UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930

August 3, 2026
via electronic email

Steven Squibb
Transportation/Area Engineer
FHWA NJ Division
U.S. Department of Transportation
840 Bear Tavern Road
Suite 202
West Trenton, NJ 08628

RE: Essential Fish Habitat Consultation for Rt 71, Bridge over Shark River, Avon-by-the Sea and Belmar Townships, Monmouth County, NJ

Dear Mr. Squibb:

On behalf of the U.S. Department of Transportation's Federal Highway Administration (FHWA), the New Jersey Department of Transportation (NJDOT) has requested an abbreviated essential fish habitat (EFH) consultation under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and consultation under the Fish and Wildlife Coordination Act (FWCA) for the replacement of the Route 71, Bridge over the Shark River project, between the townships of Belmar and Avon-By-The-Sea, Monmouth County, New Jersey. The FHWA is the lead federal agency under the National Environmental Policy Act (NEPA) and the NJDOT is the non-federal representative for this review.

The proposed project involves the complete replacement of the existing 10-span double-leaf bascule bridge on its existing alignment. To facilitate bridge demolition and construction, temporary access trestles will be constructed using approximately 168 open-ended steel pipe piles (30 to 36-inches in diameter). Temporary steel sheet pile cofferdams (~737 sheet pile pairs) will also be installed and the work areas will be dewatered to isolate foundation demolition and new pier construction. The new bridge substructure will be supported on 79 60-inch diameter drilled shaft concrete piers, and a new fender system consisting of 116 24 to 30-inch diameter Fiber Reinforced Polymer (FRP) piles. In-water construction is anticipated to span approximately three years, from July 2029 through July 2032.

Because project activities will result in a temporary structure remaining in place for over 12 months and will exceed 1,000 square feet of temporary impacts to intertidal mudflats, the project is not covered by the January 2024 FHWA Programmatic Essential Fish Habitat Consultation and General Concurrence, and project-specific EFH consultation is required. Specifically, construction trestles will shade 2.337 acres of subtidal habitat and shellfish beds and 0.239 acres of intertidal mudflat for more than one year. In addition, approximately 4.682 acres of subtidal habitat and shellfish bed will be disturbed by construction barges.

We have reviewed the EFH assessment provided and agree with your conclusion that the adverse effects of this project on EFH will not be substantial. The following provides our basis for this determination.

**Magnuson Stevens Fishery Conservation and Management Act**

The MSA and FWCA require federal agencies to consult with one another on projects such as this, that adversely affects EFH and other aquatic resources. In turn, we must provide recommendations to conserve EFH. These recommendations may include measures to avoid, minimize, mitigate, or otherwise offset adverse effects on EFH resulting from actions or proposed actions authorized, funded, or undertaken by that agency. This process is guided by the requirements of our EFH regulation at 50 CFR 600.905, which mandates the preparation of EFH assessments and generally outlines each agency's obligations in this consultation procedure. While our regulations also allow a federal agency such as FHWA to designate a non-federal representative such as NJDOT to conduct the EFH consultation, it is important to note that the FHWA remains ultimately responsible for compliance with sections 305(b)(2) and 305(b)(4)(B) of the MSA.

The project area has been designated as EFH under the MSA for a number of federally managed species including winter flounder (*Pseudopleuronectes americanus*), windowpane flounder (*Scophthalmus aquosus*), Atlantic herring (*Clupea harengus*), bluefish (*Pomatomus saltatrix*), summer flounder (*Paralichthys dentatus*), scup (*Stenotomus chrysops*), black sea bass (*Centropristis striata*), clearnose skate (*Raja eglanteria*), little skate (*Leucoraja erinacea*), winter skate (*Leucoraja ocellata*) and others. According to the NJ Department of Environmental Protection (NJDEP) 1979 submerged aquatic vegetation (SAV) maps, sea lettuce (*Ulva lactuca*) was historically present within the project area. SAV is designated as a habitat area of particular concern (HAPC) for summer flounder by the Mid-Atlantic Fisheries Management Council (MAFMC). Additionally, NJDEP shellfish maps from the 1980s to present identify the project area for blue mussels (*Mytilus edulis*). The Shark River is also a migratory corridor for anadromous fishes such as alewife (*Alosa pseudoharengus*), and blueback herring (*Alosa aestivalis*) (collectively, river herring). Anadromous fishes such as these serve as prey for federally managed species. As a result, adverse effects to their migration and spawning can be considered an adverse effect on EFH.

