



## State of New Jersey

OFFICE OF PERMITTING AND PROJECT NAVIGATION

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April 29, 2021

James Bennett, Program Manager  
Office of Renewable Energy  
Bureau of Ocean Energy Management  
45600 Woodland Road  
Sterling, Virginia 20166

**RE: Docket No. BOEM-2021-0024  
Notice of Intent to Prepare an Environmental Impact Statement for the Ocean Wind, LLC project  
located in Commercial Lease Area OCS-A 0498 offshore New Jersey**

Dear Mr. Bennett:

New Jersey commends BOEM's recent progress with offshore wind development along the Atlantic coast, and in particular, in New Jersey, with the Notice of Intent to Prepare an Environmental Impact Statement (EIS) for the review of a construction and operations plan (COP) submitted by Ocean Wind, LLC, (Ocean Wind). As a state with one of the most ambitious offshore wind goals in the nation, we are encouraged by this progress as we work to achieve 7,500 MW of offshore wind power by 2035, and 100% clean energy by 2050.

The New Jersey Global Warming Response Act, N.J.S.A., 26:2C-37, et seq., directed the NJDEP to develop plans for reducing emissions of climate pollutants, including through the adoption of renewable energy plans and policies consistent with the State's Energy Master Plan (EMP). The State's Offshore Wind Economic Development Act, N.J.S.A. C.48:3-87, et seq., authorizes the NJBPU to accept applications for qualified offshore wind ("OSW") projects and to conduct one or more competitive solicitations for open access OSW transmission facilities designed to facilitate the collection of OSW energy from qualified OSW projects. As the State pursues the responsible development of OSW, the NJDEP is obligated, pursuant to the federal Coastal Zone Management Act, 16 U.S.C. § 1451, et seq., and related state laws, to preserve, protect, restore, and enhance the resources of the State's coastal zone. As an affected state, we look forward to coordinating with BOEM as the Ocean Wind EIS is developed to ensure that impacts to natural resources are avoided, minimized where avoidance is not possible, and appropriately mitigated for when necessary.

Since 2018, the NJDEP has engaged regularly with Ocean Wind regarding their proposed wind energy project and will continue to do so as design details are further refined. At this time, NJDEP specifically requests more detailed discussions on the proposed Island Beach State Park landfall and the long-term

lease of State-owned lands for the cable route to the Oyster Creek substation in Lacey Township, Ocean County. In addition, more information regarding specific landfall locations and further coordination is needed for proposed activities on encumbered parcels and the approvals that are required from our Green Acres Program and the New Jersey State House Commission. This coordination is an important step in the state permitting process, since these reviews can take significant time to complete, and other NJDEP permit decisions may be contingent upon these being finalized.

Additionally, further coordination with the United State Army Corps of Engineers (USACE) regarding shore protection projects and sand borrow areas will be necessary to ensure that ongoing and planned USACE projects are not adversely impacted, and should include the NJDEP's Division of Coastal Engineering as well as representatives from USACE Planning Programs and Project Management Division (PPMD). Also, the New Jersey Department of Transportation (NJDOT) Office of Maritime Resources should be consulted regarding potential impacts of cable installation to navigation projects, state channels, and other NJDOT managed infrastructure and projects.

Further, NJDEP has been actively engaged with stakeholders through its Offshore Wind Environmental Resources Working Group (Working Group). This stakeholdering is a necessary component of our process, and we are committed to being transparent and accessible as offshore wind development proceeds in New Jersey. It is critical that BOEM and Ocean Wind continue stakeholder engagement with the commercial and recreational fisheries groups, as well as the local municipalities who may be impacted by the development of the windfarm. Our fishing communities and seafood industries are important parts of New Jersey's identity, and crucial components of our state's economy. We strongly encourage BOEM to engage with industry representatives now as the environmental review begins. In addition, the NJDEP suggests that BOEM and Ocean Wind continue to consult with stakeholders regarding navigational and safety concerns, including transit through and around the windfarm and between the adjacent windfarms. The NJDEP would be happy to assist with this engagement.

BOEM has chosen to utilize the National Environmental Policy Act (NEPA) substitution process to fulfill its obligations under the National Historic Preservation Act (NHPA), in accordance with 36 CFR 800.8. The NJDEP and the New Jersey Historic Preservation Office look forward to further consultation with BOEM regarding the identification, evaluation, and treatment of historic properties in accordance with the coordination of the NEPA provisions of Section 106 of the NHPA, as amended.

Lastly, on March 30, 2021, Ocean Wind submitted to the Department a federal consistency certification and a copy of the COP for the proposed construction and operation of the wind energy project. The Department and Ocean Wind have mutually agreed to stay the NJDEP six-month consistency review period consistent with 15 CFR§ 930.60(b) to provide sufficient time for discussions, meetings, and exchange of materials between Ocean Wind and the Department. The Department will issue its consistency decision on or before October 28, 2022, unless the Department and Ocean Wind mutually agree in writing to an alternate date.

Thank you for providing the New Jersey Department of Environmental Protection with the opportunity to comment on the Notice of Intent to Prepare an Environmental Impact Statement for the Ocean Wind, LLC project. We look forward to continuing to work with BOEM throughout the environmental review process, as well as with Ocean Wind throughout the state's extensive regulatory process.

If you have any questions or would like to discuss this letter, please free to contact Katie Nolan at [Katherine.Nolan@dep.nj.gov](mailto:Katherine.Nolan@dep.nj.gov).

Sincerely,

A handwritten signature in black ink that reads "Megan Brunatti". The signature is written in a cursive style with a large initial "M" and a long, sweeping underline.

Megan Brunatti, Director  
Office of Permitting and Project Navigation

Cc: Will Waske, BOEM  
Michelle Morin, BOEM  
Jim Ferris, NJBPU  
Mark Reimer, Ocean Wind