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

March 10, 2011

Mr. Eldon Allison, Team Leader
Bureau of Land Management
Rawlins Field Office
1300 North Third Street
P.O. Box 2407
Rawlins, WY 82301

Dear Mr. Allison:

Following are the Wyoming Department of Agriculture's (WDAs) comments pertaining to the Scoping Notice to prepare an Environmental Impact Statement (EIS) for the proposed Lost Creek In-Situ Uranium Recovery Project (ISR Project) by the Rawlins Field Office of the Bureau of Land Management (BLM).

Our comments are specific to our mission: to be dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources, and quality of life. As this proposed ISR Project affects our agriculture industry, our natural resources, and the welfare of our citizens, it's important we be kept informed of proposed actions and decisions and continue to provide us the opportunity to express pertinent issues and concerns.

The WDA does not support the BLM utilizing the U.S. Nuclear Regulatory Commission's (NRC) EIS for the Lost Creek ISR Project. The NRC EIS was lacking appropriate analysis of site specific affects and did not analyze any impacts to livestock grazing. We are attaching our comments to the Draft U.S. NRC Lost Creek ISR Project EIS for your review.

This project will impact grazing permittees, agriculture producers, landowners, and other citizens, as well as our natural resources, both in and near the 4,250-acre ISR Project area. For these reasons, we are making the following comments.

We urge the BLM analyze the individual effects upon livestock grazing needing analyzed in the EIS: including large areas fenced off from grazing, decreased Animal Unit Months (AUMs), ground and surface water quality, increased off- and on-road traffic, increased number of speeding vehicles, construction of new roads and modifications to existing roads, increased number of vehicles in the area causing death or impairments of livestock, cut fences, opened gates, damaged range improvements, decreased palatability of vegetation and forage from road dust and development activities, unsuccessful reclamation of disturbed areas, introduction and spread of noxious weeds, and other detrimental social and economic impacts on livestock operators and livestock management operations.

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We strongly encourage BLM staff and ISR Project operators work closely and consistently with affected grazing permittees and agriculture producers to learn of their concerns and recommendations regarding this project. Agriculture producers are intimately familiar with areas affected by the ISR Project and they possess irreplaceable long-term, on-the-ground knowledge. They are particularly aware of both the individual and cumulative impacts upon wildlife, livestock, and rangeland health for the planning area. It is imperative BLM officials continuously inform all livestock grazing permittees who are directly or indirectly affected of the issues, decisions, and resulting actions regarding this ISR Project.

We support compensatory mitigation discussions between the operator and livestock permittees to lessen the burden, livestock stress, and economic impacts to grazing permittees from this development. Such mitigation strategies and costs could include, but are not limited to, the following: movement of livestock to an open allotment or pasture, monitoring of impacts including use of the Wyoming Rangeland Monitoring Guide, construction of water and range improvements on either public or private land, purchase or lease of additional grazing land to replace lands lost to grazing, and reimbursement to producers for loss of AUMs and pastures.

Many EIS's are deficient in identifying or analyzing social and economic impacts imposed by proposed energy projects. We strongly recommend the EIS includes a full and thorough social and economic impact analysis. Since grazing on public lands represents a vital economic value to agriculture producers and local communities, we specifically suggest the analysis includes the impacts upon livestock grazing in and adjacent to the planning area. The cumulative impacts of energy developments upon livestock grazing may jeopardize the livelihoods of grazing permittees. The BLM needs to evaluate the loss or impaired ability of livestock grazing operations in the EIS.

In addition to its economic value, grazing also represents irreplaceable environmental and social values, contributing to the preservation of open spaces, the scenic vistas and visual beauty of the area, and the traditional image of the historic rural landscapes of Wyoming and the West. Any loss of these important environmental, historic, and social values of livestock grazing to users and visitors of the area and residents of impacted communities should be included in the scope of the study and the social impacts analyzed in the EIS.

BLM should require timely and successful reclamation and mitigation. Reclamation and mitigation requirements and the consequences for energy developers failing to accomplish this reclamation and mitigation should be clearly stated in the EIS.

Congressional mandates, federal statutes, and implementing regulations call for multiple use, and should be an integral part of the EIS. Moreover, the EIS should evaluate the impact of this project upon the intent expressed in the Federal Land Policy and Management Act of 1976 to manage public lands in a manner that will provide "food and habitat for fish, wildlife, and domestic animals." The impacts upon food and habitat for fish and wildlife are usually well documented in NEPA documents. The consequences of the ISR project upon food and habitat for domestic animals deserve the same degree of study and documentation. Grazing is an essential tool to achieve desired environmental objectives in the planning

area, including obtaining positive effects upon food and habitat for both wildlife and livestock. The EIS needs to include 1) these positive effects of livestock grazing upon the environment and as a tool to achieve environmental objectives and 2) the impacts of this project on limiting the ability of livestock grazing management to achieve these positive effects.

