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

October 1, 2026

Todd Schaible, Chief
Regulatory Branch
U.S. Army Corps of Engineers
Philadelphia District
1650 Arch Street
Philadelphia, PA 19103

RE: Public Notice NAP-2026-00172-95 NJDOT-OMR – Tuckahoe River State Navigation Channel Maintenance Dredging and Beneficial Re-Use Project in Corbin City in Atlantic County, New Jersey, and Upper Township in Cape May County, New Jersey

Dear Mr. Schaible:

We have reviewed the EFH consultation materials, received May 27, 2026, for the ten-year maintenance dredging of the Tuckahoe River State Navigation Channel #178, located in Corbin City in Atlantic County, NJ, and Upper Township, Cape May County, NJ. The applicant, the New Jersey Department of Transportation - Office of Maritime Resources, proposes the deposition of dredged sediments in open water along select eroding sections of the adjacent riverbank. As the lead federal action agency, the U.S. Army Corps of Engineers Philadelphia District (District) is responsible for consultation with NOAA Fisheries' Habitat & Ecosystem Services Division (HESD) under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and the Fish and Wildlife Coordination Act (FWCA) due to project activities which will adversely affect EFH and other aquatic resources.

The applicant proposes the maintenance dredging of 493,500 cubic yards of shoaled sediments from 121.14 acres of river bottom, split between two or three maintenance dredging events over a period of ten years. Operations will be conducted via hydraulic cutterhead and mechanical dredges to a depth of -13 feet below MLW, plus 1 foot of allowable overdredge, with 3:1 side slopes. The resulting dredged material will be placed adjacent to the marsh edge at four locations along the river resulting in permanent impacts to 17.83 acres of open water and 4.30 acres of intertidal/subtidal shallows. Dredged material will be hydraulically pumped via pipeline fitted with a flow diffuser or placed directly via mechanical dredge. No excavation or grading at the placement sites are proposed. Additional sites that could accept dredged material from the Tuckahoe River State Navigation Channel, such as Tuckahoe Island in Cape May County, NJ, are also being explored, but will require separate review and approval by the District.

In an email to the District dated June 26, 2026, our office cited that impacts from beneficial use projects of this scale cannot be adequately described in the essential fish habitat (EFH) worksheet that was provided for our review and that a more thorough EFH assessment should have been provided. We also requested the following information:

1. Turbidity monitoring was mentioned in the public notice, but requires an analysis of expected turbidity levels, affected resources, and threshold levels that would necessitate ceasing or modifying project methods.
2. An explanation of why these specific locations were chosen for dredged material placement and why they require protection relative to others in the system.
3. Whether any other dredged material disposal options, such as thin lay placement or open water placement with containment were considered and why they were not selected.
4. Planned monitoring and adaptive management strategies should be described in a plan provided for review by our office.

The applicant's response addressed some of the concerns highlighted above, but no separate EFH assessment was provided in addition to the worksheet, which is designed for small scale projects with minimal open water impacts. Additionally, while a strategy for turbidity monitoring was described, no monitoring and adaptive management plan was provided for our review. Such a plan should include measurable project goals including, but not limited to, reductions in marsh edge erosion rate and stability of placed sediment (i.e. how much of the placed sediment is retained within the bounds of the placement area vs. how much is transported to adjacent areas of the river and federal navigation channel).

In another email to the District dated July 27, 2026, we reiterated the need for a monitoring and adaptive management plan with clear goals and objectives, including performance measures and success criteria. We also re-emphasized that EFH assessment provided in the worksheet did not adequately evaluate the effects of the project on EFH or other NOAA trust resources such as anticipated impacts to summer flounder (*Paralichthys dentatus*), diadromous fish, or shellfish from construction methods and permanent habitat conversions. Given the over 22 acres of habitat conversion and the lack of rigorous monitoring, we disagreed with the District's conclusion that impacts to EFH and other NOAA trust resources due to the project will be minimal. As such, we recommended in our email that dredged material placement initially occur at only one site, with future placements contingent upon results of monitoring both during and post-construction; we appreciate the applicant's agreement with this in their response. We still have not received a monitoring and adaptive management plan or an analysis of anticipated impacts to EFH or NOAA trust resources.

Given that only basic information has been provided for our review, we can only offer conservation recommendations for an initial pilot project at one of the four selected dredged material placement sites. We also maintain that a formal monitoring and adaptive management plan be developed for review and comment by our office. Once the applicant has demonstrated success of the pilot project as determined through rigorous monitoring both during and post-construction, further placement of dredged material at the other three selected sites may be pursued.

**Magnuson-Stevens Fishery Conservation and Management Act**

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires federal agencies to consult with one another on projects such as this that may adversely affect EFH. 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. The Fish and Wildlife Coordination Act (FWCA) also requires federal action agencies to consult with us "with a view to the conservation of wildlife resources by preventing loss of and damage to such resources as well as providing for the development and improvement thereof in connection with such water-resource development" (16 USC 662).

