



The Wyoming Department of Agriculture is dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life.

June 7, 2012

Bureau of Land Management
Lost Creek ISR Project
Attention: Dennis Carpenter, Field Manager
1300 N. Third Street
PO Box 2407
Rawlins, WY 82301

Dear Mr. Carpenter:

The Wyoming Department of Agriculture (WDA) appreciates the opportunity to provide comments on the Draft Environmental Impact Statement (DEIS) for the Lost Creek Uranium In Situ Recovery Project (ISR Project).

Our comments are specific to our mission within state government: dedication to the promotion and enhancement of Wyoming's agriculture, natural resources, and quality of life. As this project has major impacts upon our agriculture industry, our natural resources and the welfare of our citizens, we believe it is important you continue to inform us of proposed actions and decisions and continue to provide us the opportunity to express pertinent issues and concerns.

We believe the DEIS is a vast improvement from the US Nuclear Regulatory Commission's previous use of the Generic Environmental Impact Statement (NRC SEIS) for In Situ Leach Uranium Milling Facilities. While the DEIS is more specific to the ISR Project area, we believe the Bureau of Land Management (BLM) and Lost Creek ISR, LLC (Operators) are lacking the comprehensive impacts the ISR Project will have on livestock grazing permittees. We recommend including a number of additional impacts to be analyzed and potential mitigation measures to the Final EIS.

2.1.2.6 Fences

The WDA supports the use of wildlife friendly fencing to temporarily exclude cattle and wild horses from areas detrimental to the health of these animals. We recommend the BLM clearly specify in the DEIS, section 2.1.2.6 the total number of acres the Operators will fence of the permitted area for the Proposed Action. Section 4.2.4.1 indicates "If all of the proposed disturbance areas of the Project were fenced at once, 345 acres (eight percent) of the 4,254-acre Permit Area would be removed from livestock grazing." We recommend bringing this language forward to 2.1.2.6.

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3.1.1.1 Livestock Grazing

The section mentions *"The primary land use in the Permit Area is rangeland for cattle; no farms, residences, or population centers are present."* The WDA requests the BLM provide a comprehensive analysis of all impacts to both cattle and sheep. The Permit Area includes Stewart Creek, Cyclone Rim and Green Mountain Allotments. We are aware of sheep grazing in Cyclone Rim, but the BLM neglects to include any impacts or mitigation to grazing permittees with sheep in the DEIS. We recommend revising the map of the Permit and Project Area (3.1-3) overlaid with grazing allotments, to include the type of livestock and season of use. Additionally, due to many permittees trailing livestock to their allotments, we recommend including information and maps of where permittees historically trail their livestock.

4.2.4.1 Livestock Grazing

As mentioned above, the BLM neglects to include a comprehensive analysis of the impacts to all livestock, including sheep and cattle in the DEIS. If sheep are not impacted in the Permitted or Project Area, the WDA requests full disclosure throughout the DEIS, including 4.2.4.1.

The WDA sent previous comments pertaining to the Scoping Notice of the ISR Project, requesting the *"BLM staff and ISR Project operators to work closely and consistently with affected grazing permittees and agriculture producers..."* The BLM and Operator neglected to include any information in the DEIS regarding annual or bi-annual meetings with affected grazing permittees in the Project Area. Due to the Operator developing the ISR Project over a period of time, and impacting three different allotments, we strongly suggest open and transparent communication between the BLM, the Operator and grazing permittees.

The third paragraph, under "Construction" states *"fencing would also create an obstacle to livestock movement."* Further in the paragraph it states, *"Fencing of all the pattern areas at once would create an oblong obstacle with the greatest length of about 2.5 miles."* While the Project Area is relatively small at 345 acres, the fencing pattern proposed could cause an indirect impact for the grazing permittees. We believe the BLM and Operator should meet with the grazing permittees to create fencing alternatives to alleviate trailing livestock 2.5 miles around the Project Area.

