



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERSHED & LAND MANAGEMENT
Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420
Telephone: (609) 777-0454 or Fax: (609) 777-3656
www.nj.gov/dep/landuse



PERMIT

<p>In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the terms, conditions, and limitations listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc." Violation of any term, condition, or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.</p>		Approval Date June 24, 2024
		Expiration Date June 23, 2029
Permit Number(s): 0000-21-0022.3 LUP240001	Type of Approval(s): WFD IP-Commercial/Industrial/Public(Waterward) Water Quality Certificate (WQC)	Governing Rule(s): N.J.A.C. 7:7-1.1(a)
Permittee: Ms. Jennifer Daniels Atlantic Shores Offshore Wind Project 2, LLC Dock 72 Floor 7 Brooklyn, New York 11250		Site Location: Project Location: Atlantic Ocean Block(s) & Lot(s): [N/A, N/A] Municipality: Off the coasts of the Borough of Sea Girt and Borough of Manasquan County: Monmouth
Description of Authorized Activities: <p>This document authorizes the installation of the electric transmission export cables within New Jersey State waters associated with Atlantic Shores Offshore Wind Project 2. The electric transmission export cables will extend west from New Jersey State's 3 nautical mile jurisdictional limit to the point of the intended horizontal directional drill (HDD) location associated with the proposed Pre-Build Infrastructure. The approximately 4.9 miles of electric transmission export cables will consist of a cable bundle, approximately 13.5 inches in diameter, made up of two (2) HVDC cables and one (1) fiber optic cable and will be located within a cable corridor ranging in width between 3,300 feet and 4,200 feet.</p> <p>This project is authorized under and in conditional compliance with the applicable Coastal Zone Management Rules (N.J.A.C. 7:7-1.1 et seq.), as amended on October 5, 2021, provided that all conditions to follow are met.</p> <p>This authorization includes the issuance of a Water Quality Certificate (WQC).</p> <p><i>The Department has determined that the herein approved activities meet the requirements of the (FHACA/CZM) rules. This approval does not obviate the local Floodplain Administrator's responsibility to ensure all development occurring within their community's Special Flood Hazard Area is compliant with the local Flood Damage Prevention Ordinance, and minimum NFIP standards, regardless of any state-issued permits. FEMA requires communities to review and permit all proposed construction or other development within their SFHA in order to participate in the NFIP.</i></p>		
Prepared by: Lindsey J. Davis, Environmental Scientist 3		Received and/or Recorded by County Clerk:
If the permittee undertakes any regulated activity, project, or development authorized under this permit, such action shall constitute the permittee's acceptance of the permit in its entirety as well as the permittee's agreement to abide by the requirements of the permit and all conditions therein.		
This permit is not valid unless authorizing signature appears on the last page.		

STATEMENT OF AUTHORIZED IMPACTS:

The authorized activities allow for the permittee to undertake impacts to regulated areas as described herein. Additional impacts to regulated areas without prior Department approval shall constitute a violation of the rules under which this document is issued and may subject the permittee and/or property owner to enforcement action, pursuant to N.J.A.C. 7:7-29.

PRE-CONSTRUCTION CONDITIONS:

1. The Permittee shall obtain all applicable Federal, State, and local approvals prior to commencement of regulated activities authorized under this permit. Approvals include, but are not limited to, authorization from the United States Army Corps of Engineers to conduct work below the high tide line.
2. Prior to any construction or site preparation, the Permittee must receive a new Tidelands utility license for the electric transmission export cables to be installed below the mean high water line and authorized by this permit. The application for new Tidelands utility license is pending under file# 0000-21-0022.3 TDI240001. Failure to comply with this condition will result in fines up to \$1000 plus \$100 per day, a higher fee for the conveyance and possible prosecution by the Attorney General's office to remove unauthorized structures and to pay use and occupancy charge.
3. Prior to commencement of the authorized project, there shall be an executed Atlantic Shores Offshore Wind South Project Memorandum of Agreement among the Section 106 consulting parties, which includes the Permittee, for the avoidance, minimization, and mitigation of project adverse effects on historic properties, pursuant to Section 106 of the National Historic Preservation Act.
4. Prior to electric transmission export cable installation, the Permittee shall establish a hotline with contact information, including an email and a phone number. Protocols regarding unintended interaction with the cables and proposed nearby construction activities should be included with the hotline information. Coordination of the development of these protocols shall occur with NJDEP's Office of Coastal Engineering, the United States Army Corps of Engineers, and the United States Coast Guard.

SPECIAL CONDITIONS:

1. This permit is issued subject to compliance with N.J.A.C 7:7-27.2, Conditions that apply to all coastal permits.
2. Additional development or other related construction will require either a modification to this permit #0000-21-0022.3 LUP240001 or, a new permit depending on the size and scope of the proposed development as well as the activity status of the existing permit.
3. In order to reduce the potential for undue disturbance to critical migrations for anadromous fish species, a timing restriction will be implemented between March 1st and June 30th of each calendar year for all in-water work.
4. The Permittee shall coordinate with the United States Fish & Wildlife Service, National Marine Fisheries Service, and the NJDEP prior to construction to develop best management practices and time of year / seasonal restrictions, where necessary, and to continue coordinating with these agencies during construction, operations and maintenance activities for the protection of species.

