USACE FWS Species Conclusion Table

	Author: U.S. Army Corps of Engineers, Norfolk District
Project Manager: Nicole Woodward	Project Name: Fairwinds Landing LLC Dredging, Bulkhead and Heavy Lift Wharf
Date: 10/7/2025	Project Number: NAO-2022-00145 (25-V2049)

Project Description: The applicant requests authorization to remove existing, abandoned structures and install approximately 1,096-linear-feet of new steel bulkhead and associated return walls no more than 58-feet channelward of mean high water, 1,770 CY of rip rap scour protection channelward of the new bulkhead, and install two (2), 200-foot-wide heavy lift wharfs that will encroach no more than 18-feet-channelward of the proposed bulkheads. The project also proposes to dredge approximately 288,200 CY of material from 1,656,650-square-feet of subaqueous bottom and 700 CY of material

Species Under the Jurisdiction of FWS:				
Species/Resource Name	**Habitat/Species Presence in Action Area**	**Sources of Info**	**ESA Section 7 Determination**	**Project Elements that Support Determination**
BATS				
OTHER FAUNA				

USACE FWS Species Conclusion Table

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Monarch butterfly (Danaus plexippus)	Suitable habitat not present	"Adult monarch butterflies are large and conspicuous, with bright orange wings surrounded by a black border and covered with black veins. The black border has a double row of white spots present on the upper side and lower side of forewings and hindwings (Bouseman and Sternburg 2001, p. 222). Adult monarchs are sexually dimorphic, with males having narrower wing venation and scent patches (CEC 2008, p.11; Figure 2). The bright coloring of a monarch serves as a warning to predators that eating them can be toxic (referred to as aposematism). Monarchs in eastern and western North America represent the ancestral origin for the species worldwide. They exhibit long-distance migration and overwinter as adults at forested locations in Mexico and California. These overwintering sites provide protection from the elements (for example, rain, wind, hail, and excessive radiation) and moderate temperatures, as well as nectar and clean water sources located nearby. Adult monarchs feed on nectar from a wide variety of flowers. Reproduction is dependent on the presence of milkweed, the sole food source for larvae. Monarch butterflies are found in 90 total countries, islands, or island groups. Monarch butterflies have become naturalized in most of these locations outside of North America since 1840. The populations outside of eastern and western North America (including southern Florida) do not exhibit long-distance migratory behavior. "	No effect	The work will occur primarily channelward of mean high water within a tidal waterbody, and along an existing bulkheaded shoreline with no suitable vegetated terrestrial habitat to support the species. Therefore, not suitable habitat will be impacted as a result of the project and no effects are anticipated on this species.
FLORA				
CRITICAL HABITAT				
N/A				
EAGLE ACT				
Eagles' Nest	Unlikely to disturb nesting bald eagles		No Eagle Act permit required	

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Concentration Area	N/A		No effect	

NMFS Species Conclusion Table

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Species Under the Jurisdiction of NMFS:				
Species/Resource Name	**Habitat/Species Presence in Action Area**	**ESA Section 7 Determination**	**Consultation Type/Date**	**Project Elements that Support Determination**

NMFS Species Conclusion Table

Atlantic sturgeon (Acipenser oxyrinchus oxyrinchus)	Suitable habitat present (w/CMs)	May affect - Not likely to A	Atlantic sturgeon are "anadromous"; adults spawn in freshwater in the spring and early summer and migrate into "estuarine" and marine waters where they spend most of their lives. In some southern rivers a fall spawning migration may also occur. They spawn in moderately flowing water (46-76 cm/s) in deep parts of large rivers. Sturgeon eggs are highly adhesive and are deposited on bottom substrate, usually on hard surfaces (e.g., cobble). It is likely that cold, clean water is important for proper larval development. Once larvae begin migrating downstream they use benthic structure (especially gravel matrices) as refuges. Juveniles usually reside in estuarine waters for months to years. Subadults and adults live in coastal waters and estuaries when not spawning, generally in shallow (10-50 m depth) nearshore areas dominated by gravel and sand substrates. Long distance migrations away from spawning rivers are common.	Not likely to adversely affect- In accordance with the 2017 NLAA Programmatic Consultation, the Corps has determined that the action is not likely to adversely affect listed species based on the project location and scope of work. Concurrence is requested with NOAA PRD.

