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September 22, 2011

WER 12050

United States Nuclear Regulatory Commission
Site Visit and Targeted Scoping
Ross ISR Uranium Project near Oshoto
Crook County, Wyoming

Alan Bjornsen
Environmental Project Manager
United States Nuclear Regulatory Commission
Mail Stop: T-8F5
Washington, DC 20555

Dear Mr. Bjornsen:

Thank you for the opportunity to participate in a site visit of the permitted project area for Strata Energy's Ross ISR Uranium Project near Oshoto, Wyoming in Crook County. Our "targeted scoping" meeting the following day at the Wyoming Game and Fish Department (WGFD) Sheridan Regional Office allowed us to acquire additional information pertaining to the project, and was a valuable opportunity to ask questions and provide input on the proposed supplemental environmental impact statement (SEIS). We have previously provided comments and recommendations to the proponent on this project via Intermountain Resources and the Wyoming Department of Environmental Quality Land Quality Division (WDEQ-LQD) (letters dated 2/10/10 and 5/13/11) and subsequently received the proponent's response. The purpose of this letter is to reiterate issues that were discussed on the tour and follow-up meeting on 8/22/11 and 8/23/11, respectively.

Terrestrial Considerations

Sage-grouse

The project boundary does not lie within a sage-grouse core area. The closest known, occupied sage-grouse lek to the project site is the Oshoto lek, which is located in T53N R67W Section 29. A two mile buffer around the perimeter of this lek overlaps the southeast portion of the Ross site permit area, covering private surface/minerals, BLM minerals, and State lands surface/minerals. This area does have some sagebrush habitat, which may support the nesting and early brood-rearing of local sage-grouse populations. In our meeting, we recommended in accordance with the State of Wyoming Greater Sage-Grouse Core Area Protection Executive Order 2011-5 (page 3, #7) that the proponent avoid surface disturbing activities in suitable sage-grouse nesting and

early brood rearing habitat within two miles of the perimeter of an occupied lek or within otherwise identified (mapped) nesting and early brood rearing habitat from March 15 – June 30. We also recommended that existing sagebrush habitat be left intact to the extent feasible during the development phase of this project as sagebrush shrubland vegetation may take many decades to restore, which is specifically noted in the environmental report of the proponent's mine plan. Additionally, the proponent should continue to survey the project area for additional leks and monitor leks within a two mile radius of the project boundary.

Transportation

The New Haven Road is the proposed main access road to the administration and maintenance buildings, central processing plant, and the permit area in general. This road runs north-south from I-90 and is within two miles of the perimeter of two known, occupied leks – Oshoto and Cap'n Bob. The Ross site permit area is also yearlong and winter seasonal habitat for antelope, mule deer, and white-tailed deer. A number of new secondary and tertiary roads are proposed within the permit area. Increased traffic on the New Haven Road and on both new and existing roads in the permit area may result in increased wildlife mortalities from vehicle strikes. The implementation of speed limits is specifically called out in the mitigation section of the mine plan environmental report; however, in the course of our meeting, we further recommended that the proponent develop a detailed transportation plan including enforced speed limits on all primary, secondary, and tertiary roads and the use of multi-passenger vehicles to transport workers to and from the site, among other specific actions that will reduce overall traffic, noise, and dust leading to and within the permit area.

Powerlines

We discussed the issue of above ground powerlines associated with the proposed development in the permit area. The proponent's response to the U.S. Fish and Wildlife Service states that a wildlife monitoring and mitigation plan will be developed, approved, and in place before impacts to avian species occur. This includes the use of raptor-safe construction for overhead powerlines. We also noted in our discussion that overhead powerlines provide perch sites for raptors, which may impact local sage-grouse populations. We recommended that powerlines be buried when possible or fitted with perch deterrents as a method for mitigation. On the site visit, we observed many avian species utilizing habitat in the permit area, in particular waterfowl on the Oshoto Reservoir and Little Missouri River. New and existing above ground powerlines increases the potential for bird strikes. To this we recommended that all powerlines be marked with line markers to increase the visibility of the lines to avian species.

Liquid Waste Retention Ponds

During our meeting, we discussed the proposed lined retention ponds in the area of the administration and maintenance buildings and the central processing plant. We discussed the potential impacts of the open storage of liquid waste to wildlife, in particular avian and big game species. The environmental report of the proponent's mine plan states that impacts to avian wildlife will be reduced through the use of netting and audio/visual deterrents, and impacts to terrestrial wildlife will be mitigated by fencing around the central plant area and additional fencing around the ponds. In addition to fencing for the purpose of excluding terrestrial wildlife, we recommended that these ponds be fitted with escape ramps to prevent drowning in the event that terrestrial wildlife does find entry into the restricted area.

Reclamation

We recommended that re-vegetation of this area during final reclamation should include use of a seed mix with sagebrush, which is included, in accordance with the WDEQ-LQD, in the mitigation section of the mine plan environmental report. On-site construction and production activities in addition to reclamation should be closely monitored to prevent the introduction and establishment of invasive plant species such as cheatgrass, which was not observed on our specific route during the site visit (i.e., the proponent should be proactive about avoiding the transport of non-native seed to the area). If invasive plant species become established in the permit area, we recommended the proponent treat these species aggressively, as is mentioned in the mine plan. We were generally pleased with the recent reclamation that had occurred at our first stop on the site visit.

Aquatic Considerations

Fisheries

As noted in our meeting and in our previous comments, the potential for impacting fisheries at the Ross site is minimal. The mine plan environmental report states that best management practices will be used to reduce sedimentation.

Herptiles (information not thoroughly discussed at the site visit or at the meeting)

The mine plan environmental report notes that a number of herptiles (i.e., amphibian and reptile species) were observed in the area during the 2010 wildlife survey. In addition to continued monitoring of herptiles in the permit area, we recommend avoiding mining operations in riparian areas and wetlands. If construction is unavoidable in these areas during winter months, we recommend minimizing disturbance to overwintering habitat (soft, unconsolidated substrates). When working in habitats associated with sensitive amphibian species, we recommend the

Mr. Alan Bjornsen
September 22, 2011
Page 4 - WER 12050

proponent avoid construction and habitat alteration during months when amphibians are concentrated and vulnerable, April 1 – August 31. When altering habitat, the proponent should leave woody debris and snags on the ground to provide additional cover for reptile and amphibian species. With regard to reptiles, we recommend minimizing disturbance to hibernacula, or working outside of a 100 meter buffer around hibernacula features. Work should be performed during the summer months to avoid disturbing hibernating reptiles.

Barber Site

The Barber site was discussed as a currently unapproved, unpermitted site that may be used as an alternative site for ISR operations in the SEIS that is being developed for the Ross site project. The Barber site is approximately 10 miles to the south and slightly west of the Ross site. Depending on the permit area, this site would almost certainly be within two miles of two known, occupied leks. Additional information on potential terrestrial wildlife and aquatic habitat impacts would require a more detailed description of the potential alternative operations at this site, including a proposed permit area boundary or legal description.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact Amanda Losch, Staff Biologist, at (307) 777-2967.

Sincerely,



for John Emmerich
Deputy Director

JE/mf/al

cc: USFWS
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