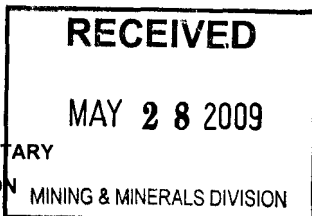


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May 21, 2009

Kathy Economy, Permit Lead
EMNRD Mining & Minerals Division
1220 South St. Francis Drive
Santa Fe NM 87505

Re: Roca Honda Sampling and Analysis Plan, MK025RN; NMDGF Project No. 12658

Dear Ms. Economy:

In response to your letter dated 22 April 2009, the New Mexico Department of Game and Fish (NMDGF) has reviewed the above referenced document. The Sampling and Analysis Plan (SAP) was submitted in support of the forthcoming new mine permit application MK025RN, for an underground uranium mine in McKinley County. A site visit was conducted on 12 May 2009 with yourself and Joe Vinson from MMD, Rachel Jankowitz of NMDGF, Kurt Vollbrecht of the NM Environment Department, and five representatives of the project proponent, Strathmore Minerals Corporation. We have reviewed Sections 4 and 5 of the SAP for compliance with Mining Act Rule 19.10.6.602 Subsection D (12). We recommend that additional information be requested from the project proponent, as detailed below.

Section 4 Vegetation

Introduction and Background. NMDGF is in possession of the Wood et al 2006 report regarding the special status plant species survey of Section 16. We do not have a copy of the report for the Sections 9 and 10 surveys conducted that same year. Please provide NMDGF with a copy of that report.

Figure 4.3 Transect Line Locations in the Reference Area. We advise that vegetation types be indicated on the reference area map that corresponds to those delineated for the project area. Also, we suggest that the number of transects be identified in each vegetation type per location (project area and reference). Also, productivity exclosures in the reference area should be added or an explanation provided for their absence.

4.4.2.2 Data Collection and Analysis of Cover. How will overlapping hits on the line intercept transects be recorded and interpreted? Also, in addition to height, we recommend that diameter at

ground level be recorded for juniper and piñon trees. The project area supports a large number of old trees and for these species, diameter is a better index than height to approximate the age of the tree. Given the importance of large diameter piñon and juniper trees for bat roost needs, particularly summer maternity roosts, we recommend that cores are collected from a subset of measured trees and that site-specific correlation of diameter with age is performed as well (for the purpose of documenting the extent of mature woodland, as opposed to recent brush encroachment).

4.8 Laboratory and Field Quality Assurance Plan. The personnel section of the QAP has been cut and pasted from the Wildlife section. The wildlife biologist qualifications need to be replaced with qualifications specific to botany personnel.

Section 5 Wildlife

Permits. NMDGF recommends that the project consultants obtain a scientific take permit from the state. While permits are not strictly required for this type of activity, if a state threatened or endangered species is inadvertently destroyed during the survey work, in the absence of a permit, the take would be a violation of state law. Permit application forms can be found at <http://www.wildlife.state.nm.us/conservation/documents/wildlifeforscientificeducation.pdf>.

Introduction and Background. NMDGF is in possession of the Wood et al 2006 report for the Section 16 special status wildlife species survey. We do not have a copy of the report for the Section 9 and 10 surveys conducted that same year, and request that a copy be provided to us. Only those species with federal status were included in the 2006 report. However, there are a number of state listed and sensitive species that are not included in the survey, notably the state threatened gray vireo and spotted bat, for which habitat may be present on the project area. We have enclosed a list of special status species known to occur in McKinley and/or Cibola County, and request that targeted surveys be conducted for state protected species without federal status, especially the gray vireo and spotted bat.

Existing Habitat. Scientific binomial designations for plant species should be used when discussing them for the first time in the document. Also note that Colorado rubberweed, *Hymenoxys richardsonii*, is a perennial sub-shrub, not an annual as described in the SAP.

Figure 5-1 Wildlife Habitat Types. We recommend that the SAP depicts the "potential wetland riparian areas within and below the permit area," referred to on Table 5-1, and to briefly describe these areas in the text. Also, depict the "intermittent/topographic" habitat types (rock/ cliffside and arroyo/ drainages) as referred to in 5.4.2.2 Sampling Design, and describe their extent and nature in the text.

5.4.1 Wildlife Species Inventory. The surveys conducted in 2006 on Section 16 do not provide full baseline data regarding comprehensive lists of species and habitat types and associations. Surveys were conducted only in the fall and winter and habitat associations are reported only for species with federal special status. We request that similar transect surveys be conducted in the spring and summer seasons and habitat associations be reported for all species observed. As noted above, we are not in possession of survey reports from Sections 9 and 10.

5.4.2.3 Field Methodology. We recommend that you provide detailed survey protocols for all species groups listed. Use federal or state standard protocols for special status species where available (NMDGF can provide specific protocols for burrowing owl, raptors and gray vireo).

Also, we recommend that the SAP describe and identify the location of standing water where bat netting will take place as well as other wildlife-available waters on or near the permit area. Due to the potential presence of a number of sensitive bat species, and one threatened species, the apparent presence of good roosting habitat (older junipers with dead branches and loose bark and deeply creviced, vertical rock faces) and the limited availability of appropriate netting locations, NMDGF recommends that netting surveys be supplemented with acoustic inventory techniques.

Figure 5-2 Wildlife Survey and Transect Locations. We recommend that survey stations for medium-large mammals and herpetofauna/ small mammals in Section 10 be added, or that an explanation is provided for why no survey stations are located in that section.

Thank you for the opportunity to comment on this document. If there are any questions, please contact Rachel Jankowitz at 505-476-8159, or rjankowitz@state.nm.us.

Sincerely,



Matthew Wunder, PhD
Chief, Conservation Services Division

MW/rj

xc: Wally Murphy, Ecological Services Field Supervisor, USFWS
Brian Gleadle, NW Area Office Supervisor, NMDGF
Kurt Vollbrecht, NMED Groundwater Quality Bureau