United States Department of the Interior

FISH AND WILDLIFE SERVICE
1208-B Main Street
Daphne, Alabama 36526

JUL 27 2023

IN REPLY REFER TO:
2023-0092336

Ms. Jennifer Jacobson
Department of the Army
Corps of Engineers, Mobile District
P.O. Box 2288
Mobile, AL 36628

Dear Ms. Jacobson:

Thank you for your letter dated June 29, 2023, requesting Endangered Species Acts (ESA) Section 7 concurrence on the Army Corps of Engineers (Corps) effects determination for the proposed maintenance dredging of the Mobile Harbor Navigation Channel project in the upper Mobile Bay and the placement of associated dredge material. We understand that this project has already been consulted on by our office (2016-CPA-0130) and the Corps is requesting review of changes to the project plan, specifically Phase 6, since its last review by us in 2019. Plan changes include adding a 100-foot widener along a portion of the Upper Bay Channel across from the McDuffie Coal Terminals. Our comments are provided in accordance with provisions of the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

We understand that you determined this project may affect, but is not likely to adversely affect the following federally listed species:

- West Indian manatee (*Trichechus manatus*) (T),
- Loggerhead sea turtle (*Caretta caretta*) (T),
- Kemp's ridley sea turtle (*Lepidochelys kempii*) (E), and
- Gulf sturgeon (*Acipenser oxyrinchus (=oxyrhynchus) desotoi*) (T).

Based upon a review of our records, the information provided in your letter, and the implementation of the "Standard Manatee Construction Conditions" during dredging activities, we concur with your determination that the project actions may affect, but are not likely to adversely affect the listed species.

The Corps has determined this project will have no effect on the following federally listed species:

- Wood stork (*Mycteria americana*) (T),
- Alabama red-bellied turtle (*Pseudemys alabamensis*) (E),

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While the ESA gives federal action agencies the authority to make a no effect determination without additional concurrence from the Service, we certainly appreciate you notifying us of your decision.

This concurrence concludes your ESA Section 7 responsibilities relative to the species above for this project unless: 1) the identified action is subsequently modified in a manner that causes an effect on listed species or a designated Critical Habitat; 2) new information reveals the identified action may affect Federally protected species or designated Critical Habitat in a manner or to an extent not previously considered; or 3) a new species is listed or Critical Habitat is designated under the Endangered Species Act that may be affected by the identified action.

For further discussion, please contact Ms. Brittany Barker-Jones of my staff via email at brittany_barker-jones@fws.gov. Please refer to the reference number located at the top of this letter in future phone calls or written correspondence.

Sincerely,

William J. Pearson
Field Supervisor
Alabama Ecological Services Field Office