

Permits and Approvals for Construction of Terrestrial Wind Facilities March 2008

The following permits and approvals may be required for the construction of land based, terrestrial wind turbine facilities, depending on the specifics of the project. This document lists the permits and approvals that are most likely to be required from the New Jersey Department of Environmental Protection and similar permits and approvals required from federal agencies. Accordingly, each section below may apply to a specific project or portion of a project.

Construction of Associated Onshore Facilities such as Turbines, Electrical Substations, Cables and Transmission Lines

State

- CAFRA permit (N.J.S.A. 13:19-1 et seq.)
- Upland Waterfront Development permit (N.J.S.A. 12:5-3)
- Freshwater Wetlands permit (N.J.S.A. 13:9B-1 et seq.)
- Coastal Wetlands permit (N.J.S.A. 13:9A-1 et seq.)
- Flood Hazard Area Control Act permit (N.J.S.A. 58:16A-1 et seq.)
- Water Quality Certificate under Section 401 of the Clean Water Act for any discharge of dredged or fill material
- Environmental review provisions of NJ Executive Order No. 215 of 1989 (EO #215) may be triggered if the NJ Board of Public Utilities grants at least 20% financial assistance and an Environmental Impact Statement under NEPA is not required

Federal

Each project proposed is anticipated to be subject to federal environmental reviews under the National Environmental Policy Act (NEPA).

If applicable, various federal agencies should be consulted including the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS). For example, consultation with the USFWS is required pursuant to Section 7 of the Endangered Species Act regarding threatened and endangered species and their habitats and the Migratory Bird Treaty Act regarding migratory birds. Consultation with NMFS is required under the Marine Mammal Protection Act regarding marine mammals; Section 7 of the Endangered Species Act regarding threatened and endangered species and their habitats; and the Magnuson-Stevens Fishery Conservation and Management Act regarding essential fish habitat. Consultation with the State Historic Preservation Office is required under Section 106 of the National Historic Preservation Act. To facilitate this, early coordination with NMFS and UFWS is encouraged to determine the extent of issues to be addressed

Note:

This is not an exhaustive list of required permits and approvals. Please note other potential permit areas including but not limited to stormwater management, potable and sewer connections, air permits, etc. Other approvals may be required from agencies such as the U.S. Coast Guard and the Federal Aviation Administration.

For a comprehensive guide to all potential DEP permits, consult the Permit Identification Form at <http://www.state.nj.us/dep/opppc/PCER/pifupdate.pdf> .

Link to New Jersey Board of Public Utilities: www.nj.gov/bpu