD) county lists **include**:

Vertebrates, Invertebrates, and Vascular Plants identified as being of conservation concern by TPWD within Texas. These special species lists are comprised of species, subspecies, and varieties that are federally listed; proposed to be federally listed; have federal candidate status; are state listed; or carry a global conservation status indicating a species is critically imperiled, very rare, vulnerable to extirpation, or uncommon.

The TPWD county lists **do not include**:

Natural Plant Communities such as Little Bluestem-Indiangrass Series (native prairie remnant), Water Oak-Willow Oak Series (bottomland hardwood community), Saltgrass-Cordgrass Series (salt or brackish marsh), Sphagnum-Beakrush Series (seepage bog).

Other Significant Features such as bird rookeries, migratory songbird fallout areas, comprehensive migratory bird information, bat roosts, bat caves, invertebrate caves, and prairie dog towns.

These lists are not all inclusive for all rare species distributions. The lists were compiled, developed, and are updated based on field guides, staff expertise, scientific publications, and the TPWD Texas Natural Diversity Database (TXNDD) (formerly the Biological and Conservation Data System) occurrence data. Historic ranges for some state extirpated species, full historic distributions for some extant species, accidentals and irregularly appearing species, and portions of migratory routes for particular species are not necessarily included. Species that appear on county lists do not all share the same probability of occurrence within a county. Some species are migrants or wintering residents only. Additionally, a few species may be historic or considered extirpated within a county.

TPWD includes the Federal listing status for your convenience and makes every attempt to keep the information current and correct. However, the US Fish and Wildlife Service (FWS) is the responsible authority for Federal listing status. The TPWD lists do not substitute for contact with the FWS and federally listed species county ranges may vary from the FWS county level species lists because of the inexact nature of range map development and use.

Status Key:

| | |
|------------|--|
| LE, LT - | Federally Listed Endangered/Threatened |
| PE, PT - | Federally Proposed Endangered/Threatened |
| SAE, SAT - | Federally Listed Endangered/Threatened by Similarity of Appearance |
| C - | Federal Candidate for Listing; formerly Category 1 Candidate |
| DL, PDL - | Federally Delisted/Proposed for Delisting |
| NL - | Not Federally Listed |
| E, T - | State Listed Endangered/Threatened |
| NT - | Not tracked or no longer tracked by the State |
| "blank" - | Rare, but with no regulatory listing status |

This information is specifically for your assistance only; due to continuing data updates, **please do not redistribute the lists**, instead refer all requesters to the web site at:

http://www.tpwd.state.tx.us/landwater/land/maps/gis/ris/endangered_species/ or to our office for the most current information available. For questions regarding county lists, please call (512) 389-4571.

Please use the following citation to credit the source for this county level information:

Texas Parks and Wildlife Department, Wildlife Division, Diversity and Habitat Assessment Programs. County Lists of Texas' Special Species. [county name(s) and revised date(s)].

ENCLOSURE 3



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Austin Ecological Services Field Office

10711 BURNET ROAD, SUITE 200

AUSTIN, TX 78758

PHONE: (512)490-0057 FAX: (512)490-0974

URL: www.fws.gov/southwest/es/AustinTexas/;

www.fws.gov/southwest/es/EndangeredSpecies/lists/

Consultation Tracking Number: 02ETAU00-2014-SLI-0239

July 10, 2014

Project Name: Permit Renewal at an Existing Facility

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project.

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that *may* occur within the county of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

Please note that new information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Also note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of federally listed as threatened or endangered species and to determine whether projects may affect these species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

While a Federal agency may designate a non-Federal representative to conduct informal consultation or prepare a biological assessment, the Federal Agency must notify the Service in writing of any such designation. The Federal agency shall also independently review and evaluate the scope and content of a biological assessment prepared by their designated non-Federal representative before that document is submitted to the Service.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by a federally funded, permitted or authorized activity, the agency is required to consult with the Service pursuant to 50 CFR 402. The following definitions are provided to assist you in reaching a determination:

- *No effect* – the proposed action will not affect federally listed species or critical habitat. A “no effect” determination does not require section 7 consultation and no coordination or contact with the Service is necessary. However, if the project changes or additional information on the distribution of listed or proposed species becomes available, the project should be reanalyzed for effects not previously considered.
- *May affect, but is not likely to adversely affect* – the project may affect listed species and/or critical habitat; however, the effects are expected to be discountable, insignificant, or completely beneficial. Certain avoidance and minimization measures may need to be implemented in order to reach this level of effect. The Federal agency or the designated non-Federal representative should consult with the Service to seek written concurrence that adverse effects are not likely. Be sure to include all of the information and documentation used to reach your decision with your request for concurrence. The Service must have this documentation before issuing a concurrence.
- *Is likely to adversely affect* – adverse effects to listed species may occur as a direct or indirect result of the proposed action. For this determination, the effect of the action is neither discountable nor insignificant. If the overall effect of the proposed action is beneficial to the listed species but the action is also likely to cause some adverse effects to individuals of that species, then the proposed action “is likely to adversely affect” the listed species. The analysis should consider all interrelated and interdependent actions. An “is likely to adversely affect” determination requires the Federal action agency to initiate formal section 7 consultation with our office.

