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Sent: Friday, June 11, 2021 6:08 PM
To: UNC-ChurchRockEIS Resource
Cc: Pineda, Christine
Subject: [External_Sender] Re-sending of the DOI Comments on NRC Church Rock DEIS, Docket# NRC-2019-0026
Attachments: pdf FINAL DELIVERABLE to NRC - NE Church Rock Mine DEIS comments from DOI.pdf

Hello, Christine,

I saw the error- when I typed in the full address the first time, Outlook popped up an automatic address below the To line and I clicked it, not realizing that it had truncated the complete address.

Thanks again,

Susan King

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Federal Register Notice: 85FR72706
Comment Number: 120

Mail Envelope Properties (PH0PR09MB74840FA165F395411E48C828BD349)

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Electronic submission
9043.1
ER20/0481

June 11, 2021

Ms. Ashley Waldron
Office of Nuclear Material Safety and Safeguards
US Nuclear Regulatory Commission
Washington, DC 20555

Re: DOI Comments on the Draft Environmental Impact Statement (DEIS) for Disposal of Uranium Mine Waste at the United Nuclear Corporation (UNC) Mill Site, McKinley County, New Mexico
Docket #NRC-2019-0026, NUREG-2243

Dear Ms. Waldron:

This letter provides the US Department of the Interior's (Department's) comments on the October 2020 DEIS for the US Nuclear Regulatory Commission (NRC) to amend the United Nuclear Corporation's (UNC's) radioactive source material license for its Church Rock uranium mill waste repository impoundment to allow it to accept approximately 1 million cubic yards of Northeast (NE) Church Rock uranium mine waste, for disposal on top of two of its impoundment cells.

The uranium mine waste is located within the boundaries of the Navajo Nation and less than a mile from the Red Water Pond Road Navajo community. The UNC repository is located just outside the Nation boundaries, just over 1/10 of a mile from the same community.

The original evaluation of alternative disposal site locations for the NE Church Rock mine waste was conducted as part of an engineering evaluation/cost analysis (EE/CA) prepared in 2009 under a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) removal action by the US Environmental Protection Agency (EPA). In 2011 the alternative of NE Church Rock mine waste disposal on UNC's mill repository was selected as the remedy, which was also documented in an EPA 2013 remedial-action record of decision (ROD). The EPA remedy *is*, essentially, the NRC proposed action.

This Departmental letter has been prepared under the authority of and in accordance with provisions of the National Environmental Policy Act (NEPA) of 1969 (42 USC 4321 et seq.),

Indian Self-Determination and Education Assistance Act (25 USC 5301 et seq.), Clean Air Act (42 USC 7401 et seq.), Endangered Species Act (ESA) (16 USC 1531 et seq.), Migratory Bird Treaty Act (MBTA) (16 USC 661-667e), National Historic Preservation Act (NHPA) (54 USC 300101 et seq.), and other authorities mandating the Department's concern for natural and cultural resources, and Tribal trust land management.

In fulfilling its mission to serve federally recognized Tribes, BIA has jurisdiction in Indian lands over numerous policy areas as required in the federal regulations, being responsible for land management decisions, leasing, rights-of-way, and related areas for Tribal trust and allotted lands. For example, if in the DEIS there is a haul road proposed that would transfer or haul waste on Tribal trust or allotted lands, the Navajo Regional Office would have substantial review and approval authority under 25 CFR Part 169. If any land taking or land for long-term use, BIA would review and approve any action under 25 CFR Part 162 (leases and permits) and Part 169 (conservation easements).

This letter includes comments from the Bureau of Indian Affairs (BIA), Navajo and Southwest Regional Offices (NRO and SWRO); US Geological Survey (USGS); and the US Fish and Wildlife Service (FWS). General comments on the DEIS and/or process are provided here in the body of the letter. Specific USGS comments are provided in text in Attachment 1, and specific BIA comments are provided as a table in Attachment 2.