Peer-reviewed science should underlie decisions the BLM makes. The EIS needs to identify the science supporting their decisions and discussions regarding this project.

The EIS should allow BLM officials, grazing permittees and private landowners the opportunity to work cooperatively. Flexibility to make the best site-specific, case-by-case decisions that are in the best interests of the affected resources and citizens throughout the life of this plan should also be addressed.

In conclusion, we appreciate the opportunity to comment on the scope of the proposed actions. We encourage continued attention to our concerns and we look forward to hearing about and being involved in proposed actions and decisions.

Sincerely,



Jason Fearneyhough
Director

JF/cw

Enclosure: Comments for U.S. NRC Lost Creek ISR EIS

CC: Governor's Planning Office
Rocky Mountain Farmers Union
Wyoming Game and Fish Department
Wyoming Board of Agriculture
Wyoming Stock Growers Association
Wyoming Wool Growers Association
Wyoming farm Bureau Federation
Wyoming Association of Conservation Districts
Wyoming State Grazing Board



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February 25, 2010

U.S. Nuclear Regulatory Commission
Office of Federal and State Materials and
Environmental Management Programs

To whom it may concern:

Following are the comments of the Wyoming Department of Agriculture (WDA) on the Draft Environmental Impact Statement (EIS) for the Lost Creek ISR Project located in Sweetwater County, Wyoming.

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

The WDA responded to the Generic Environmental Impact Statement for In-Situ Leach Uranium Milling Facilities by encouraging site specific analysis of a project area when an individual project is proposed. The WDA does not support the use of general statements and comparisons used when analyzing impacts to a specific resource, such as, "...the amount of disturbed land is small compared to the total rangeland that is available (Page 4-2)." This is not analyzing the affected resources adequately for a specific site. Impacts will always seem small when compared on a landscape scale, to entire ranchlands located in Sweetwater County or the ranchlands within the State of Wyoming. For example, comparing impacts to ranchlands, as was done in the Land Use Impacts Section (Pages 4-1 through 4-3), to the entire "ranch lands... available" is extremely nebulous, and does not look at the site specific impacts to the individual livestock grazing allotments, livestock operations, and individual permittees on these allotments. A general comparison at the scale provided is potentially negligent and does not adequately represent or analyze the impacts to site specific resources. The WDA would encourage the NRC remove all general statements and comparisons used throughout the EIS.

The following are specific concerns and issues identified within the EIS:

- **Summary of Environmental Impacts** (Pages xv – xxiv) Does not consider livestock grazing as an affected resource during the Construction Phase, however, on Page 4-3 Lines 38-41 states, "Livestock would be prevented from entering the fenced areas surrounding the CPP, storage ponds and production units. This would create an adverse impact (albeit SMALL) on livestock grazing allotments, in the area that livestock ranching patterns would be altered, and livestock might be moved to other grazing lands away from the project area."

A potential adverse impact should raise the affected resource to a significance level worthy of being fully analyzed, even if considered to be a SMALL impact. The WDA encourages the NRC fully analyze impacts to livestock grazing at a site specific level (i.e. allotment impacts, permittee impacts, impacts to livestock grazing operations, loss of forage, impacts created by

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dust, weeds, increase of vehicle traffic, damage to fences, cattle guards, livestock facilities, etc.).

- **Summary of Environmental Impacts** (Pages xvi) Does not clearly identify how many acres will be fenced off during construction and operation phases of the project. The document shows how many acres will be stripped of vegetation but does not show the acres lost due to restricting access, affecting livestock, wild horse and wildlife usage.

The WDA would encourage clearly showing the acres that will be fenced off during the entire operation time of the project.

- **Summary of Environmental Impacts** (Pages xvii) The Transportation discussion does not identify the secondary impacts that could occur due to an increase in vehicle traffic, an increase in dust levels, a decrease in palatability of forage, an increase in the spread of noxious and invasive weeds, impacts with wildlife and livestock, etc.

The WDA would encourage the analysis include these potential secondary impacts.

- **Summary of Environmental Impacts** (Pages xv – xxiv) Ecological Resources discussion does a fair job in recognizing the potential impacts to vegetation and wildlife, however, these same impacts to vegetation and wildlife could almost be considered the same impacts that will occur to livestock.

The WDA encourages the NRC to include the full analysis of how impacts to vegetation, temporary displacement, and direct and indirect mortalities would impact livestock grazing management.

- **Page 1-5 (Section 1.4.3 - Issues Studied in Detail)** – This section should include detailed analysis of the following resource issues: livestock grazing, invasive species and vegetation.
- **Page 3-2 (Section 3.2.1 – Rangelands)** – This section mentions that cattle, horses and sheep use these lands, but it neglects to mention the large number of wild horses present in the project area.

By fencing off and restricting access to livestock and wild horses, (in addition to the proposed surface disturbing activities) the project is creating a loss of AUMs, and creating more potential conflicts between livestock, wild horses and wildlife due to a loss of forage and changes in movement.