The Tuckahoe River Federal Navigation Channel is designated as EFH for Atlantic butterfish (*Peprilus triacanthus*), Atlantic herring (*Clupea harengus*), bluefish (*Pomatomus saltatrix*), black sea bass (*Centropristis striata*), scup (*Stenotomus chrysops*), summer flounder, windowpane flounder (*Scophthalmus aquosus*), as well as several other species of finfish, sharks, and skates. Blue crabs (*Callinectes sapidus*), horseshoe crabs (*Limulus polyphemus*), hard clam (*Mercenaria mercenaria*), and Eastern oysters (*Crassostrea virginica*), all of which support substantial commercial fisheries and serve as prey for species with designated EFH, are also present. The EFH final rule states that prey species are an important component of EFH and that loss of prey may be an adverse effect on EFH and managed species. As a result, actions that reduce the availability of prey species, either through direct harm or capture, or through adverse effects to the prey species' habitat, may also be considered adverse effects on EFH.

Increases in turbidity associated with the suspension of sediment by dredging and placement of dredged material in open water can reduce reproductive success of fish through the masking of pheromones used by migratory species to reach their spawning grounds, create water quality barriers to migration, and can smother eggs and demersal juvenile fish (Auld and Schubel 1978; Breitburg 1988; Newcombe and MacDonald 1991; Burton, 1993; Nelson and Wheeler, 1997). Sediment plumes can also impair respiratory function and disrupt essential behaviors such as schooling and foraging (Chapman et al., 2014; Smith Christman & German, 2025). Additionally, noise associated with the transport of dredged material from pumps, boosters, and the abrasive transport of sediment through pipes generates chronic, low-frequency underwater noise that acts as a pervasive pollutant for aquatic life (Wenger et al., 2017). This persistent acoustic disturbance can mask crucial biological signals, effectively blinding fish to acoustic cues used for mating, territory defense, and predator avoidance (Slabbekoorn et al., 2010). Prolonged exposure to this industrial soundscape has been linked to elevated physiological stress and reduced foraging efficiency, which can compromise long-term population health (Slabbekoorn et al., 2010; Nichols et al., 2015; Lara & Vasconcelos, 2021).

*Diadromous Fish*

The Tuckahoe River provides a migratory pathway, spawning habitat, and nursery habitat for diadromous fish such as American shad (*Alosa sapidissima*), river herring, inclusive of both alewife (*Alosa pseudoharengus*) and blueback herring (*Alosa aestivalis*), hickory shad (*Alosa mediocris*), striped bass (*Morone saxatilis*), and American eel (*Anguilla rostrata*). These species are also known prey items for a number of federally managed species. Buckel and Conover (1997) in Fahay et al. (1999) reports that diet items of juvenile bluefish (Pomatomus saltatrix) include *Alosa* species. Juvenile *Alosa* species have also been identified as prey species for windowpane flounder (*Scophthalmus aquosus*) and summer flounder *(Paralichthys dentatus)* in Steimle et al. (2000).

Given their dependence on both freshwater and marine environments, diadromous fish face a unique set of challenges that have led to significant declines in their populations. Stocks of American shad and both species of river herring remain depleted after decades of investment in their recovery (ASMFC, 2020; ASMFC, 2024). The Atlantic striped bass stock is considered overfished but is not experiencing overfishing (ASMFC, 2022). American eel remain in a depleted stock status, with insufficient data to determine if they are experiencing overfishing (ASMFC, 2023). Therefore, we work to avoid and minimize disturbances to these species during the critical migratory and spawning season to ensure their survival in the mid-Atlantic region.

*EFH Assessment*

As emphasized in our email correspondence with the District on June 26, 2026, and July 27, 2026, the EFH assessment provided for our review does not adequately evaluate the effects of the project on EFH or other NOAA trust resources. While we appreciate that the applicant intends to avoid dredging and placement of dredged material between March 1 and June 30 to minimize adverse effects to diadromous fish migration and spawning, minimal analysis of the anticipated impacts to other aquatic resources was provided. In particular, we are concerned that project implementation and resulting habitat conversion will substantially alter summer flounder behavior and foraging. Additionally, the dredging footprint and one of the proposed dredged material placement areas overlaps with documented hard clam and eastern oyster habitat. While these resources were referenced in the EFH assessment and project plans, little analysis was provided to describe how these commercially and ecologically valuable species will be impacted. Thorough documentation of anticipated project effects on EFH and NOAA trust resources, as well as proposed avoidance and minimization measures, should still be provided as a supplement to the EFH assessment worksheet.

We appreciate that turbidity will be monitored during the placement of dredged material and that single and multibeam surveys will be conducted post-placement of dredged material. However, the project lacks clearly defined project goals, performance measures, and success criteria to demonstrate that this project qualifies as beneficial use, rather than just overboard disposal. The applicant intends to promote long-term marsh sustainability and facilitate the future establishment of marsh vegetation but does not set measurable goals or adequately describe monitoring that will evaluate the effectiveness of their selected methods to accomplish these goals. Additionally, the applicant should monitor the fate of dredged material after placement to demonstrate that the selected method does not accelerate shoaling in adjacent areas of the federal navigation channel. As emphasized in our previous correspondence, the applicant should describe these efforts in a monitoring and adaptive management plan for review and comment by our office.

