



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701-5505
<https://www.fisheries.noaa.gov/region/southeast>

05/05/2026

F/SER31:MA/EK
SERO-2026-00277

Shannon Healy
Environmental Scientist
Office of Nuclear Materials Safety and Safeguards
U.S. Nuclear Regulatory Commission
2 White Flint North
11555 Rockville Pike
Rockville, Maryland 20851

Ref.: Long Mott Energy, LLC, Long Mott Construction, Seadrift, Calhoun County, Texas –
EXPEDITED TRACK

Dear Shannon Healy,

This letter responds to your April 6, 2026, request pursuant to Section 7 of the Endangered Species Act (ESA) for consultation with the National Marine Fisheries Service (NMFS) on the subject action.

We reviewed the action agency's consultation request document and related materials. Based on our knowledge, expertise, and the action agency's materials, we concur with the action agency's conclusions that the proposed action is not likely to adversely affect the NMFS ESA-listed species and/or designated critical habitat.

We would like to offer the following clarifications to complement your incoming request for Consultation. Please include this information as applicable in future consultation requests. We would like to clarify that the proposed designation of green sea turtle critical habitat, Unit TX01: Texas, only pertains to the North Atlantic DPS of green sea turtles, and the South Atlantic DPS of green sea turtles should not be included in Table 2 of the consultation request letter.

On March 30, 2026, in *Center for Biological Diversity v. Burgum*, No. 24-cv-04651 (N.D. Cal.), the U.S. District Court for the Northern District of California vacated aspects of four provisions from the 50 CFR part 402 regulations governing interagency consultation under section 7 of the ESA and reinstated the provisions that were previously in effect. The four provisions are: 1) the definition of "destruction or adverse modification (50 CFR 402.02); 2) the definition of "effects of the action" (50 CFR 402.02); 3) the provision addressing consideration of beneficial actions (50 CFR 402.14(g)(8); and 4) the provision governing reinitiation of consultation (50 CFR 402.16(a)). Some of the information and analyses considered in this document were prepared under the version of the 50 CFR part 402 regulations in effect prior to the Court's order. We have reviewed the information and analyses and confirm that the content of that information and those analyses, including the identification and analyses of effects, would be the same under either version of the applicable regulations.



This concludes your consultation responsibilities under the ESA for species and/or designated critical habitat under NMFS's purview. Reinitiation of consultation is required and shall be requested by the action agency or by NMFS where discretionary Federal action agency involvement or control over the action has been retained or is authorized by law and: (a) take occurs; (b) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered in this consultation; (c) the action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not previously considered in this consultation; or (d) if a new species is listed or critical habitat designated that may be affected by the action.

We look forward to further cooperation with you on other projects to ensure the conservation of our threatened and endangered marine species and designated critical habitat. If you have any questions on this consultation, please contact Melissa Alvarez, Consultation Biologist, by email at Melissa.Alvarez@noaa.gov.

Sincerely,

WUNDERLICH.MA
RY.JANE.14003454
88

Digitally signed by
WUNDERLICH.MARY.JANE.140
0345488
Date: 2026.05.05 14:09:35 -04'00'

for

Dennis Klemm
Acting Assistant Regional Administrator
for Protected Resources

File: 1514-22.m