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 20, 2026
via electronic email

Jason Simmons
Transportation/Area Engineer
U.S. Department of Transportation
Federal Highway Administration
New Jersey Division
840 Bear Tavern Road, Suite 202
West Trenton, NJ 08628

RE: Essential Fish Habitat Consultation for Monmouth County Three Bridges (W-7, W-8, W-9) Replacement Project, Boroughs of Brielle and Manasquan, Monmouth County, NJ

Dear Mr. Simmons:

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 the Fish and Wildlife Coordination Act (FWCA) for the replacement of three existing interconnected transportation structures located on the Glimmer Glass, Debbie's Creek, and Watson Creek at the border between the Boroughs of Brielle and Manasquan, Monmouth County, New Jersey. The FHWA is the lead federal agency under the National Environmental Policy Act (NEPA) and NJDOT is the non-federal representative for this review.

The proposed project involves the complete demolition and replacement of Structure W-7 (Green Avenue Bridge), Structure W-8 (Fisk Avenue Culvert), and Structure W-9 (Glimmer Glass Bridge). Specific disturbance activities include excavation, grading, filling, and other ground disturbance associated with demolition, construction access, substructure installation, and other proposed improvements; the installation of cofferdams, piers/piles; bulkhead replacement; and barge operations. In-water construction is anticipated to span approximately three years, from 2029 through 2031.

Project activities will result in a combined total 4,050 square feet (SF) ft of permanent coastal salt marsh fill, 2,325 SF of permanent intertidal mudflat loss/conversion, 9,900 SF of permanent subtidal benthic conversion, 5,000 SF of new overwater deck shading (1,750 SF at W-7; 3,250 SF at W-9), 4,775 SF of temporary wetland disturbance, and 10,050 SF of temporary open-water and intertidal mudflat disturbance (5,000 SF open water; 5,050 SF mudflat). Additional field investigations, including topographic and bathymetric survey and delineation of wetlands and special aquatic sites, are proposed to be completed during final design efforts, which may result in changes to resource boundaries and disturbance areas.

While a mitigation plan has not been included with the EFH assessment, you anticipate that compensatory measures will be required and may include a combination of: purchasing in-kind

compensatory credits, payment to the NJDEP in-lieu fee program or dedicated account for shellfish habitat mitigation, and/or permittee-responsible mitigation (PRM), either on-site or off-site. This mitigation plan will be subject to regulatory review and approval as part of the Clean Water Act permitting process. Following completion of detailed environmental field studies and tabulation of disturbance totals, potential project-specific mitigation plans may include clam salvage and relocation plans (for anticipated shellfish impacts) and restoration/creation planning at a 1:1 creation to loss ratio for tidal water and intertidal and subtidal shallows (for anticipated tidal water and mudflat disturbance) and 2:1 creation to loss ratio for coastal wetlands (for anticipated permanent wetland disturbance). Compensatory mitigation measures that involve out-of-kind habitat restoration and/or enhancement may be subjected to higher ratios.

Because project activities will exceed 1,000 SF of permanent impacts to tidal special aquatic sites, the project is not covered by the January 2024 FHWA Programmatic Essential Fish Habitat Consultation and General Concurrence (programmatic), and project-specific EFH consultation is required. 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, provided the conservation recommendations below are fully implemented. The following details the basis for our 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 affect 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 for a variety of federally managed species including winter flounder (*Pseudopleuronectes americanus*), windowpane flounder (*Scophthalmus aquosus*), summer flounder (*Paralichthys dentatus*), black sea bass (*Centropristis striata*), scup (*Stenotomus chrysops*), bluefish (*Pomatomus saltatrix*), Atlantic butterfish (*Peprilus triacanthus*), Atlantic herring (*Clupea harengus*), several species of skates, highly migratory species such as sandbar shark (*Carcharhinus plumbeus*) and skipjack tuna (*Katsuwonus pelamis*), and others. Additional NOAA trust resources present in the project area that we work to support under the FWCA include blue crab (*Callinectes sapidus*), horseshoe crab (*Limulus polyphemus*), striped bass (*Morone saxatilis*), Atlantic menhaden (*Brevoortia tyrannus*), American eel (*Anguilla rostrata*). This also includes several species of shellfish (i.e., hard clams (*Mercenaria mercenaria*) and soft clams (*Mya arenaria*)), which have designated beds in the Glimmer Glass north of Structure W-8, as identified by historic NJ Department of Environmental Protection (NJDEP) shellfish mapping. Project waterways also serve as a migratory corridor for anadromous fishes such as river herring (alewife *Alosa pseudoharengus*

