

ATTACHMENT D9-4

**Correspondence with WGFD
about the Crooked Well Lek**



WYOMING GAME AND FISH DEPARTMENT

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July 22, 2009

Eric Berg, Senior Wildlife Biologist
LWR Consultants, Inc.
1001 Jefferson Drive
Berthoud, CO 80513

Dear Mr. Berg,

The protocol for declaring a lek as abandoned requires confirmation of inactivity in four **nonconsecutive** years (from your data, LWR Consultants, Inc. have two nonconsecutive years confirmed so far) spanning **ten years** (meaning both the first and last years of your ten-year span must be adequately confirmed as "Inactive"). Since sage grouse populations appear to have a 10-11 year cycle, this protocol is designed to protect breeding sites that may come into use again in years when grouse numbers are high.

As far as the Crooked Well lek is concerned, LWR Consultants, Inc. has done a good job in confirming the lek was inactive in 2006, 2007, 2008 and again in 2009. Although you saw 4 males on the lek once in 2007, they were not seen to strut. However, the status of this lek was "Unknown" for each of the previous six years (2000-2005). Greg Hiatt did check it in five of those six years, with no strutting grouse seen, but several of those were late morning checks, outside of the protocol, and no years had more than one check, a requirement to determine a lek as "Inactive". Data indicates this lek was active every year from discovery in 1986 through 1994. Numbers were initially high (30 in 1986) then tapered off to 5 in 1994. Greg Hiatt first confirmed it as "Inactive" in 1995.

Using the protocols currently in effect for defining lek status, the soonest this lek could be listed as "Abandoned", assuming grouse don't start using it again, would be ten years from 2006, or after the 2015 strutting season.

Please advise if you would need anything further and I hope this addresses your request that was sent to me on June 25, 2009.

Sincerely,

Kent Schmidlin
Lander Regional Wildlife Supervisor

Cc: Greg Hiatt, Wildlife Biologist
Tom Christiansen, Sage Grouse Coordinator
Tom Ryder, Wildlife Management Coordinator
File



LWR Consultants, Inc.

Environmental Permitting and Consulting - Ecological Studies - Threatened and Endangered Species -Wetlands

Kent Schmidlin
Regional Supervisor, Lander District
Wyoming Game and Fish Department
260 Buena Vista
Lander, WY 82520

June 25, 2009

Dear Mr. Schmidlin,

LWR Consultants, Inc. (LWR) has been completing sage-grouse surveys and other baseline wildlife studies annually since 2006 for a study area (Lost Creek study area) northwest of Rawlins Wyoming that is associated with a proposed ISL Uranium mining operation. The mining operation is proposed by Lost Creek, ISR, LLC and is being permitted through the Wyoming Department of Environmental Quality, the BLM, and the Nuclear Regulatory Commission. We have coordinated our work with the local district biologist (Greg Hiatt).

Lost Creek, ISR, LLC would like to have the Wyoming Game and Fish Department check the official status of the Crooked Well lek. This lek is located within 1-mile of proposed mining activities. Currently the lek is classified as occupied. Based on our last 4 years of lek surveys this lek is currently inactive and classified as an occupied lek. Surveys were completed according to Wyoming Game and Fish guidelines (at least 3 times per year, from 4/1 to 5/7, in early morning from 0.5 hours before sunrise to 1 hour after sunrise). Attached is a summary table showing lek count data for the Lost Creek study area including the Crooked Well lek. Greg Hiatt has also completed some negative counts (over the last 10 years) at the Crooked Well lek, but his counts were completed late in the morning (after the time of prime lek activity). The last time the lek was confirmed to be active was in 1994.

Please review the information and let me know if the lek can be classified as unoccupied/abandoned. Let me know if you have any questions or need additional information.

Sincerely,
LWR Consultants, Inc.

Eric Berg
Senior Wildlife Biologist

Cc: J. Cash, UR Energy, Inc.
R. Hoy, AATA International, Inc.



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Table 1, Lost Creek Study Area. 2006, Lek names, locations, and bird counts (m = males, f = females) from ground surveys

Lek Name	Eastings	Northing	04-08-06	04-13-06	4-14-06	4-20-06	4-21-06	4-29-06	Comments
Crooked Well	267113	4669158	0m 2f		0		0		2 females observed near the lek site, no displaying males.
Discover	258833	4667970	59m 30f	19m 23f		69m 10f			
Discover East	260050	4667850	-- --	17m 14f		22m 10f			
Eagles Nest Draw	262233	4672690	57m 37f	8m** 6f			6m** 2f		
Green Ridge	270498	4669256	40m 45f		61m 38f		39m 11f		
Prospects	267813	4673189	41m 29f		41m 12f		64m 14f		
Sand Gully	262613	4673808	99m 8f		126m 62f		97m 23f		