The last paragraph under "Construction" on page 4.2-4 relies heavily on the NRC SEIS. As we mentioned above, the use of the NRC SEIS is inadequate to cover the specifics of a project area. The DEIS and SEIS both lack the additional impacts road construction and fugitive dust have on livestock. The DEIS states *"fugitive dust that could settle on plants making them undesirable for grazing purposes."* Fugitive dust not only makes plants less desirable, but also decreases the palatability of the plant and causes health problems. Fugitive dust can increase tooth wear and cause upper respiratory tract infections, diphtheria, pneumonia, and pink eye.¹

The DEIS impacts focus primarily on the fence enclosures of the development. The WDA recognizes a number of additional direct and indirect impacts the project can have upon grazing permittees, including aforementioned items of trailing, herding and health. An additional concern is vandalism. Vandalism to range improvements such as cut fences, gates left open, damage to stock tanks, solar panels or windmills are costly economic impacts to grazing permittees. Vandalism can increase with newly developed roads by providing more access to the public in addition to ISR Project employees. BLM and the Operator must convey how they will address vandalism in the DEIS.

4.3 Transportation

The WDA recommends the BLM request, review and approve a transportation plan developed by the Operator. The transportation plan should include a method to transport their employees to the field site which would reduce the number of vehicles traveling the dirt roads, reduce fugitive dust and the likelihood of vehicle collisions with livestock or wildlife. We also recommend reducing travel to the Project Area during evening/early morning hours due to the higher potential of vehicle collisions with livestock and wildlife.

Finally, the DEIS indicates in 4.3.1.4 Safety section, "*An internal report would be filed in the case of a near-miss or accident and drivers would be briefed on how to avoid similar future incidents.*" While we support accountability to drivers who cause accidents, a key component missing in the DEIS is compensation. The BLM must request the Operator compensate livestock grazing permittees for damages due to vehicle collisions to range improvements such as fences or livestock injured or killed by vehicles en route to or inside the Project Area.

The Section, 4.3.4.3 Reclamation, discusses the reclamation of roads in the project area. The Operator is required to consult with BLM before roads are reclaimed. We believe this is another opportunity for both BLM and the Operator to consult with the livestock grazing permittees before making any final decisions affecting their respective allotments. We believe it's highly likely, the pre-project two-track roads in the Project Area existed because the grazing permittees used the roads to access pastures or gates, maintain stock tanks or drop sites for salt and minerals to livestock. The grazing permittees can also assess the amount of vandalism cases they encountered before and after road enhancement or development.

4.7.1.2 Off-Site Required Measures

The WDA appreciates BLM and the Operator's consideration of water levels on the four BLM stock wells within the one mile radius of the Permit Area boundary. It is important to have baseline data to indicate any impacts from the ISR Project. We strongly support gathering baseline data on water flow, but the DEIS is missing requiring the Operator to also gather the water quality data on these four wells. Water quality is an important component of in situ uranium mining. We request the BLM and Operator treat water quality of the four BLM stock wells as equally as important.

The WDA urges BLM and the Operator meet with grazing permittees to discuss the current conditions of the stock wells, including water flow and chemistry. This meeting would create an opportunity for the Operator to discuss the frequency and schedule of future stock well testing. Once the project is developed, the Operator will continue to test water flow and quality and provide the data analysis results to the grazing permittees and the BLM. The Operator should contact the BLM and grazing permittees immediately if results indicate a reduction of flow or increase in water quality toxic levels. The Wyoming Department of Environmental Quality, Water Quality Division should guide the BLM and Operator utilizing the literature review "Water Quality for Wyoming Livestock & Wildlife" (M. F. Raisbeck DVM).

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In conclusion, we appreciate the opportunity to comment on the DEIS. We believe there are a number of concerns regarding the ISR Project impacting agriculture producers, which the BLM should address prior to the Final EIS or project approval and implementation. We encourage continued attention to our concerns and we look forward to continuing cooperation on the ISR Project.

Sincerely,



JF Jason Fearneyhough
Director

JF/jw

CC: Governor's Policy Office
Wyoming Board of Agriculture
Wyoming Stock Growers Association
Wyoming Wool Growers Association
Wyoming Farm Bureau Federation
Wyoming State Grazing Board
Wyoming Association of Conservation Districts
Wyoming Department of Environmental Quality

ⁱ http://extension.usu.edu/files/publications/factsheet/ah_beef_04.pdf

<http://pubs.ext.vt.edu/400/400-750/400-750.html>

ⁱⁱ M. F. Raisbeck DVM, et al. *Water Quality for Wyoming Livestock & Wildlife, A Review of the Literature Pertaining to Health Effects of Inorganic Contaminants*. Laramie, WY: UW Dept Veterinary Sciences & Renewable Resources, Wyoming Department of Game and Fish, Wyoming Department of Environmental Quality.

http://deq.state.wy.us/wqd/wqd_home/announcements/final%20draft_1.pdf