- **Page 4-2 (Section 4.2 – Land Use Impacts)** – The WDA appreciates the identification of impacts that would occur to “the existing grazing leases...due to the necessary relocation of all grazing livestock...that would normally use the area of CPP.” However, the discussion stops here and does not identify any mitigation measures or methods on how livestock will be relocated and to where. Relocating livestock can be a significant expense to the permittee. The project proponent should coordinate with permittees and mitigate these impacts by providing alternative pastures, funding or assistance in relocating affected livestock.

- **Page 4-2 (Section 4.2 – Land Use Impacts)** - The EIS mentions dust could affect lands outside the restricted areas. Dust can reduce forage palatability, therefore creating a reduction in AUMs, increased tooth wear and lung disease in ungulates.
- **Page 4-3 (Section 4.2 – Land Use Impacts)** – This section discusses fencing of facilities restricting livestock access into these areas. The WDA encourages the NRC clearly state the amount of acres that will be fenced off. Areas fenced off should be analyzed as an affect to livestock, wild horse and potentially wildlife, by removing the ability to access available forage. Surface disturbance (stripping of vegetation during construction) and fencing is a cumulative impact to livestock grazing.
- **Page 4-3 (Section 4.2 – Land Use Impacts)** – States that fencing would create an adverse impact to livestock grazing allotments; however, there are no mitigation measures to address the adverse impacts. The WDA would encourage the project proponent coordinate with affected permittees and develop a full range of potential mitigation measures to address these adverse impacts.
- **Page 4-4 (Section 4.2.1.2 – Operations Impacts)** – Lines 7-8 state, “By contributing to a change in the natural environment, the operational phase would impact the long history of ranching and livestock grazing that has occurred in the area.”

Although this impact to the culture and history of ranching/livestock grazing is occurring, there is no mitigation or attempt at alleviating the impact to ranching and livestock grazing. It is as if the NRC is simply stating an inevitable fact of life that is universally accepted. The WDA believes any identified impact should be addressed and attempted to be mitigated.

- **Page 4-24 (Roads)** – This section does not mention dirt roads will create impacts due to dust. Dust can reduce forage production, therefore creating a reduction in AUMs, increased tooth wear and lung disease in ungulates.
- **Page 4-40 (Section 4.6.1.1.1 – Construction Impacts to Vegetation)** Reclamation in the project area is difficult and can take a long time to return function to affected areas. In addition, halogeton (*Halogeton glomeratus*) should be listed as an undesirable weed. The project area is known to have large infestations of halogeton occurring on disturbed sites. Halogeton is a noxious weed and highly invasive, and is known to kill livestock, particularly sheep.
- **Page 4-46 (Section 4.6.1.1.3 – Wildlife Enhancements)** – This section mentions the potential for wildlife enhancement projects. The WDA would encourage the same consideration occur for livestock grazing. The EIS has already recognized the proposed project will create adverse impacts to livestock grazing, so rangeland improvement projects could be an acceptable mitigation for identified impacts.
- **Page 6-2 (Section 6.2.3 Vegetation, Food, and Fish Monitoring)** – This sections starts with the following statement: “Because the only vegetation in the study area is sagebrush, which is not considered forgeable for cattle and is not expected to rapidly absorb surface contamination, LCI does not plan to monitor vegetation or food supply.”

First of all, sagebrush is not the only vegetation in the project area, as detailed in Chapter 3 – Affected Environment, Pages 3-30 through 3-31, which states “ In all, 36 plant species were observed in the Upland Big Sagebrush Shrubland type.” (Page 3-31 - Lines 6-7) and “In all, 43 plant species were observed in the Lowland Big Sagebrush Shrubland type.” (Page 3-31 – Lines 29-30). Secondly, although sagebrush may not be preferred by some livestock it is browsed on in certain conditions and by different livestock species, so do not make generalized assumptions about forage utilization.

The WDA supports monitoring livestock as a food product.

In summary, the WDA does not believe the EIS does an adequate job in analyzing site specific impacts to livestock grazing management, livestock forage and other associated resources. The EIS tends to oversimplify impacts by comparing it to the greater surrounding area (which is never defined). We believe livestock grazing should be analyzed as a standalone resource and not brushed over in the Land Use sections of the EIS.

In conclusion, we appreciate the opportunity to comment on the Draft EIS for the proposed ISR Project and look forward to participating in the Bureau of Land Management’s NEPA process for the same project. We encourage continued attention to our concerns and we look forward to hearing about and being involved in future proposed actions and decisions.

Sincerely,



Jason Fearneyhough
Director

JF/cw

CC: Governor’s Planning Office
Wyoming Game and Fish Department
Wyoming Board of Agriculture
Wyoming Stock Growers Association
Wyoming Wool Growers Association
Wyoming Farm Bureau Federation
Wyoming Association of Conservation Districts
Wyoming State Grazing Board
Rocky Mountain Farmers Union