*UTM coordinates – NAD 1983 Zone 13

**Disturbance by drilling activity pushed birds off lek, drilling activity was being completed within 0.25 miles of actual lek site during April 2006

Table 1, Lost Creek Study Area. 2007, Lek names, locations, and bird counts (m = males, f = females) from ground surveys

Lek Name	Easting	Northing	04-03-07	04-04-07	4-10-07	4-11-07	4-17-07	4-18-07	Comments
Crooked Well	267113	4669158	4m			0		0	Males observed in the vicinity of the Crooked Well lek, no displaying was observed
Discover	258833	4667970	15m 19f		23m 0f		19m 7f		
Discover East	260050	4667850	2m 0f		3m 0f		12m 0f		
Eagles Nest Draw	262233	4672690	13m 6f		22m 3f		6m 4f		
Green Ridge	270498	4669256		62m 17f		73m 4f		82m 11f	
Green Ridge Satellite	270032	4669113				8m 0f		5m 1f	
Prospects	267813	4673189		66m 15f		59m 6f		64m 15f	
Prospects South	267890	4671880				7m 0f		10m 0f	
Sand Gully	262913	4673808	108m 18f		58m 30f		88m 13f		
Sooner	267794	4661348		28m 6f		36m 0f		32m 0f	
Sooner Oil	268253	4662290		0m 0f		0m 0f		0m 0f	

*UTM coordinates – NAD 1983 Zone 13

Table 1, Lost Creek Study Area. 2008, Lek names, locations, and bird counts (m = males, f = females) from ground surveys

Lek Name	Easting	Northing	04-17-07	4-25-08	5-07-08	5-09-07	5-11-08
Crooked Well	267113	4669158	0	0		0	
Discover***	258833	4667970	30m 10f			104m 34f	90m 28f
Discover East	260050	4667850	5m 0f			0m 0f	0m 0f
Eagles Nest Draw**	262233	4672690	50m 24f			52m 18f	38m 6f
Green Ridge	270498	4669256	58m 7f	58m 4f	44m 3f		
Green Ridge Satellite	270032	4669113	0m 0f	0m 0f	0m 0f		
Prospects	267813	4673189	58m 8f	66m 6f	62m 7f		
Prospects South	267890	4671880	9m 0f	5m 0f	6m 0f		
Sand Gully	262613	4673808	72m 23f			62m 16f	41m 3f
Sooner	267794	4661348	18m 6f	18m 2f	26m 2f		
Sooner Oil	268253	4662290	0m 0f	0m 0f	0m 0f		

*UTM coordinates – NAD 1983 Zone 13

** lek has moved to drilling pad and flat area to east of pad (the location in the table still shows the historic lek site)

*** On the last 2 ground surveys the birds on the Discover lek were located in 2 groups, one on the traditional lek and one south of the traditional lek, little activity was noted on Discover East in 2008

Table 1, Lost Creek Study Area. 2009, Lek names, locations, and bird counts (m = males, f = females) from ground surveys

Lek Name	Easting	Northing	04-02-09	4-07-09	04-08-09	4-15-09	4-21-09	4-22-09	4-28-09	4-29-09	4-30-09	NOTES
Crooked Well	267113	4669158	*no sign of birds	0m 0f	0m 0f	0m 0f	0m 0f	0m 0f	0m 0f	0m 0f	0m 0f	* Completed AM ground survey after evening snow no tracks or sign
Discover	258833	4667970		22m 1f			8m 0f			22m 0f		
Discover East	260050	4667850			0m 0f		0m 0f			0m 0f		No birds observed here in 2009
Eagles Nest Draw**	262233	4672690			32m 2f		30m 3f		47m 2f			** lek has moved to drilling pad and flat area to east of pad (the location in the table still shows the historic lek site)
Green Ridge	270498	4669256	28m 7f			53m 6f		43m 4f		3m * 0f		* Golden eagle flushed birds
Green Ridge Satellite	270032	4669113	0m 0f			0m 0f				0m 0f		Birds observed only in 2007
Harrier	264594	4678148						77m 6f			47m 3f	
Minex West	256751	4662368			7m 1f		0m 0f			0m 0f		Lek active early in season
Osborne Draw	257953	4675310	0m 0f				0m 0f		0m 0f			Ground search could find no sign of lek
Prospects	267813	4673189		45m 31f		42m 6f				52m 2f		
Prospects South	267890	4671880		1m 1f		2m 0f				1m 1f		

Sand Gully	262613	4673808	36m 2f						29m 4f		24m 4f			
Southland Well	274172	4665989	49m 59f	0m 2f								45m 0f		
Sooner	267794	4661348	12m 16f	21m 2f								16m 1f		
Sooner Oil	268253	4662290	0m 0f	0m 0f								0m 0f		
Upper Osborne	273172	4677610							25m 4f	60m 7f			55m 2f	

*UTM coordinates – NAD 1983 Zone 13