and blueback herring A. *aestivalis*, collectively) to their spawning grounds in Stockton Lake. 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 appreciate that the project will adhere to the Minimum Conservation Measures, as outlined in Section 6.0 of the programmatic. We also note that FHWA and the NJDOT will adhere to the conservation recommendations (CRs) described in Appendix B of the programmatic for the five stressor types associated with bridge replacement activities. This includes time-of-year restrictions for in-water work from January 1 to June 30 for winter flounder and diadromous fish, and the avoidance of installation of measures that may substantially disrupt fish movements between September 1 to November 30. FHWA and NJDOT will also include applicable Best Management Practices (BMPs), as outlined in NOAA Fisheries/FHWA Best Management Practices Manual for Transportation Activities in the Greater Atlantic Region, within final design plans, details, and construction specifications. We also appreciate that the FHWA and NJDOT intend to restore areas temporarily impacted by construction activities and will provide compensatory mitigation for the unavoidable permanent loss of all aquatic habitats due to fill and shading. Please be advised that temporary impacts exceeding one year may also require mitigation. We will continue to work with you on the development of the compensatory mitigation, monitoring and adaptive management plan.

However, we are concerned that the EFH assessment noted that the NJDOT standard specifications require coal tar epoxy coatings to provide the necessary service life on the marine substructures. The proposed use of coal tar epoxy coatings on marine substructures poses toxicity risks from Polycyclic Aromatic Hydrocarbon (PAH) leaching. These chemicals can become available to marine organisms through uptake by wetland vegetation, adsorption by adjacent sediments, or directly through the water column. These compounds bioaccumulate in the aquatic food web and may cause hepatic lesions, egg mortality, and fin erosion in benthic fish. We recommend that all structures should be constructed with alternative materials, such as plastic, natural cedar or other untreated wood, or pressure-treated wood, coated offsite with an impact resistant, biologically inert substance to minimize leachate into aquatic areas, especially those currently supporting notable shellfish communities.

**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:

1. Continue to avoid in-water work between January 1 through June 30 of any work year to protect winter flounder early life stages, as well as spring anadromous fish migrations. Work conducted inside fully sealed, dewatered cofferdams is exempt from this seasonal restriction.
2. Continue to avoid in-water noise generating activities and physical structures (e.g. cofferdams) that may isolate, block, or obstruct more than 50% of the natural cross-sectional channel width at any time between September 1 and November 30 of any year to maintain a contiguous, unobstructed passage corridor for out-migrating juvenile diadromous fish.

3. Develop a compensatory mitigation plan to offset permanent project impacts, including temporary fills in place for greater than twelve months. The plan should be reviewed and approved by us and accepted by the USACE at least 60 days prior to initiating construction and should include the following elements:
    a. Details of mitigation credit purchases, if pursued.
    b. Permittee-responsible mitigation (PRM) projects should have defined ecological goals and performance measures with an associated monitoring plan to describe the extent to which these goals are met over at least a five-year period.
    c. For any PRM, develop a long-term maintenance and adaptive management plan that define thresholds for corrective actions necessary to maintain the intended functions.
    d. Provide us with annual monitoring reports detailing project success and any adaptive management actions.
4. Avoid creosote, coal tar epoxy, or other hydrocarbon-based coatings on any in-water structures or overwater structures. Non-toxic alternatives, such as 100% solid epoxies, polyolefin wraps, or inert moisture-cure urethanes, should be specified in final design plans and contract specifications to prevent chemical leaching.
5. Reinitiate consultation with us following additional field investigations planned during the final design phase should you anticipate additional habitat impacts.

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 CRs 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 and consultation pursuant to Section 7 of the Endangered Species Act (ESA) of 1973 may be necessary. We understand that you have coordinated with our Protected Resources Division and ESA consultation has been completed. Should you have any questions about ESA Section 7, please contact Bill Barnhill at 978-282-8460 or by email (William.Barnhill@noaa.gov).

**Conclusion**

We look forward to your response to our EFH recommendations on this project. 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 732-872-3116 or Jessie.Murray@noaa.gov.

Sincerely,



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

cc:

GARFO HESD – K. Greene
GARFO PRD – B. Barnhill
NOAA OPR – D. Youngkin
NJDOT – R. Dekovitch, J. Mikusa, L. Thivierge
USACE – J. Pritts, T. Schaible
NJDEP – G. Nickerson, K. Davis
USFWS – R. Conover, M. Ciappi
EPA Region II – M. Finocchiaro
USCG – D. Leoce
NEFMC – C. O'Keefe
MAFMC – C. Moore
ASMFC – R. Beal