40-8968

October 24, 1996

Mr. Jerry Maracchini, Director
New Mexico Department of Game and Fish
Villagra Building
Sante Fe, NM 87504

SUBJECT: INFORMATION REQUEST ON PROTECTED PLANT AND ANIMAL SPECIES

Dear Mr. Maracchini:

The U.S. Nuclear Regulatory Commission (NRC) is preparing an environmental impact statement (EIS) on Hydro Resources, Inc.'s (HRI) license application to conduct solution mining for uranium at the proposed Crownpoint, NM project site. The EIS is scheduled to be complete in December 1996. As part of the environmental assessment being conducted on this project, the NRC staff is requesting any information regarding listed, proposed, and candidate endangered or threatened species.

The Crownpoint project consists of three separate sites. These individual sites are Church Rock, Unit 1, and Crownpoint. The locations of the proposed sites are shown on the enclosed map.

Also enclosed is an NRC conducted plant and animal literature assessment of the project area. This was performed as a supplement to HRI's plant and animal site survey of the project area. Based on this information, the NRC staff currently has no reason to expect any such plant or animal species to be adversely affected on or near the site. However, the NRC would appreciate any information or concerns you might have regarding effects of this planned mining project on listed, proposed, or candidate endangered and threatened species, as well as any other sensitive-species concerns.

If you have any questions concerning this subject, please contact Mr. Robert Carlson of my staff at (301) 415-8165. Thank you for your prompt assistance on this matter.

Sincerely,

Original Signed By:]

Daniel M. Gillen, Assistant Chief
Uranium Recovery Projects Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

NH17

Enclosures: As stated

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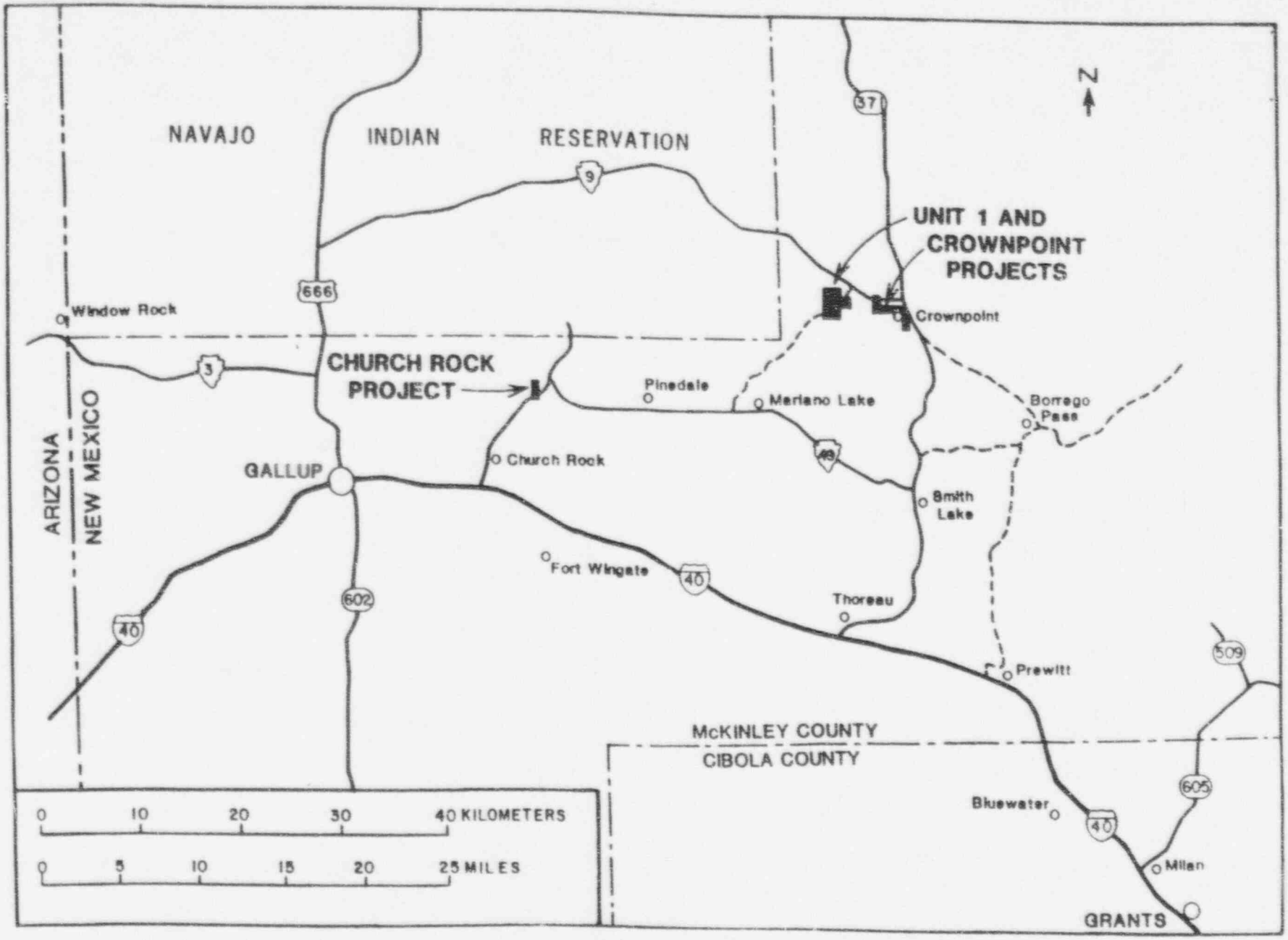