5. The Permittee shall provide to the NJDEP's Office of Coastal Engineering as-built surveys containing XYZ coordinates for the entire length of the installed electric transmission export cables as indicated in the submitted application.
6. If any military munitions and explosives of concern (MECs) or unexploded ordinances (UXOs) are encountered during project construction, the Permittee shall immediately notify the United States Coast Guard of the munition and its location.
7. Best management practices including real time monitoring and adaptive management, such as changing tool speed or water flow, shall be employed during project construction to minimize turbidity in the waterway.
8. The Permittee shall implementing measures, such as the establishment of a safety zone around the electric transmission export cables installation vessel, installation activities outside of the summer tourist season, and use of a Marine Affairs Coordinator to be the primary point of contact with the United States Coast Guard, port authorities, state and local law enforcement, marine patrol, port operators, and commercial operators, to prevent impacts to navigation during the cable installation activities.
9. The Permittee shall implement measures to minimize impacts on commercial fisheries and in-hire recreational fishing, such as the development of a Fisheries Communication Plan and working with the appropriate fishing entities, to ensure the authorized project will minimize potential conflicts.
10. The Permittee shall implement best management practices, such as utilizing anchored midline buoys on construction vessels, where feasible, to minimize disturbance to the seafloor and sediments and dynamically positioning vessels and jet plow embedment to the maximum extent practicable to minimize sediment disturbance and alteration during the cable-laying process, in order to reduce temporary effects on seafloor habitat and the water column associated with construction of the electric transmission export cables.
11. No disturbance associated with the authorized project shall occur within the 50 meter buffer from the artificial reefs as indicated on the approved plans.
12. No disturbance to existing shipwrecks shall occur during installation, operation and maintenance of the electric transmission export cables.
13. To comply with N.J.A.C. 7:7-9.12(b), the Permittee shall implement the following proposed measures:
 - Execute crossing agreements with the owner of any existing cables to be crossed.
 - Utilize cable protection measures between the existing and authorized cables.
 - Utilize standard cable crossing techniques.
14. All debris generated from the construction is to be disposed of at an approved disposal site.

STANDARD CONDITIONS:

1. The issuance of a permit shall in no way expose the State of New Jersey or the Department to liability for the sufficiency or correctness of the design of any construction or structure(s). Neither the State nor the Department shall, in any way, be liable for any loss of life or property that may occur by virtue of the activity or project conducted as authorized under a permit.

2. The issuance of a permit does not convey any property rights or any exclusive privilege.
3. The permittee shall obtain all applicable Federal, State, and local approvals prior to commencement of regulated activities authorized under a permit.
4. A permittee conducting an activity involving soil disturbance, the creation of drainage structures, or changes in natural contours shall obtain any required approvals from the Soil Conservation District or designee having jurisdiction over the site.
5. The permittee shall take all reasonable steps to prevent, minimize, or correct any adverse impact on the environment resulting from activities conducted pursuant to the permit, or from noncompliance with the permit.
6. The permittee shall immediately inform the Department of any unanticipated adverse effects on the environment not described in the application or in the conditions of the permit. The Department may, upon discovery of such unanticipated adverse effects, and upon the failure of the permittee to submit a report thereon, notify the permittee of its intent to suspend the permit.
7. The permittee shall immediately inform the Department by telephone at (877) 927-6337 (WARN DEP hotline) of any noncompliance that may endanger public health, safety, and welfare, or the environment. The permittee shall inform the Watershed & Land Management by telephone at (609) 777-0454 of any other noncompliance within two working days of the time the permittee becomes aware of the noncompliance, and in writing within five working days of the time the permittee becomes aware of the noncompliance. Such notice shall not, however, serve as a defense to enforcement action if the project is found to be in violation of this chapter. The written notice shall include:
 - i. A description of the noncompliance and its cause;
 - ii. The period of noncompliance, including exact dates and times;
 - iii. If the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and
 - iv. The steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
8. Any noncompliance with a permit constitutes a violation of this chapter and is grounds for enforcement action, as well as, in the appropriate case, suspension and/or termination of the permit.
9. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the authorized activity in order to maintain compliance with the conditions of the permit.
10. The permittee shall employ appropriate measures to minimize noise where necessary during construction, as specified in N.J.S.A. 13:1G-1 et seq. and N.J.A.C. 7:29.
11. The issuance of a permit does not relinquish the State's tidelands ownership or claim to any portion of the subject property or adjacent properties.
12. The issuance of a permit does not relinquish public rights to access and use tidal waterways and their shores.