Environmental Justice (EJ)/Tribal Community Engagement

The DEIS recognizes that the proposed action and alternatives will have “disproportionally high and adverse effects . . . [on] Indian tribes.” It also references the latest (1997) guidance Council on Environmental Quality (CEQ) environmental justice guidance: *Environmental Justice: Guidance under the National Environmental Policy Act* (<https://ceq.doe.gov/docs/ceq-regulations-and-guidance/regs/ej/justice.pdf>).

Under DEIS Section 1.7.3.1, Interactions with Tribal Governments (p. 1-14), the DEIS lists a meeting held with the Red Water Pond Road community, a meeting held with the Navajo Nation Environmental Protection Agency (NNEPA), and a meeting held with the Church Rock, Coyote Canyon, and Standing Rock chapters of the Navajo Nation, which took place during the Scoping phase of the NEPA process. The Department recommends adding text that summarizes what was discussed at these meetings.

Capturing and Describing the Navajo Nation's Perspective

Several places in the DEIS text (first noted on p xxiii, line 40) there are statements to the effect that, “The NRC recognizes that, *while the NRC staff has attempted to accurately capture and describe the perspectives of the Navajo Nation* . . . members of the Navajo Nation may hold views that differ . . .” (italics added).

In review of the document, it was difficult to find the description and capture of Navajo Nation/Navajo community perspectives in both Chapters 3 (Affected Environment) and 4 (Effects of the Action). For example, in the sections describing and evaluating effects on Visual and Scenic Resources (Sections 3.10 and 4.10), these resources are valued using a Bureau of Land Management (BLM) interpretation of the landscape. Here would be a good place for NRC to add the Red Water Pond Road community perspective of what the landscape means to them. This is one example where the community member views of the subject matter could be added. Other examples include in the discussions of land use (Sections 3.2 and 4.2), ecological resources (Sections 3.6 and 4.6), and historic and cultural resources (Sections 3.9 and 4.9).

Potential Opportunities to Incorporate Cultural Values

Chapter 1 of the DEIS says that during EIS Scoping, NRC received comments that suggested specific actions or practices “to mitigate further impacts to Navajo culture, including holding culturally important or sacred ceremonies.” In Chapter 4, under Cultural Resources, the DEIS states that holding these ceremonies prior to land disturbance is beyond NRC’s regulatory authority. The Department does not know what constraints NRC regulations place on what NRC is able to do, and where, in regard to land disturbance. The Department recommends that in developing their final EIS (FEIS), NRC considers what ways, if any, culturally important or sacred ceremonies could be incorporated within those constraints. The Department would be pleased to share some examples of where these kinds of Tribal ceremonies have been integrated into various projects. It may be possible by NRC’s working with the Navajo people about how they practice their culture and describing NRC constraints, there might be creative solutions that fit within regulatory limits and mitigate adverse Navajo culture impacts that could be identified in the FEIS.

NRC may want to consider other ways to integrate Navajo cultural values in its interactions with the Navajo communities that could be presented in the FEIS. An example would be, if NRC has not already done so, describe plans to invite a Navajo representative to offer a blessing to begin a meeting to respect and honor Tribal cultural practices.

Focus of EJ Discussion on Gallup and McKinley County

The DEIS discussion of Environmental Justice in Sections 3.11 and 4.12 includes a geographic area considerably larger (20 mile radius) than that recommended in NRC EJ guidance for rural areas (4 mile radius), allowing it to collect and analyze more data regarding EJ communities and impacts in this wider area, which includes the city of Gallup and much of McKinley County, giving a more complete picture of the EJ communities. However, the discussions in both sections focus more on the Gallup area and McKinley County than they do on the closest community. For example, in the discussion of unique pathways for potentially affected populations, it is only at the end of the long paragraph that the Red Water Pond Road Community is mentioned as being disproportionately affected.

The Department recommends that NRC revisit these discussions and tailor the text to focus on the Red Water Pond Road Community and any small communities within the several surrounding Navajo chapters, rather than on the larger geographic area. Section 3.11 provides a

lengthy discussion of NRC EJ guidance and methodology and these discussions could be revised to focus on the most important points.