We have reviewed the EFH assessment, the June 12, 2026, SAV survey report, and the June 12, 2026, wetland delineation memorandum. We note that the June 2026 field survey confirmed the absence of rooted vascular seagrasses (i.e., eelgrass (*Zostera marina*) or widgeon grass (*Ruppia maritima*)) within the project footprint and 150-foot buffer, confirming that historical mapping of SAV in the project area represents sea lettuce, a non-vascular macroalgae , which is not considered to be summer flounder SAV HAPC. However, active blue mussel (*Mytilus edulis*) beds and intertidal mudflats are present and will experience direct and temporal loss. Filter feeding blue mussels provide many important ecological functions including improving water quality by removing nutrients and reducing turbidity, stabilizing sediments, providing refuge and serving as a food source for many other aquatic species.

As discussed in the EFH assessment, project activities will be designed to avoid and minimize impacts as practical, which includes best management practices (BMPs) that reduce turbidity and

noise. Such BMPs include the use of a vibratory hammer and a turbidity barrier surrounding the work areas. Since the means, methods, and materials for construction will ultimately be determined by the contractor, we also recommend that the project implement a mandatory "soft-start" protocol for all impact pile driving, which must be repeated after any delay in driving that exceeds 30 minutes. Many of these BMPs are included in the NOAA Fisheries/Federal Highway Administration Best Management Practices Manual for Transportation Activities in the Greater Atlantic Region. We encourage NJDOT to continue to use this BMP manual to identify opportunities to avoid and minimize impact to NOAA trust resources. To avoid affecting the spring river herring migration to their upstream spawning habitat, we also recommend in-water construction activities, which include steel pile pipe and sheet pile coffer dam installation, not occur between March 1 and June 30 of any given work year.

**Essential Fish Habitat Conservation Recommendations**
Pursuant to Section 305(b)(4)(A) of the MSA we recommend that you adopt the following EFH conservation recommendations to minimize or offset adverse impacts on EFH:

- Avoid the installation of steel piles and sheet pile cofferdams between March 1 and June 30 to minimize impacts to migrating anadromous fish every work year. Work inside de-watered cofferdams are not subject to this protective work window. Should activities necessitate work during this protective window, consultation should be reinitiated and additional BMPs may be necessary to ensure a safe zone of passage is provided for migratory fish.

- Use a vibratory hammer for all pile driving (i.e., trestle pipe piles, sheet piles, FRP fender piles) to the maximum extent practicable. Implement a mandatory "soft-start" protocol for all impact pile driving, consisting of an initial set of three strikes at 40 percent energy, followed by a 1-minute waiting period, repeated for three sets prior to initiating continuous driving. Soft-starts must be repeated after any delay in driving exceeding 30 minutes.

- Barges and other vessels used during construction must float at all stages of the tide.

Please note that Section 305(b)(4)(B) of the MSA requires you to provide us with a detailed written response to these EFH conservation recommendations, including a description of measures adopted by you for avoiding, mitigating, or offsetting the impact of the project on EFH. In the case of a response that is inconsistent with our recommendations, Section 305(b)(4)(B) of the MSA also indicates that you must explain your reasons for not following the recommendations. Included in such reasoning would be the scientific justification for any disagreements with us over the anticipated effects of the proposed action and measures needed to avoid, minimize, mitigate, or offset such effects pursuant to 50 CFR 600.920(k). This response must be provided within 30 days after receiving our EFH conservation recommendations and at least 10 days prior to final approval of this action. Please also note that further EFH consultation must be reinitiated pursuant to 50 CFR 600.920(j) if new information becomes available, or if the project is revised in such a manner that affects the basis for the above determination.

**Endangered Species Act**
Federally listed species may be present in the project area. Consultation, pursuant to Section 7 of the Endangered Species Act (ESA) of 1973, may be necessary. The FHWA will be responsible for determining whether the proposed action is likely to affect listed species. The determination of effects from the project along with justification for the determination, and a request for concurrence should be submitted to nmfs.gar.esa.section7@noaa.gov. After reviewing this information, our Protected Resources Division would then be able to conduct a consultation under Section 7 of the ESA if appropriate.

**Conclusion**
As always, we are available to coordinate with your staff so that this project can move forward efficiently and expeditiously as possible while still meeting our joint responsibilities to protect and conserve aquatic resources. If you have any questions or need additional information, please contact Jessie Murray in our Highlands, NJ field office at 732-872-3023 or Jessie.Murray@noaa.gov.

Sincerely,



Louis A. Chiarella
Assistant Regional Administrator
for Habitat and Ecosystem Services

cc:
GARFO HESD – K. Greene
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New York District ACOE – S. Ryba
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