Regional Index Map of West-Central New Mexico and the Project Site Locations

Enclosure 1

ENDANGERED, THREATENED, AND OTHER SPECIAL-STATUS SPECIES

The following description provides background information regarding plant and animal species that have been afforded protected status by federal law, and are known to occur in the region around the three HRI project sites or in habitats similar to those found in the three sites. The information on federally listed threatened and endangered species was provided by the U.S. Fish and Wildlife Service (FWS). There is no designated critical habitat for federally listed species in the project sites. Species of concern in the State of New Mexico that could occur on the project sites are also discussed briefly.

Federally Endangered Species

The black-footed ferret (*Mustela nigripes*) is usually found in association with prairie dog towns in grassland plains and surrounding mountain basins up to 3200 m (10,500 ft) elevation. A survey for black-footed ferrets is required if a prairie dog town is present and larger than 32 ha (80 acres) for black-tailed prairie dogs or 80 ha (200 acres) for white-tailed and Gunnison's prairie dogs. If the prairie dog town is larger than 400 ha (1000 acres), the area should be evaluated for possible reintroduction of black-footed ferrets.

There are no active prairie dog towns reported the project area. The Gunnison's prairie dog town with approximately 50 burrows in Unit 1 was reportedly unoccupied in 1978. A site visit in 1995 confirmed the absence of activity. It is therefore unlikely that any black-footed ferrets occur in the project area.

The Southwestern willow flycatcher (*Empidonax trallil extimus*) inhabits thickets, riparian woodlands, pastures, and brushy areas. The project area does not contain preferred habitat for this species, which is not currently known to exist in or frequent the project sites.

The American peregrine falcon (*Falco peregrinus anatum*) prefers areas with steep (e.g., more than 60 m) rocky cliffs near water. No such habitat is present in the project area, so the species is unlikely to occur there.

Federally Threatened Species

The bald eagle (*Haliaeetus leucocephalus*) occupies New Mexico primarily as a winter resident, but also occurs as a migrant with several nesting pairs in the state. Bald eagles roost in large trees, which may or may not be close to their feeding areas. Bald eagles are found in riparian areas adjacent to rivers, reservoirs, and ponds. Rabbits, fish, and waterfowl are their primary prey. The lack of permanent water in the project area should preclude the presence of the bald eagle, and there had been no confirmed sightings of the bird in McKinley County as of 1978.

The Mexican spotted owl (*Strix occidentalis lucida*) has a range that includes the project area. A recovery plan for the species was released in 1995 (FWS 1995). The spotted owl is found in suitable forested habitat (e.g., closed

canopy forest in canyons and riparian zones) in northern Mexico and the southwestern United States (Arizona, Colorado, New Mexico, Texas, and Utah). Because the spotted owl requires timbered habitat, none of which occurs within miles of the project area, it is highly unlikely to occur in the project area.