Principal Threat Waste (PTW)

The DEIS states in its description of the proposed action (Chapter 2, Construction Activities) that during the mine waste excavation process, the PTW (waste with a higher level of radioactivity, exceeding a threshold of 200 picocuries per gram of radium-226) will be segregated from the lower-level (i.e., non-PTW) waste and staged, per EPA and UNC. The non-PTW mine waste, “as practicable immediately after excavation and without stockpiling, will be loaded directly into haul trucks, transported and emplaced within the mill disposal site.”

The PTW waste, on the other hand, will be segregated and staged and because it is outside the scope of this proposed action, and it might be useful to the reader to explain what is to occur with the PTW waste during this phase in the description of the proposed action (i.e., discussion of construction activities). The discussion of management of the PTW waste (segregation and staging on the mine site, and at some point transfer and disposal of this waste) is hindered in large part due to the complex regulatory frameworks that place some proposed action activities under NRC and others under EPA, implementing CERCLA.

The Department recognizes that this distinction is difficult to explain as it is not easy to understand, even by people with some background in the areas of radioactive waste management and remedial actions for contaminated hazardous waste sites. Because of this, it would help the reader to have more explanation here. Alternatively, NRC might consider, in the NEPA process leading up to the FEIS, working with EPA to develop a separate document that tells more of the “story” of the mine waste evaluation and plans for completing the remedial action, beginning in 2005, when the NNEPA requested that EPA lead the CERCLA effort here. This would allow integrating the actions that are now presented by their separate authorities. The document could be referred to in the FEIS and used in Tribal community outreach. The Department does appreciate that in the April 2021 radio broadcasts and the April 29 public meeting, NRC spent some time explaining those connections and, in the public meeting, having EPA representatives available to speak to some of these areas.

The DEIS states that UNC is planning, or considering, the disposing of the PTW at the White Mesa Uranium Mill, near Blanding, Utah. The federally recognized Ute Mountain Ute Tribe, within BIA’s Southwest Region, has a community on Tribal trust land located about 3 miles from the mill. The Department recommends, if NRC has not already done so, that NRC ensure appropriate outreach to the Ute Mountain Ute Tribe to ensure their White Mesa Uranium Mill concerns are considered in the EIS process.

Revisiting the Impacts Determinations for the Proposed Action and Alternatives for Specific Resource Areas

The Department recommends that NRC re-evaluate the information that they relied upon for these impact categories below in relation to the proposed action, with their current designation in parentheses:

- Air Quality- Nongreenhouse Gases (Small to Moderate)
- Noise (Moderate)
- Visual and Scenic Resources (Moderate)
- Occupational and Public Health (Small)
- Surface Water and Groundwater (Small to Moderate; Small)

From the information provided in the DEIS, it appears that the impacts may have been underestimated in these categories, and NRC might revisit them to consider whether Impacts to Air Quality- Nongreenhouse Gases should be Moderate to Large; impacts for Noise, Large, impacts for Visual and Scenic Resources, Moderate to Large; impacts for Occupational and Public Health, Small to Moderate; and impacts to surface water and groundwater, Moderate to Large, and Small to Moderate.

Cultural Resources

BIA is involved in NHPA Section 106 consultation on Tribal Trust lands and must approve certain Tribal Section 106 documents. The BIA archaeologist for Navajo Nation works closely with the Navajo Nation Tribal Historic Preservation Office (THPO) throughout the Section 106 process. The Department requests that the BIA Navajo Regional Office be added as a party and signatory to the NHPA Section 106 Programmatic Agreement. We note that NRC *has* included BIA in discussing the Section 106 process in DEIS public meetings and radio presentations in 2021, so that should be reflected in the FEIS.

Specific cultural resources comments on the DEIS are included in Appendix 2.

