



United States Department of the Interior



FISH AND WILDLIFE SERVICE

New Mexico Ecological Services Field Office
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August 28, 2026

Cons. # 2025-0086007

Shannon Healy, Environmental Scientist
Ecological Resources
Environmental Center of Expertise
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Shannon Healy,

Thank you for your request for informal consultation dated June 18th, 2026, with the U.S. Fish and Wildlife Service (Service) pursuant to section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended (Act). The Biological Assessment, hereby incorporated by reference, analyzed the effects of renewal of NuFuels' NRC license SUA-1580 for the proposed project on threatened and endangered species in McKinley County, New Mexico. The U.S. Nuclear Regulatory Commission provided a written notice to the Service date May 29th, 2025 of the designation of NuFuels, Inc. (NuFuels) as its non-Federal representative to conduct informal consultation pursuant to 50 CFR § 402.08.

In the Biological Assessment, you made an effect determination for the proposed action of "may affect, not likely to adversely affect" for the endangered southwestern willow flycatcher (*Empidonax traillii extimus*) and the threatened yellow-billed cuckoo (*Coccyzus americanus*). This memo transmits the Service's concurrence pursuant to section 7 of the Act.

The proposed action would construct and operate In-situ Recovery (ISR) uranium recovery facilities at Crownpoint, Unit 1, Church Rock Section 8, and Church Rock Section 17 project areas. NuFuels would recover uranium from the ore body and produce yellowcake using the ISR process. This project would consist of constructing processing facilities and sequentially developed wellfields in the four project areas.

The project comprises four project areas (Church Rock Section 8, Church Rock Section 17, Crownpoint, and Unit 1) located in in McKinley County, New Mexico. Section 17 includes 81 ha (200 ac) of Navajo tribal trust land within the Church Rock Chapter boundary area.

NuFuels proposes to implement the following conservation measures and actions to avoid direct potential impacts to the species analyzed.

- *General conservation measures*
 - Use measures to control erosion, dust, and particulates that may affect ecological resources during construction, operation, aquifer restoration, and decommissioning;
 - Use dust suppression measures to minimize wind and water erosion and aid recovery on disturbed areas;
 - Conduct pre-construction surveys to evaluate changes in important ecological resources and habitats and to determine the reclamation potential of sites;
 - Collect data to plan to restore disturbed areas and minimize impacts to sensitive habitats before ground-disturbing activities;
 - Phase construction to the extent practicable;
 - Limit grading activities to the phase immediately under construction and limit ground disturbance to areas necessary for project-related construction activities;
 - Use weed control, as necessary;
 - Discourage waterfowl use of retention ponds by limiting bank vegetation, constructing ponds with steep embankments, using visual and sound devices to frighten birds, or placing wire screens over the water surface.
- *Southwestern willow flycatcher*
 - NuFuels will protect groundwater levels supporting riparian vegetation;
 - NuFuels will maintain and restore native riparian vegetation;
 - NuFuels will ensure water quality protection;
 - NuFuels will establish light, noise, and human activity controls;
 - NuFuels will restrict construction activities, when possible, to daytime hours (8 a.m. to 8 p.m.); and
 - NuFuels will limit noise impacts in sensitive areas by limiting use of equipment with loud engines, unrestricted exhaust systems, and engine brakes.
- *Yellow-billed cuckoo*
 - NuFuels will protect groundwater levels supporting riparian vegetation;
 - NuFuels will maintain and restore native riparian vegetation;
 - NuFuels will ensure water quality protection;
 - NuFuels will establish light, noise, and human activity controls;
 - NuFuels will restrict construction activities, when possible, to daytime hours (8 a.m. to 8 p.m.); and
 - NuFuels will limit noise impacts in sensitive areas by limiting use of equipment with loud engines, unrestricted exhaust systems, and engine brakes.

By implementing the conservation measures identified above, NuFuels will avoid adverse effects to the endangered southwestern willow flycatcher and the threatened yellow-billed cuckoo. Based on the information provided above and in the biological assessment, the included conservation measures, the work by NuFuels to construct and operate wellfields and associated infrastructure to extract uranium, we expect that effects to listed species from the proposed action will be insignificant and discountable.

We concur with your determination that the proposed action “may affect, is not likely to adversely affect” the endangered southwestern willow flycatcher and the threatened yellow-billed cuckoo.

Please note that this concurrence letter provides Endangered Species Act section 7 compliance for the proposed action described above, and does not provide coverage under other applicable State, Tribal, or Federal laws, including those that may relate to fish, wildlife, plants or habitats. Additional requirements may be necessary to implement the proposed activities, such as obtaining authorization or permits to complete the described work on Tribal or other non-Federal lands.

This concludes the informal section 7 consultation with the Service for the Crownpoint In-situ Recovery Project. Please contact the Service if: 1) new information reveals changes to the action that may affect listed species or critical habitat in a manner or to an extent not previously considered, 2) the action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not previously considered, or 3) a new species is listed, or critical habitat designated that may be affected by the action.

Thank you for working to conserve threatened and endangered species and New Mexico’s wildlife resources. If you have any questions, please contact Adriano Tsinigine of my staff at the letterhead address, by phone at (505) 564-7755, or by electronic mail at adriano_tsinigine@fws.gov.

Sincerely,

for Shawn Sartorius
Field Supervisor

cc (electronic):

Director, Navajo Nation Department of Fish and Wildlife, Window Rock, Arizona

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Program, Window Rock, Arizona

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