



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

PDR

OCT 23 1980

WMUR:JER  
Docket No. 40-8745

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SERVICES UNIT

Mr. Harry E. Stiles  
Acting Regional Director  
U. S. Department of the Interior  
Fish and Wildlife Service  
P. O. Box 25486  
Denver Federal Center  
Denver, Colorado 80225

Dear Mr. Stiles:

This is in response to your letter of November 23, 1979, (FA/SE/NRC-Ogle Petroleum Inc., Fremont County, WY (6-1-80-I-45) concerning the proposed in situ mining of uranium by OPI in Fremont County, Wyoming.

In compliance with your request, we have prepared the enclosed biological assessment to determine if the proposed project will affect the bald eagle or the black-footed ferret which were named by you as possibly being present in the project area.

Based on staff observations and studies, it has been determined that neither of these species is present in the vicinity of the project site nor is there any critical habitat for these species in the area. Consequently, it has been concluded that the proposed project will have no effect on the species in question.

Sincerely,

Hubert J. Miller, Section Leader  
New Facilities Section  
Uranium Recovery Licensing Branch  
Division of Waste Management

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ENDANGERED AND THREATENED SPECIES  
ASSESSMENT FOR THE OGLE PETROLEUM, INC.  
URANIUM RECOVERY PROJECT, FREMONT COUNTY, WYOMING

1. Name of Project and Applicant

Bison Basin Project  
Ogle Petroleum Inc.  
150 North Nichols Avenue  
Casper, Wyoming 82601

2. Location

Refer to Section 1.2 and Figure 1.1 in the Draft Environmental Statement for the Bison Basin Project (NUREG-0687) dated June 1980.

3. Important Dates (Estimated Beginning and Completion of the Project

- a. August 1978. Issuance of Source Material License for Bison Basin Research and Development Facility.
- b. September 1978. Started construction of R&D facility.
- c. May 1979. Started R&D operations which are still in progress.
- d. August 1979. Applied for Source Material License for commercial scale operation.
- e. June 1980. Issued Draft Environmental Statement for the Bison Basin Project.
- f. January 1981. Start construction of commercial scale facility.
- g. May 1981. Complete construction and begin operation of the facility.
- h. 1986. Decommission the facility, restore groundwater quality and reclaim areas disturbed by the project.

4. Description of Proposed Project and Its Purpose

Refer to Sections 1.1 and 1.2 of the Draft Environmental Statement for the Bison Basin Project (NUREG-0687) dated June 1980.

5. Identification of the listed or proposed endangered or threatened species and any legally determined critical habitat, or any habitat considered to be essential to the species which may be present in the area influenced by construction.

No endangered species of plants or animals were observed at the project site during surveys by the applicant and the staff. Although the area was indicated as potentially containing bald eagle and black-footed ferret by the U. S. Fish and Wildlife Service, there are no historical records of either species in the area and there is no legally determined critical habitat or habitat considered to be essential to these species in the area.

The bald eagle is found in small numbers throughout Wyoming. While it might be encountered anywhere, its preferred nest sites are confined to elevated topographic features and cliffs. The Bison Basin project site is a minimum of 5 miles (8 km) from any raptor nest sites or raptor critical nesting areas in Fremont County or adjacent Sweetwater County. If bald eagles did nest at the distant locations, the project site could be used occasionally for hunting, but the lack of perennial streams or lakes indicates this is unlikely. The Wyoming Department of Game and Fish has no record of bald eagles in the area of the project. The staff determined from the foregoing, and from a site visit in late October 1979, that the project is unlikely to adversely affect the bald eagle.

The black-footed ferret is found exclusively associated with prairie dogs upon which they prey. There are two species of prairie dogs in Wyoming - the black-tail prairie dog (*Cynomys ludovicianus*) and the white-tail prairie dog (*Cynomys leucurus*). The black-tail prairie dog is by far the more communal and is commonly found in prairie dog towns. The white-tail prairie dog forms towns but it does so much less frequently. Probably for this reason, the black-footed ferret is usually associated with black-tail prairie dogs. White-tail prairie dogs were sighted at the project, and prairie dog burrows were found in upland areas near the project at a density of 1 to 2 per acre. No prairie dog towns were found at or near the project site. The black-footed ferret requires a prairie dog town large enough to provide a year-round food supply or several smaller towns close enough to each other that a ferret has a year-round food supply simply by moving from one town to another. The Wyoming Department of Game and Fish has no record of black-footed ferrets in this area. The staff believes there are no ferrets based upon the low density of prairie dog burrows, the absence of prairie dog towns, and the absence of black-tailed prairie dogs. Therefore, the staff concludes that the project is unlikely to adversely affect the black-footed ferret.

6. An assessment of the potential impacts of the construction or associated activities on the listed or proposed species or critical habitat.

Since no endangered or threatened animal species or their critical habitats are present on the project site or in the area of potential project influence, there will be no impact.

7. Where impact is identified to listed or proposed endangered or threatened species or critical habitat, a discussion of the efforts that will be taken to eliminate any adverse effects.

No listed or proposed endangered species are expected to be adversely affected by project development. Therefore, the staff believes that no special efforts need to be taken to eliminate any potential adverse effects.

8. Pertinent portions of an environmental impact statement, environmental assessment, professional publication and other relevant materials.

Bison Basin Project Draft Environmental Statement, June 1980 (NUREG-0687) Section 3.9.1.4.

Fremont County Planning Commission, 1978. Map of wild birds - critical habitat, from Bureau of Land Management - Lander Resource Area, Wyoming Game and Fish Commission District 6.

Harju, Harry, August 29, 1980, Wyoming Game and Fish Department, Personal Communication with Solomon, A. M., Oak Ridge National Laboratory.

Ogle Petroleum Inc., August 1979, Environmental Report for USNRC Source Material License Application - Production Scale In Situ Mine, Section 2.8.