Surface Water and Groundwater

The 100-year floodplain along the Pipeline Arroyo is next to the proposed disposal site. Given the monsoonal storms that are common in the area in the summer, mine waste so close to the floodplain could be an issue. In addition, flood hydrology calculations described in the report reveal that “the estimated 100-year floodplain and the estimated Probable Maximum Flood floodplain extents would overtop Pipeline Arroyo at the location adjacent to the proposed disposal site and encroach on the west and north edge of the existing tailings impoundment”.

In the Safety Evaluation Report for this site (referenced in the DEIS and available at the NRC DEIS website), the first paragraph on page 122 indicates NRC is concerned about the evapotranspiration cover and recharge to the tailings impoundment, which would potentially introduce water to the tailings that could seep into groundwater. It appears that some of the

assumptions in the model were not acceptable to NRC. The text specifically mentions a constant coefficient of permeability. USGS is not familiar with this or what is being modeled, but model inputs are important to choose and justify. It also appears that there are large uncertainties with the model NRC related to the model assumptions. The Department suggests that NRC revisit the groundwater model, make any appropriate changes, and run the model again to see what the results are, so that NRC is able to rely on its conclusions.

Ecological Resources

The DEIS indicates that there would be No Effect to federally listed or proposed species under the Endangered Species Act (ESA), or to any existing or proposed critical habitats. Overall impacts from the proposed action are projected in the DEIS to be Small for wildlife, and Moderate for vegetation. Supporting information for these determinations is cited as results from field surveys and review of documents regarding the proposed project site, and the short duration of the project (section 4.6, page 4-30).

The Department recommends that in the FEIS the text note that if project monitoring, including monitoring of revegetation success (section 4.6.13, page 4-33), identifies any Federally listed or proposed threatened or endangered species that are found during the duration of the project or its post-closure monitoring period, NRC should coordinate with FWS regarding actions to ensure the continued survival of these species. The licensee has indicated its intent to implement wildlife protection measures including conducting bird nest surveys prior to the commencement of vegetation and mine waste removal, and consulting with the New Mexico Department of Game and Fish, Navajo Nation Department of Fish and Wildlife, and BIA NRO if any nests are found (section 4.6.1.1., page 4-31). NRC and the licensee should also coordinate with FWS in these instances, particularly if survey results include protected bird species.

FWS is encouraged by the project's restoration and revegetation plan, which includes avoiding excessive soil disturbance, erosion control, soil amendments and mulching where necessary, fencing to minimize grazing impacts, and utilizing a seed mix similar to the native vegetation community that includes drought-resistant plants. Additional description of the species composition to be included in the revegetation seed mix would be beneficial in assessing impacts of the proposed action. FWS recommends inclusion of pollinator-friendly nectar producing species within the native plant revegetation seed mix, to the extent possible.

Closing

We appreciate the opportunity to comment on this DEIS. If you have any questions regarding the comments in this letter, please contact, for BIA, Navajo Regional Office, Francis Holiday, Acting Regional Director, 505.863.8314 and francis.holiday@bia.gov; and for Southwest Regional Office, Waylon Denny, Acting Deputy Regional Director – Trust Services, at 505.563.3106 and waylon.denny@bia.gov; for USGS, Jeannie R.B. Barlow, PhD, New Mexico Water Science Center Director, at 601.421.2838 and jbarlow@usgs.gov; and for US Fish and

Wildlife Service, Pete Fasbender, Assistant Regional Director, Ecological Services, at 505.248.6671 and peter_fasbender@fws.gov. I can be reached at 505.331.4653 and susan_king@ios.doi.gov.

Sincerely,

SUSAN
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by SUSAN KING
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Susan King
Regional Environmental Officer, Albuquerque
Office of Environmental Policy and Compliance

Attachment 1 – Specific Comments - USGS

US Geological Survey – Specific Comments/Questions

USGS submits the following questions and comments for NRC’s consideration in revising the DEIS.