The Zuni (rhizome) fleabane (*Erigeron rhizomatous*) is often found in close association with Chinle Shale and Baca Formation outcrops with elevations of 2225 to 2400 m (7300 to 8000 ft) in the Zuni, Datil, and Sawtooth Mountains. The preferred habitat for this species consists of sandstone slopes and clay banks. This species was not listed in HRI's analysis of plants noted for the project area. The likelihood of this plant species being present is significantly reduced because the project area is below an elevation of 2100 m (6900 ft), and neither the Chinle Shale nor Baca Formation crop out in the project sites.

Federal Species of Concern (Formerly Category 2 Candidate Species)

The following Species of Concern are not likely to occur frequently or at all in the project area, primarily because the project sites are at elevations too low to provide the species' preferred habitats.

The occult little brown bat (*Myotis lucifugus occultus*) is a montane dweller and roosts in natural caves, mine tunnels, hollow trees, or buildings. The spotted bat (*Euderma maculatum*) is found in several national forests in New Mexico. This species usually occurs in remote areas, selecting specialized roosting sites near streams and cliffs or steep hillsides with loose rocks. The northern goshawk (*Accipiter gentilis*) primarily uses moderately to highly canopied mature coniferous forests with minimal understory. Nest sites are found in forest stands with a high density of large trees and closed canopy. The ferruginous hawk (*Buteo regalis*) is found almost statewide during migration. Birds seem to favor wide, open grasslands and prairies, especially for nesting. Although the ferruginous hawk could pass through the region, the project sites contain neither high quality habitat nor sufficient game species and land area essential for this hawk.

The Zuni mountain sucker (*Catostomus discobolus yarrowi*) inhabits small streams, preferring a rock rubble substitute in New Mexico. Morphometric and biochemical methods demonstrate that the Zuni mountain sucker is the product of hybridization between the Colorado River mountain sucker and the Rio Grande mountain sucker (Smith et al. 1983). It is found in Redosenit Creek, Dean Creek, Rio Nutrias, Rio Pescado, and Zuni River in McKinley County, New Mexico.

The Acoma fleabane (*Erigeron acomanus*) is a mat-forming perennial wildflower. It grows in sandy soils at the base of sandstone cliffs. Associated plant species include one-seeded juniper, pinyon pine, hairy golden aster (*Chrysopsis villosa*), and mountain mahogany (*Cercocarpus montenus*). The Sivinski fleabane (*Erigeron sivinski*) is a perennial with a thick taproot and numerous, short, upright branches. Known only in McKinley County (Zuni Mountains) at elevations from 2130 to 2450 m (7300 to 8000 ft), this species occurs in association with Chinle shale outcrops in selenium-bearing soils.

State-Listed Species

The New Mexico Heritage Program lists additional plant species from McKinley County that are considered sensitive. These are *Astragalus fucatus*, found on sand dunes; *Penstemon lentus*, associated with pinyon–juniper woodlands; *Penstemon comarrhenus*, which has not been collected since 1935; *Mitella pentandra*, collected 13 km (8 mi) southeast of Crownpoint at the head of Long Canyon on the mesa rim; *Clematis hirsutissima arizonica*, found in the Zuni Mountains along the roadside; *Carex elynoides*, found 6.5 km (4 mi) north–northeast of Prewitt on gray shale and powdery soil at 3750 m (6800 ft); and *Aletes sessiliflorus*, also 6.5 km (4 mi) north–northeast of Prewitt on top of a sandstone bluff.

Most of these species are typical of the pinyon–juniper vegetation type and occur at elevations higher than those found in the project area. Sparse pinyon–juniper vegetation is found only along the southern edges of the Unit 1 site. As a result, it is unlikely that any of these plant species would be found in the proposed well field areas. *S. mesae-verdae* is found on barren mesas at lower elevations than the project area and, as yet, has not been found as far south as McKinley County. *M. pentandra*, *C. elynoides*, and *A. sessiliflorus* are found on bluffs and mesas. These plant species might occur on sandstone escarpments in the project area, but not in the three project sites.

REFERENCES

FWS (U.S. Fish and Wildlife Service) 1995. *Recovery Plan for the Mexican Spotted Owl: Volume I*. Albuquerque, New Mexico.

Smith et al. 1983. G. R. Smith, J. G. Hall, R. K. Koehn, and D. J. Innes. "Taxonomic Relationships of the Zuni Mountain Sucker (*Catostomus discobolus yarrowi*)." *Copeia*, Volume 1, pp. 37–48.