Message

**From:** John Mays [jmays@powertechuranium.com]
**Sent:** 5/8/2018 3:25:26 PM
**To:** Robinson, Valois [Robinson.Valois@epa.gov]
**Subject:** FW: [EXTERNAL] FW: GFP spring 2018 BE nest survey and search
**Attachments:** BE1a Spring 2018 BE nest monitoring[1].docx; 20151215 Letter FWS to PWE Eagle Take Permit Not Required.pdf; 20150410_RAI_Response.pdf

Valois,

Please see the full email chain below. I hope this is helpful for current status on eagles at Dewey-Burdock and includes Stan Michals report on eagles nest.

Thanks.

John

Azarga URANIUM

***John M. Mays***
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**From:** "Bessken, Charlene" <charlene_bessken@fws.gov>
**Date:** Tuesday, May 1, 2018 at 6:08 AM
**To:** John Mays <jmays@powertechuranium.com>
**Cc:** Scott Larson <scott_larson@fws.gov>, Stan Michals <Stan.Michals@state.sd.us>, Terry Quesinberry <terry_quesinberry@fws.gov>
**Subject:** Re: [EXTERNAL] FW: GFP spring 2018 BE nest survey and search

As long as the nest remains inactive, you can conduct work in the buffer areas. You cannot remove the nest or the nest tree.

Thank you for checking with us.

On Mon, Apr 30, 2018 at 2:11 PM, John Mays <jmays@powertechuranium.com> wrote:

> Mr. Larson and Ms. Bessken,
>
> Greetings,
>
> I would like to ask if you can further advise on the findings of South Dakota Game Fish and Parks below in regard to upcoming work at the Dewey-Burdock Project. As you may remember, several years ago an active Eagle nest (BE1b) and an

associated nearby inactive nest (BE1a) were documented within the project site and avoidance buffers were established. Since that time, Powertech has remained outside of these buffers. As of late last summer, the tree which held the previously active nest (BE1b) has blown down and currently eagles are not nesting in either location. You can find this documented in Mr. Michals report which is attached and in his email below.

NRC has field activities currently planned at the Dewey-Burdock Project site for the weeks of June 11-22 and Sept 3-14. This activity would involve a site walk-over by representatives of Native American tribes for a tribal cultural resource review of the project area during those weeks. Part of the survey area would involve acccessing the previously designated buffer areas, if possible.

I have attached our most recent letter to USFWS Migratory Bird Permit Office, which was previously CC'd to you, as well as the response we received. The April 10th, 2015 letter contains our commitments in regard to eagle nesting activity. We plan to continue to follow the procedures outlined, including that for an inactive nest (pg. 2, second bullet), which would involve further monitoring of the inactive nest prior to the proposed work in June, though in September this would not be necessary because this would be outside of the nesting season. Given that one of the nests is now gone and the other is inactive, it would seem that avoidance of these buffer areas is not necessary at this time. I would like to confirm this with you. Also, I would like to confirm performing the cultural resource survey work within the vicinity of the remaining nest, as long as no eagle is observed within it at any time within the 10 consecutive days prior.

If you would like, I am available to discuss this matter and if so, please let me know a time which would be good for you.

Sincerely,

John

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**From:** Stan Michals <Stan.Michals@state.sd.us>
**Date:** Tuesday, April 24, 2018 at 9:51 AM

**To:** John Mays <jmays@powertechuranium.com>
**Cc:** "Bessken, Charlene" <charlene_bessken@fws.gov>
**Subject:** GFP spring 2018 BE nest survey and search

Hi John,

As requested, attached you will find South Dakota Game, Fish and Parks "Bald Eagle Nest Survey Form for BE1A. This is the original bald eagle along Beaver Creek on the Dewey side of the Dewey Burdock Project. The other "alternate" nest on the project area, BE1B, and the nest tree blew down late last summer. As you may recall, BE1B has been the site's active nest for many years. During this time nest BE1A has slowly been deteriorating. This year, new materials have been added to BE1A. From various observation angles and a vantage point almost level with the nest rim I did not observe any activity in the nest nor did I observe eagles anywhere in the area. I also took advantage of the Dewey Project area trails to look for an alternate nest or other nest activity. Other than the addition of nest material to the original nest I found no indication of nesting eagles on the Dewey portion of the project area.

GF&P appreciates your company's attention to eliminate eagle nest disturbance in the planning of your upcoming summer activities on the Dewey Burdock Project. The area surveyed indicates eagle activity this year, but the BE1A nest appeared inactive. I suggest if during project activities eagle activity is encountered in this nest tree or another that you contact GF&P or the South Dakota Field Office of your discovery.

Stan Michals| Energy and Minerals Coordinator

South Dakota Game, Fish and Parks

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My weekly schedule is M-Th - 6:30 am to 5:00 pm CST/CDT