NMFS Species Conclusion Table

Shortnose sturgeon (Acipenser brevirostrum)	Suitable habitat present (w/CMs)	May affect - Not likely to Adversly Affect	[illegible] sturgeon occur in large coastal rivers of eastern North America, from New Brunswick to Florida (Dadswell et al. 1984). In the Gulf of Maine important numbers of shortnose sturgeon occur in the lower Kennebec, Sheepscot, Androscoggin (Maine) and Merrimac rivers (Massachusetts/New Hampshire). Historically, they occupied every major river from the St. John, Canada, to the St. John, Florida (B. Kynard pers. comm.). All known spawning occurs in the most upstream accessible reaches of rivers the species uses (Crance 1986, SSRT 1998, Squiers 1983). Where dams do not block passage, spawning may occur in riffle habitat, 200 km upstream of the river mouth, well above tidal influence (B. Kynard, pers. comm.). Within the study area, spawning occurs close to the bottom, in areas of deep water, with significant current, and substrates of	Not likely to adversely affect- In accordance with the 2017 NLAA Programmatic Consultation, the Corps has determined that the action is not likely to adversely affect listed species based on the project location and scope of work. Concurrence is requested with NOAA PRD.

NMFS Species Conclusion Table

Green Sea Turtle (Chelonia mydas)	Suitable habitat present (w/CMs)	May affect - Not likely to Adversly Affect	Adult females migrate from foraging areas to mainland or island nesting beaches and may travel hundreds or thousands of kilometers each way. After emerging from the nest, hatchlings swim to offshore areas, where they are believed to live for several years, feeding close to the surface on a variety of pelagic plants and animals. Once the juveniles reach a certain age/size range, they leave the pelagic habitat and travel to nearshore foraging grounds. Once they move to these nearshore benthic habitats, adult green turtles are almost exclusively herbivores, feeding on sea grasses and algae.	Not likely to adversely affect- In accordance with the 2017 NLAA Programmatic Consultation, the Corps has determined that the action is not likely to adversely affect listed species based on the project location and scope of work. Concurrence is requested with NOAA PRD.
Kemp's Ridley Sea Turtle (Lepidochelys kempii)	Suitable habitat present (w/CMs)	May affect - Not likely to Adversly Affect	Adult Kemp's primarily occupy "neritic" habitats. Neritic zones typically contain muddy or sandy bottoms where prey can be found. Their diet consists mainly of swimming crabs, but may also include fish, jellyfish, and an array of mollusks.	Not likely to adversely affect- In accordance with the 2017 NLAA Programmatic Consultation, the Corps has determined that the action is not likely to adversely affect listed species based on the project location and scope of work. Concurrence is requested with NOAA PRD.

NMFS Species Conclusion Table

Leatherback Sea Turtle (Dermochelys coriacea)	Suitable habitat present (w/CMs)	May affect - Not likely to Adversly Affect	The Eastern Pacific Leatherback subpopulation nests along the Pacific coast of the Americas from Mexico to Ecuador, and marine habitats extend from the coastline westward to approximately 130°W and south to approximately 40°S. This subpopulation is genetically distinct from all other Leatherback subpopulations, despite having some areas of overlap with the Western Pacific subpopulation (Dutton et al. 1999). In the Atlantic nesting female leatherbacks tagged in French Guiana have been found along the east tracked, using satellite transmitters, to the west coast of North America as far north as Newfoundland. Atlantic Canada supports one of the largest seasonal foraging populations of leatherbacks in the Atlantic. Leatherbacks have also been tagged with satellite transmitters at sea off Nova Scotia (James et al., 2005). Adult leatherbacks are capable of tolerating a wide range of water temperatures	Not likely to adversely affect- In accordance with the 2017 NLAA Programmatic Consultation, the Corps has determined that the action is not likely to adversely affect listed species based on the project location and scope of work. Concurrence is requested with NOAA PRD.