Questions

1. Will moving the mine waste release high concentrations of potentially harmful elements to the air or water?
2. What elements are already deposited in the Pipeline Arroyo? Scouring is occurring in the arroyo and could deepen and widen next to the tailings impoundment-surface water flow has been diverted around the impoundment.
3. The alluvial deposits that are local groundwater sources outcrop along the arroyo and rainfall infiltrates them and ultimately into lower aquifers- What is the chemistry like?
4. The EIS reports that the alluvial water table is below the impoundment because of remediation. Will that remediation continue and if not, what will that mean for the water quantity and quality?

Comments

5. Surface water from the arroyo is ephemeral and therefore not used a lot for human consumption, but sometimes used for irrigation or livestock or ceremonial purposes. There isn't recent site-specific surface water quality data from the arroyo.
6. The Pipeline Arroyo is subject to floods and the 100-year floodplain covers part of the existing tailings impoundment.
7. Groundwater remediation seems to be working in general around the mill site tailings impoundment.
8. It doesn't look like radionuclide air quality was specifically considered. The document has sections about air emissions, but does not consider the small particles that could contain uranium that could be mobilized during any remediation
9. Chemistry is discussed in Section 3.12.4, but it isn't clear if the text is referring to soils, sediments, or water. We believe that the reference is to mine waste sediments, and the concentrations are generally below regulatory levels. It would be helpful to see groundwater and surface water chemistry as well.
10. The New Mexico Environment Department (NMED) documented that the Puerco River has returned to pre-spill chemistry levels. However, long term use could cause human health issues.

Attachment 2 – Specific Comments - BIA

Bureau/Section/ page/line	Title/Topic	Comments
Exec Summary, pp. xvii- xviii line 46-47; 1-12	Linkage of NRC and EPA Actions for NECR	Linkage of NRC and EPA Actions for NECR-The relationship of NRC's proposed action with EPA's CERCLA actions for the site could be more clearly stated; public comments indicated confusion as to why NRC did not consider alternative locations
Exec Summary, p. xix, line 2-12	Environmental Impacts Categories	The definitions of the impacts categories (Moderate, Large) include the words "sufficient to alter noticeably, <i>but not destabilize</i> , important attributes of the resource considered." We realize that these definitions are taken from an NRC guidance document. It would help, though, to describe or give examples of what that means.
Exec Summary, p. xix, lines 27-30	Exceptions to the rule	The sentences states that the "potential impacts from the proposed action ... would be Small for resource areas, with the exception of ..." and then lists 7 of the 15 resource categories, which are about half of them, so they are not exceptions from Small.
BIA Navajo Regional Office (NRO), Introduction, pp.1-2, 1-5, lines 15-17; 39	UNC Mill Site	Where there are references to a reclamation plan in text, is it the plan for the mill site, prepared in the 1990s, or is it to the reclamation plan that will be developed. Where it is the former, we could not find it on the website
BIA NRO, Introduction, p. 1-3 line 33	UNC Mill Site	The text should state in the decommissioning of the mine site, how will ore dust be contained.
BIA NRO, Sec 1.1.2 NECR Mine Site p.1-3 lines 45-47	Site removal evaluation	In this evaluation of radioactivity in soils at the site with the potential to migrate, what is being done to ensure any migration of radioactive tailings, etc..?
BIA NRO, Sec 1.3, p. 1-6, line12	NRC- approved reclamation plan	Stantec Consulting Services, Inc. application for amendment of USNRC Source Material License SUA-1475 Volume 1 references NRC approved reclamation plan. In this plan it lists that nine settlement monuments throughout the reclaimed tailings disposal area, will be in the areas of greatest fill and softest foundation soil conditions. What kind of monitoring will determine that the design of the settlement will not adversely affect the radon barrier?
BIA NRO, Sec 1.7.3, , p. 1-14, line 7	Bureau of Indian Affairs Coordination	What type of coordination was conducted with the BIA; it's not referred to in this section.