Regardless of the determination, the Service recommends that the Federal agency maintain a complete record of the evaluation, including steps leading to the determination of effect, the qualified personnel conducting the evaluation, habitat conditions, site photographs, and any other related information. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>.

Migratory Birds

For projects that may affect migratory birds, the Migratory Bird Treaty Act (MBTA) implements various treaties and conventions for the protection of these species. Under the MBTA, taking, killing, or possessing migratory birds is unlawful. Migratory birds may nest in trees, brushy areas, or other areas of suitable habitat. The Service recommends activities requiring vegetation removal or disturbance avoid the peak nesting period of March through August to avoid destruction of individuals, nests, or eggs. If project activities must be conducted during this time, we recommend surveying for nests prior to conducting work. If a nest is found, and if possible, the Service recommends a buffer of vegetation remain around the nest until the young have fledged or the nest is abandoned.

For additional information concerning the MBTA and recommendations to reduce impacts to migratory birds please contact the U.S. Fish and Wildlife Service Migratory Birds Office, 500 Gold Ave. SW, Albuquerque, NM 87102. A list of migratory birds may be viewed at <http://www.fws.gov/migratorybirds/RegulationsPolicies/mbta/mbtintro.html>. Guidance for minimizing impacts to migratory birds for projects including communications towers can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>. Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Finally, please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html).

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



United States Department of Interior
Fish and Wildlife Service

Project name: Permit Renewal at an Existing Facility

Official Species List

Provided by:

Austin Ecological Services Field Office

10711 BURNET ROAD, SUITE 200

AUSTIN, TX 78758

(512) 490-0057

<http://www.fws.gov/southwest/es/AustinTexas/>

<http://www.fws.gov/southwest/es/EndangeredSpecies/lists/>

Consultation Tracking Number: 02ETAU00-2014-SLI-0239

Project Type: Landfill

Project Description: This is an existing facility. Requested List will become part of a 10 Year Permit Renewal for RCRA Permit. Need the information for a Site Selection Report that is a required part of TCEQ Application Part B Form. Location is north of State HWY 176 at the TX/NM State line in Andrews County, TX. Size of the facility is approx. 1338 acres. Facility disposes waste for industry, states and the Federal govt.



United States Department of Interior
Fish and Wildlife Service

Project name: Permit Renewal at an Existing Facility

Project Counties: Andrews, TX



United States Department of Interior
Fish and Wildlife Service

Project name: Permit Renewal at an Existing Facility

Endangered Species Act Species List

There are a total of 5 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 3 of these species should be considered only under certain conditions. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

| Birds | Status | Has Critical Habitat | Condition(s) |
|--|------------------------|----------------------|----------------------|
| Least tern (<i>Sterna antillarum</i>) Population: interior pop. | Endangered | | Wind Energy Projects |
| Lesser prairie-chicken (<i>Tympanuchus pallidicinctus</i>) | Threatened | | |
| northern aplomado falcon (<i>Falco femoralis septentrionalis</i>) Population: Entire, except where listed as an experimental population | Endangered | | |
| Piping Plover (<i>Charadrius melodus</i>) Population: except Great Lakes watershed | Threatened | Final designated | Wind Energy Projects |
| Red Knot (<i>Calidris canutus rufa</i>) | Proposed Threatened | | Wind Energy Projects |



United States Department of Interior
Fish and Wildlife Service

Project name: Permit Renewal at an Existing Facility

Critical habitats that lie within your project area

There are no critical habitats within your project area.

Ref: Jay Cartwright
Dep: Rad Safety

Date: 11Jul14
Wgt: 0.75 LBS

DV:

SHIPPING: 22.71
SPECIAL: 2.16
HANDLING: 0.00
TOTAL: 24.87

Svc: PRIORITY OVERNIGHT
TRCK: 6045 1917 2613

ORIGIN ID:MAFA (575) 394-4300
BOBBY SMITH
WASTE CONTROL SPECIALISTS
9998 HWY 176 WEST

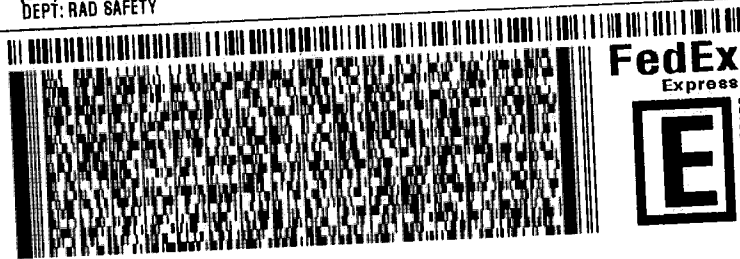
ANDREWS, TX 79714
UNITED STATES US

SHIP DATE: 11JUL14
ACTWGT: 0.8 LB
CAD: 0978529/CAFE2704

BILL SENDER

TO **MARIE BOREN**
TCEQ
12100 PARK 35 CIRCLE BUILDING F
MC-233
AUSTIN TX 78753
(512) 239-6476
DEPT: RAD SAFETY

REF: JAY CARTWRIGHT



TRK# 6045 1917 2613
0201

MON - 14 JUL 10:30A
PRIORITY OVERNIGHT

XH MMRA

78753
TX-US AUS

Part # 156148-434 RIT2 05/12





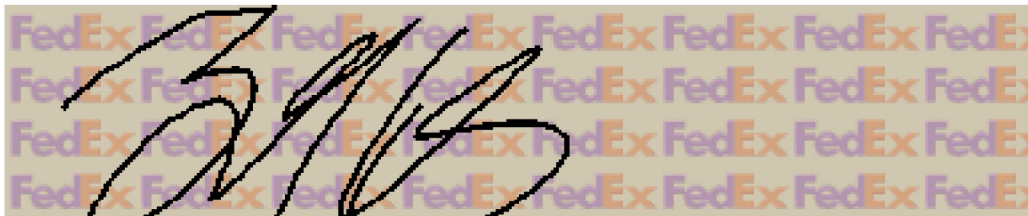
July 14,2014

Dear Customer:

The following is the proof-of-delivery for tracking number **604519172613**.

Delivery Information:

| | | | |
|--------------------------|--------------------------|---------------------------|--|
| Status: | Delivered | Delivered to: | Receptionist/Front Desk |
| Signed for by: | B.COOPER | Delivery location: | 12100 PARK 35 CIRCLE Austin, TX 78753 |
| Service type: | FedEx Priority Overnight | Delivery date: | Jul 14, 2014 08:42 |
| Special Handling: | Deliver Weekday | | |



Shipping Information:

| | | | |
|-------------------------|--------------|-------------------|----------------|
| Tracking number: | 604519172613 | Ship date: | Jul 11, 2014 |
| | | Weight: | 1.0 lbs/0.5 kg |

Recipient:

Marie Boren
TCEQ
12100 Park 35 Circle Building F
MC-233
Austin, TX 78753 US

Reference

Department number

Shipper:

Bobby Smith
Waste Control Specialists
9998 hwy 176 west
Andrews, TX 79714 US

Jay Cartwright

Rad Safety

Thank you for choosing FedEx.

Patricia Greene

From: Patricia Greene
Sent: Friday, July 11, 2014 10:56 AM
To: Charles Maquire (charles.maguire@tceq.texas.gov); (Bobby.Janecka@tceq.texas.gov); Elicia Sanchez; Scott Kirk Valhi; Jane Grimm Valhi; REGCOMPLIANCE
Cc: Jay Cartwright; Sheila Parker; Richard Wyckoff; John Farrell
Subject: 07-11-2014 Five Year Report Concerned with Threatened and Endangered Species Occuring Near the Land Disposal Facilities
Attachments: 07-11-2014 Five-Year Report Concerned with Threatened and Endangered Species.pdf

For your file.

Patricia L. Greene
Compliance Administration Supervisor
Waste Control Specialists LLC
P.O. Box 1129
Andrews, Texas 79714
Phone: (432) 525-8605
Fax: (432) 525-8902

Patricia Greene

From: Charles Maguire [charles.maguire@tceq.texas.gov]
Sent: Friday, July 11, 2014 11:08 AM
To: Patricia Greene; Bobby Janecka; Elicia Sanchez; Scott Kirk Valhi; Jane Grimm Valhi; REGCOMPLIANCE
Cc: Jay Cartwright; Sheila Parker; Richard Wyckoff; John Farrell
Subject: RE: 07-11-2014 Five Year Report Concerned with Threatened and Endangered Species Occuring Near the Land Disposal Facilities

Received

From: Patricia Greene [<mailto:pgreene@wcstexas.com>]
Sent: Friday, July 11, 2014 10:56 AM
To: Charles Maguire; Bobby Janecka; Elicia Sanchez; Scott Kirk Valhi; Jane Grimm Valhi; REGCOMPLIANCE
Cc: Jay Cartwright; Sheila Parker; Richard Wyckoff; John Farrell
Subject: 07-11-2014 Five Year Report Concerned with Threatened and Endangered Species Occuring Near the Land Disposal Facilities

For your file.

Patricia L. Greene
Compliance Administration Supervisor
Waste Control Specialists LLC
P.O. Box 1129
Andrews, Texas 79714
Phone: (432) 525-8605
Fax: (432) 525-8902