NMFS Species Conclusion Table

Loggerhead Sea Turtle (Caretta caretta)	Suitable habitat present (w/CMs)	May affect - Not likely to Adversly Affect	Loggerheads nest on ocean beaches, generally preferring high energy, relatively narrow, steeply sloped, coarse-grained beaches. Immediately after hatchlings emerge from the nest, they begin a period of frenzied activity. During this active period, hatchlings move from their nest to the surf, swim, and are swept through the surf zone, and continue swimming away from land for up to several days. Post-hatchling loggerheads take up residence in areas where surface waters converge to form local downwellings. These areas are often characterized by accumulations of floating material, such as seaweed (for example, Sargassum), and, in the southeast U.S.are common between the Gulf Stream and the southeast U.S. coast. Once individuals get transported by ocean currents farther offshore, they've entered the oceanic zone. Within the North Atlantic, juvenile loggerheads have been primarily studied in the	Not likely to adversely affect- In accordance with the 2017 NLAA Programmatic Consultation, the Corps has determined that the action is not likely to adversely affect listed species based on the project location and scope of work. Concurrence is requested with NOAA PRD.
Critical Habitat				

NOAA Species Conclusion Table

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Species Under the Jurisdiction of NOAA:				
Species/Resource Name	**Habitat/Species Presence in Action Area**	**MSA Determination**	**Consultation Type/Date**	**Project Elements that Support Determination**
Essential Fish Habitat	Present	May affect - Not likely to adversely affect		The dredging and installation of the replacement bulkhead and wharfs will impact sub-tidal and intertidal zones, in areas with prior dredging history in the vicinity at an existing large scale commercial terminal. The design of the replacement structures are consistent with other similar structures in the vicinity. There will be only minimal potential for impacts to available soft substrate foraging habitat. No potential spawning or cobble habitat is present in action area. The width of the river is approximately 1,000 m wide at this location, which allows ample room for ESA species to pass and no physical barriers will result from the activities. The applicant will also incorporate beast management practices which would be included as special conditions in the Corps permit, including a soft start and use of turbidity curtains, to reduce potential effects on species within the waterway. As the work will occur north of the midtown tunnel, no TOYR is proposed. Based on the information provided, the Corps has determined that the effects are insignificant and will not substantially adversely affect EFH or anadromous fish use areas. Concurrence with this determination from NOAA fisheries is requested.

NOAA Species Conclusion Table

Anadromous Fish Use Area	Present	May affect - Not likely to adversely affect		The dredging and installation of the replacement bulkhead and wharfs will impact sub-tidal and intertidal zones, in areas with prior dredging history in the vicinity at an existing large scale commercial terminal. The design of the replacement structures are consistent with other similar structures in the vicinity. There will be only minimal potential for impacts to available soft substrate foraging habitat. No potential spawning or cobble habitat is present in action area. The width of the river is approximately 1,000 m wide at this location, which allows ample room for ESA species to pass and no physical barriers will result from the activities. The applicant will also incorporate beast management practices which would be included as special conditions in the Corps permit, including a soft start and use of turbidity curtains, to reduce potential effects on species within the waterway. As the work will occur north of the midtown tunnel, no TOYR is proposed. Based on the information provided, the Corps has determined that the effects are insignificant and will not substantially adversely affect EFH or anadromous fish use areas. Concurrence with this determination from NOAA fisheries is requested.
SAV Beds	Absent	No effect		No SAV present in the vincity of the project.
HAPC				
Summer Flounder	Absent	No effect		
Sandbar Shark	Absent	No effect		