BIA NRO, Sec 1.7.3.1	Tribes	The NRC invited eight federally recognized Tribes to participate in the NHPA Section 106 review: Pueblos of Laguna, Acoma, Isleta, Zuni, and Tesuque; White Mountain Apache Tribe, Hopi Tribe, and Navajo Nation. Please describe in the text regarding the content and extent of that consultation, in addition to Navajo Nation.
BIA NRO, Sec 2.1	Transfer and impoundment	For clarification, indicate whether the context is taken from the Stantec 2018a report as well as the 2019a report.
BIA NRO, Sec 2.2, Alternatives Considered for Detailed Analysis, p.2-1, line 26	Using articulated dump trucks	In the transfer of material, how will the levels of radiation be monitored and how will ore dust be contained from further contamination of the environment.
BIA NRO, Sec 2.2, Alternatives Considered for Detailed Analysis, p. 2-1 lines 30-32	Alternative 1A	Would this action require a Right-of-Way? It would have to request permission to cross NM 566.
BIA NRO, Sec 2.2, p.2-1, lines 33-35	Alternative 1B	Will the referenced borrow areas obtain mineral permits for use?
BIA NRO, Description Affected Environment, p.2-9	Tribal Land	In reviewing the report, four Navajo Nation Chapters are affected by past and present activities of the mine waste; the focus was mainly on the Pinedale and Red Pond Communities. How do the current alternatives affect the other three Navajo Nation Chapters regarding land, natural and cultural resources?
BIA NRO, Meteorology & Air Quality p.3-45, lines 26-27	Air Quality	Reference is made to the Navajo Nation EPA (NNEPA) Air Quality standards; how will they be used at the project. What air quality mitigations will be utilized during operations?
BIA SWRO, Sec 3.7.2.1, Meteorology & Air Quality, Fig 3.7-1	Identification of National Park Units/Class I Areas	Please clarify in this figure the nearest Class I area (Petrified Forest National Park), as well as other National Park units within the identified 50 mi radius that could potentially be affected by this project (Chaco Culture National Historic Park, Hubble Trading Post National Historic Site, and El Morro National Monument).
BIA SWRO, Sec 3.7.2.1, Meteorology & Air Quality, p. 3-48, lines 7-14	Clarification of Affected Areas	Please clarify that although the nearest Class I area is Petrified Forest National Park, there are several other Federally managed units within the 50-mile radius of the project (listed in the comment above).
BIA SWRO, p. 3-50	Noise	Noise levels during the operational 7-hour work day are of concern. State how will the noise levels be monitored for the residents that live nearby during operations.

BIA SWRO, Sec 4.7.1 1, Table 4.7-1	Mitigation Control Efficiency	Please identify where the control efficiencies noted in this table come from. Identify the control efficiencies for the diesel construction equipment and generator for Alternative 1A. It is unclear if and when all of these mitigation options will be applied, particularly in connection with the Dust Control and Mitigation Plan. State if a base course (graveling) be used on all the haul/access roads, since the short-term modeled PM10 concentrations are high.
BIA SWRO, Sec 4.7.1, pp.14-38, lines1-16	Mitigation Measures	Mitigation measures that will be taken because of the high short-term PM10 and 1-hr NOx modeling results should be clarified. Questions should be answered such as: <ul style="list-style-type: none"> • Will there also be a NO2 monitor installed due to the modeled high NOx values? • What NOx mitigation measures will be taken to ensure there will not be any NAAQS violations? • What additional PM10 mitigation measures will be taken if unacceptable monitoring results are noted? • Will UNC be reporting monitoring levels to an oversight agency regularly? • If so, how often? • We note that the Radiation Safety Officer will review levels, but an agency should be provided the data for review and also an opportunity to ensure the monitoring equipment is operating properly to gather accurate data.
BIA SWRO, Sec 4.7.2, Table 4.7-4 and 4.7-5	Modeling Results	The modeling results need to be consistent for the proposed action, regardless of if the results are high. If the maximum concentration is not used, please cite guidance for the result used.
BIA SWRO, Sec 6.3 pp. 6-2/ 6-3 lines 44-45/1-2	Potential Mitigation Measures	Please note that the licensee must comply with all other laws and regulations, such as the Clean Air Act (for example: National Ambient Air Quality Standards [NAAQS] or Dust Control Plan violations).
BIA SWRO, Sec 6.3 Table 6.3-1	Mitigation Measures	<ul style="list-style-type: none"> • Additional mitigation measures should be evaluated that will reduce PM10 and NOx impacts, including halting activities when wind speeds are great than 25-30 mph, watering or treating active portions of stockpiles a minimum of two times a day, providing a more robust and specific chemical stabilizer plan, enclosing transfer points, and watering or treating all exposed areas an ancillary points. With the high modeled NOx concentrations, an NO2 monitor is also warranted, particularly if the area(s) of highest modeled impact are close to residents. • Please insert language in the Proposed Mitigation Measures column consistent with the Navajo Nation’s inadvertent discovery plan for discoveries on Navajo Nation trust lands (under Disturbance of Prehistoric Sites and Sites Eligible for Listing).