13. The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to:
 - i. Enter upon the permittee's premises where a regulated activity, project, or development is located or conducted, or where records must be kept under the conditions of the permit;
 - ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit; and
 - iii. Inspect, at reasonable times, any facilities, equipment, practices, or operations regulated or required under the permit. Failure to allow reasonable access under this paragraph shall be considered a violation of this chapter and subject the permittee to enforcement action.
14. The permittee shall not cause or allow any unreasonable interference with the free flow of a regulated water by placing or dumping any materials, equipment, debris or structures within or adjacent to the channel while the regulated activity, project, or development is being undertaken. Upon completion of the regulated activity, project, or development, the permittee shall remove and dispose of in a lawful manner all excess materials, debris, equipment, and silt fences and other temporary soil erosion and sediment control devices from all regulated areas.
15. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit.
16. All conditions, site plans, and supporting documents approved by a permit shall remain in full force and effect, so long as the regulated activity, project, or development, or any portion thereof, is in existence, unless the permit is modified pursuant to the rules governing the herein approved permits.
17. The permittee shall perform any mitigation required under the permit in accordance with the rules governing the herein approved permits.
18. If any condition or permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect public health, safety, and welfare, or the environment.
19. Any permit condition that does not establish a specific timeframe within which the condition must be satisfied (for example, prior to commencement of construction) shall be satisfied within six months of the effective date of the permit.
20. A copy of the permit and all approved site plans and supporting documents shall be maintained at the site at all times and made available to Department representatives or their designated agents immediately upon request.
21. The permittee shall provide monitoring results to the Department at the intervals specified in the permit.
22. A permit shall be transferred to another person only in accordance with the rules governing the herein approved permits.
23. A permit can be modified, suspended, or terminated by the Department for cause.

24. The submittal of a request to modify a permit by the permittee, or a notification of planned changes or anticipated noncompliance, does not stay any condition of a permit.
25. Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to the Department, it shall promptly submit such facts or information.
26. The permittee shall submit email notification to the Bureau of Coastal & Land Use Compliance & Enforcement at CLU_tomsriver@dep.nj.gov at least 3 days prior to commencement of site preparation and/or regulated activities, whichever comes first. The notification shall include proof of completion of all pre-construction conditions, including proof of recording of permits, approved plans and/or conservation easements, if required. The permittee shall allow an authorized Bureau representative on the site to inspect to ensure compliance with this permit.
27. The permittee shall record the permit, including all conditions listed therein, with the Office of the County Clerk (the Registrar of Deeds and Mortgages, if applicable) of each county in which the site is located. The permit shall be recorded within 30 calendar days of receipt by the permittee, unless the permit authorizes activities within two or more counties, in which case the permit shall be recorded within 90 calendar days of receipt. Upon completion of all recording, a copy of the recorded permit shall be forwarded to Watershed & Land Management through the DEP Online service. The uploaded documents will go directly into the Department's database, and staff will be notified that information has been received. The service can be found at: <https://dep.nj.gov/wlm/eservices/lrp-eservices/>.

APPROVED PLAN(S):

The authorized project is shown on plans in eight (8) sheets entitled "Atlantic Shores Offshore Wind Project 2 – NJ State Waters", all sheets dated 05/03/2024, unrevised, signed on 06/14/2024 unless otherwise noted below, prepared by Tyler R. McArthur, P.E. from Burns & McDonnell Engineering Co, Inc., and further identified as:

Drawing UG031 – "P2 Plan & Notes, Page 2 of 3", signed on 06/23/2024
Drawing UG031 – "P2 Plan & Notes, Page 3 of 3"
Drawing UG032 – "P2 N-UP Plan, Page 1 of 3"
Drawing UG032 – "P2 N-UP Plan, Page 2 of 3"
Drawing UG032 – "P2 N-UP Plan, Page 3 of 3"
Drawing UG033 – "Alignment Chart, Page 1 of 3"
Drawing UG033 – "Alignment Chart, Page 2 of 3"
Drawing UG033 – "Alignment Chart, Page 3 of 3"

APPEAL OF DECISION:

Any person who is aggrieved by this decision may submit an adjudicatory hearing request within 30 calendar days after public notice of the decision is published in the DEP Bulletin (available at <https://dep.nj.gov/bulletin/>). If a person submits the hearing request after this time, the Department shall deny the request. The hearing request must include a completed copy of the Administrative Hearing Request Checklist (available at <https://dep.nj.gov/wlm/forms/>). A person requesting an adjudicatory hearing shall submit the original hearing request to: NJDEP Office of Administrative Hearings and Dispute Resolution, Attention: Adjudicatory Hearing Requests, Mail Code 401-07A, P.O. Box 420, 401 East State Street, 7th Floor, Trenton, NJ 08625-0420. Additionally, a copy of the hearing request shall be

submitted to the Director of Watershed & Land Management at the address listed on page one of this permit. In addition to your hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see www.nj.gov/dep/odr for more information on this process.

If you need clarification on any section of this permit or conditions, please contact Watershed & Land Management staff by phone at (609) 777-0454.

Approved By:



Jennifer Moriarty, Director
Division of Land Resource Protection
Watershed & Land Management Program

c: Municipal Clerk, Sea Girt Boro
Municipal Construction Official, Sea Girt Boro
Agent (original) – Scott McBurney