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15 January 2019

Cinthya I. Román, Chief
Nuclear Regulatory Commission (NRC)
Environmental Review Branch
11555 Rockville Pike, Mail Stop T-4B16
Rockville, MD 20852

RE: U.S. Nuclear Regulatory Commission, Determination Of No Effects Regarding Section 7 Review Of The Endangered Species Act For The Proposed License Amendment To Release The Rio Algom Section 4 Ponds (Docket Number 40-8905); NMDGF No. 18852

Dear Ms. Román:

In response to your letter dated 14 December 2018 regarding the above referenced project, the Department of Game and Fish (Department) has reviewed the project. Rio Algom Mining, LLC (RAM) is requesting to amend Source Materials License SUA-1473 to release the Section 4 Ponds of the Ambrosia Lake Mill Facility for unrestricted use.

Department staff conducted a site visit on 10 January 2019. Because the Section 4 Ponds are located on private property, only the southwestern portion of the area could be observed from along the fence line on Highway 509. Plants observed included perennial grasses, kochia (*Kochia scoparia*), rubber rabbitbrush (*Ericameria nauseosa*), four-wing saltbush (*Atriplex canescens*), and tamarisk (*Tamarix* sp.). Overall shrub density was low, with areas of grass cover being highly dispersed and relatively small in size. Areas including bare ground with little to no vegetation exposed through the short snow cover encompassed as much as 50 percent of the total area (Figure 1).

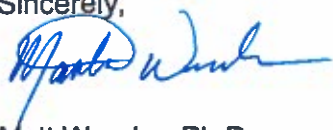


Figure 1. Section 4 Ponds looking north from the southwest corner along Highway 509

The Department does not anticipate direct impacts to any threatened or endangered species related to the release of the Section 4 Ponds, but has concerns regarding the condition of the revegetation at the reclamation site. It is unclear whether the NRC has established revegetation success standards for the Section 4 Ponds, based on an undisturbed reference area or the development of a technical standard that must be met prior to release of the site. If not, the Department recommends that appropriate revegetation success standards be established and that the Section 4 Ponds are not released until such standards have been met by RAM.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Matt Wunder", is written over a faint circular stamp.

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

cc: USFWS NMES Field Office