BIA SWRO	Endangered Species & Wildlife	<ul style="list-style-type: none"> • The DEIS states that suitable habitat does not exist for threatened and endangered species. We recommend that the text include the definition of suitable habitat, the physical/biological variables that are being used to support this classification and which criteria are being used or have been developed to make the presumption that suitable habitat is available for displaced wildlife. • What post-monitoring efforts to be initiated to evaluate impacts and rate of recovery to vegetation being exposed to airborne substances? Airborne contaminants may be taken up by vegetation, some of which may be consumed by wildlife. Are wildlife going to be evaluated for chemical exposure?
BIA NWRO, Sec 6.3-1, Table 6.31	Summary of Mitigation Measures:	The Navajo Nation has an inadvertent discovery plan to be used should ground disturbance and removal reveal cultural resources, and it should be referenced here.
BIA SWRO, Secs 3.9.2 and 4.9	Area of Potential Effect (APE)	<ul style="list-style-type: none"> • Recommend that a map be inserted with clearly defined boundaries for the APE because a description of the APE is defined differently here than in the Affected Environment. The text should state explicitly that the APE is discontinuous if this is the case. • The first complete paragraph on page 3-55 describes the factors that make up the integrity of an historic property, to indicate that for the indirect APE, only the factor of integrity as it relates to setting. Recommend clarifying the paragraph to read, "The indirect APE includes a 1.6-km (1-mi) radius around the direct APE. The proposed action will result in minimal permanent alteration to the existing grade and appearance of the landscape. Given this, the potential for adverse effects is limited to possible changes in the "physical features within the property's setting that contribute to its historic significance (36 CFR 800.5(2)(iv)). In total, the APE for indirect effects covers 2,712.8 ha [6,703.4 ac]." • The information in Table 4.9.1 could be made clearer by inserting a column to state whether the site in each row is in the direct APE, the indirect APE, or co-located. These tables should include site number, site type, and management recommendations. Recommendations within table 4.9-1 are confusing as currently explained, and the meaning of the recommendation, "Site components avoided by APE," should be clarified.

BIA SWRO	Section 3.9	<ul style="list-style-type: none"> • page 3-50, line 31; change (a) to (A) • page 3-50, line 32; change (b) to (B), (c) to (C) • page 3-50, line 33, change (d) to (D) • page 3-50, line 40; change “reasonable effort” to “reasonable and good faith effort” • page 3-50; line 40-42; change sentence beginning on line 40 with "The" to read “Based on the proposed project activities, the Area of Potential Effects (APE) (as defined in 36 CFR 800.16(d)) includes direct and indirect components. • page 3-54, line 41-43; Change sentence beginning with "As defined..." to "The Section 106 regulations define the APE as "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties..." (36 CFR 800.16(d)." • line 43; change "Therefore" to "Based on the proposed project actions," • line 44-45; change sentence beginning with "The APE...to “The direct APE is delimited by the proposed ground-disturbing activities within the UNC Mill Site and the NECR Mine Site."
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