Given the deficiencies of the EFH assessment and absence of a formal monitoring and adaptive management plan, we recommend that the District authorize a single maintenance dredging event with dredged material placement at only one of the proposed locations as currently designed. Pre- and post-placement monitoring over a period of two years should demonstrate achievement of measurable project goals, as outlined in a formal monitoring and adaptive management plan, at this location before the proposed methods are considered for a 10-year permit. Dredging and dredged material placement at the initial pilot location may be pursued as the applicant prepares the monitoring and adaptive management plan for review by our office.

The pilot site should avoid mapped shellfish habitat and attempt to address areas of the federal navigation channel that are most severely shoaled.

**EFH Conservation Recommendations**

Pursuant to Section 305 (b)(4)(A) of the MSA, we recommend the following EFH conservation recommendations be incorporated into the project to minimize adverse effects on EFH and federally-managed species.

1. Permit a single maintenance dredging event with dredged material placement at only one of the proposed locations as currently designed. This pilot-scale effort should be monitored over a period of two years to demonstrate achievement of established, measurable project goals before the proposed methods are considered for a 10-year permit.
2. Provide a monitoring and adaptive management plan for review and comment by our office. The plan should include the following:
    a. Clearly defined project goals and objectives
    b. Measurable performance standards to demonstrate shoreline protection, vegetation recruitment, and stability of placed dredged material
    c. A nearby reference site for comparison of shoreline erosion rates
    d. A minimum of monthly monitoring to include various tidal, wind, wave energy, and storm conditions
    e. Turbidity monitoring in the vicinity of the sediment placement area during deposition of dredged material
    f. Adaptive management strategies to minimize turbidity should monitoring document suspended sediment levels in excess of established standards
    g. Proposed alternative dredged material placement strategies to be implemented should project goals not be achieved. This could include narrower placement zones, placement of dredged material within containment (e.g. coir logs), etc.
3. Avoid dredging and placement of dredged material between March 1 and June 30 of any given year to minimize adverse effects to diadromous fish migration and spawning.
4. The intake on the dredge plant should not be turned on until the dredge head is at or near the bottom of the waterway and should be turned off before being lifted through the water column to the surface to minimize entrainment of aquatic organisms. At a minimum, intake velocities should be reduced when the dredge head is not in contact with the substrate.
5. Waterborne equipment associated with construction should float at all stages of the tide.
6. If barges are used to store or transport sediment collected during mechanical or hydraulic dredging, permit no overflow of dredged material or associated water outside of the designated dredged material placement location.
7. Restrict dredging boundaries to previously authorized depths and widths.
8. Maintain dredge channel side slopes at 3:1 (horizontal to vertical) or flatter to protect the adjacent marsh from undercutting and sloughing.
9. Maintain a minimum of 25-foot buffer between the top of the slope of the dredged channel and any vegetated wetlands.

10. To safeguard sensitive benthic habitats from seafloor scraping and sediment disruption, mandate floating dredge pipelines along the entire alignment. Submerged configurations should be allowed only where surface placement would pose an unavoidable hazard to navigation.

Please note that Section 305 (b)(4)(B) of the MSA requires that you provide us with a detailed written response to our EFH conservation recommendations, including the measures you have adopted to avoid, mitigate, or offset 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 the measures needed to avoid, minimize, mitigate or offset such effect pursuant to 50 CFR 600.920 (k).

Please also note that a distinct and 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 EFH conservation recommendations.

**Endangered Species Act**

Threatened or endangered species under the jurisdiction of NOAA Fisheries may be present in the project area. The federal action agency will be responsible for determining whether the proposed action may affect listed species. If you determine that the proposed action may affect a listed species, they should submit their determination of effects, along with justification and a request for concurrence to the attention of the Section 7 Coordinator, NMFS, Greater Atlantic Regional Fisheries Office, Protected Resources Division, 55 Great Republic Drive, Gloucester, MA 01930 or nmfs.gar.esa.section7@noaa.gov.

**Conclusion**

Thank you for providing the EFH consultation materials for this proposed dredging and dredged material placement project. We look forward to continued coordination on the proposed actions, including the recommended pilot project and completion of a monitoring and adaptive management plan. Should you have any questions or wish to discuss our conservation recommendations, please contact Rob Bourdon in our Annapolis field office at 410-205-6055 or robert.bourdon@noaa.gov.

Sincerely,

Karen M. Greene 2026.10.01 12:49:22 -04'00'

For

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

cc: USACE - R. Youhas, G. Weitknecht
NOAA HESD - K. Greene
NOAA PRD - C. Vaccaro
USFWS - E. Schrading, M. Ciappi
EPA R2 - M. Finocchiaro
NJDEP - K. Davis, S. Stueber, N. Colagiovanni
MAFMC - C. Moore
NEFMC - C. O'Keefe
ASMFC - R. Beal

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