



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Watershed & Land Management Program
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SHAWN M. LATOURETTE
Commissioner

TAHESHA L. WAY
Lt. Governor

Atlantic Shores Offshore Wind LLC
c/o Jennifer Daniels
1 Dock 72, Floor 7
Brooklyn, NY 11205

April 1, 2024

Re: **Federal Consistency Certification**
File No. 0000-21-0022.1, CDT210001
Applicant: Atlantic Shores Offshore Wind LLC (now known as Atlantic Shores Offshore Wind Project 1, LLC and Atlantic Shores Offshore Wind Project 2, LLC)
Project: Atlantic Shores Offshore Wind South Project
BOEM Lease Area OCS-A 0499

Dear Ms. Daniels:

The New Jersey Department of Environmental Protection (NJDEP) Division of Land Resource Protection (Division) has reviewed the Federal Coastal Zone Management Act (CZMA), 16 U.S.C. 1456, Federal Consistency Certification submitted by Atlantic Shores Offshore Wind LLC (ASOW) for the portion of the ASOW South Project proposed to be located in Federal offshore waters.

Atlantic Shores South is comprised of Project 1 and Project 2 (collectively, the "Projects"). The Projects consist of up to 200 wind turbine generators, up to 10 offshore substations (OSSs), up to 1 permanent meteorological (met) tower, up to 4 temporary meteorological and oceanographic (metocean) buoys, interarray and interlink cables, and export cables that will be located in Federal offshore waters approximately 8.7 miles from the New Jersey shoreline within Bureau of Ocean Energy Management (BOEM) Lease Area OCS-A 0499 (Lease Area) as well as accompanying electric transmission cables from the Lease Area to two landfall points in Atlantic and Monmouth counties, respectively.

Pursuant to Section 307 of the CZMA, the Division must review and determine whether certain actions proposed in Federal waters are consistent with the enforceable policies of the New Jersey Coastal Zone Management Program, N.J.A.C. 7:7-1.1 et seq. While salient points are summarized in this letter, the Division's detailed analysis and findings are presented in the attached Federal Consistency Analysis. For the reasons described, the Division hereby concurs with ASOW's Federal Consistency Certification.

The Division's Federal Consistency Certification concurrence decision is based upon the information contained in BOEM's Draft Environmental Impact Statement (DEIS), ASOW's Construction and Operations Plan (COP), and ASOW's commitments to undertake construction and operation measures intended to avoid, minimize, and mitigate the reasonably foreseeable effects associated with the Projects consistent with N.J.A.C. 7:7-1.1 et seq., including N.J.A.C. 7:7-16.2.¹

To ensure baseline data concerning potential effects upon and recovery of benthic resources is well-established, ASOW has committed to implementing a Hydraulic Clam Dredge Survey as outlined in the December 15, 2021 Fisheries Monitoring Plan (COP, Appendix II-K) for the purpose of identifying significant changes to the presence and size of ocean quahogs and Atlantic surf clams within the wind turbine area. This survey includes analysis of potential effects associated with the wind turbine generator, inter-array cable, and export cable installation. ASOW has committed to implementing an extensive benthic habitat monitoring program along the export cable route as described in the Benthic Monitoring Plan (COP, Appendix II-H), for the purpose of identifying potential changes in benthic macroinvertebrate communities and benthic habitat before and after construction.

In order to minimize potential impacts upon benthic resources, ASOW has committed to the use of mobile fishing gear-friendly cable protection measures to better reflect pre-existing conditions along seafloor cable routes consistent with N.J.A.C. 7:7-16.2, to the maximum extent practicable. This measure will also ensure that seafloor cable protection does not introduce new hangs for mobile fishing gear.

To reduce the risk of adverse interactions with fishing gear or anchors, ASOW has agreed to provide the maritime community with the physical locations of all cable protections installed during project construction.

In the event that any military munitions and explosives of concern (MEC) or unexploded ordinances (UXO) are encountered during project construction, ASOW has agreed to immediately notify the United States Coast Guard of the presence of MEC/UXO and its location, consistent with N.J.A.C. 7:7-9.39, to avoid or minimize any special hazard that may be present.

Lastly, ASOW has agreed to prepare and implement a scenic and visual resource monitoring plan that monitors and compares the visual effects of the Projects during construction, operation and maintenance phases (daytime and nighttime) to the finding in the Visual Impact Assessment (COP, Appendix II-M) and verifies the accuracy of the visual simulations. The plan will include documentation of meteorological influences on actual wind turbine visibility over a duration of time from selected key onshore observation points as determined by BOEM and ASOW. The plan will also include aircraft detection lighting system monitoring and documentation of effectiveness. These ASOW commitments will support the

¹ A coastal state cannot require monetary compensation for mitigation as part of its CZMA Federal Consistency Certification concurrence decision, object to a project for failure to pay monetary compensation or condition a consistency determination upon payment of monetary compensation. However, a coastal state and an applicant could mutually agree that a monetary compensation amount is sufficient to meet a state's enforceable policy related to mitigation. In this case, the Division and ASOW have reached an agreement that ASOW will provide measures to offset adverse impacts that New Jersey's commercial fishing industry may experience, including by providing compensation for lost fishing income and gear loss and damage.

science relevant to simulating and evaluating potential scenic and visual effects associated with offshore wind development.

As noted above, this CZMA Federal Consistency Certification concurrence is based upon information contained in the present COP. Should BOEM determine that an amended COP is required, the amended COP shall be subject to further CZMA review in the event of significant changes in accordance with 15 C.F.R. § 930.82-930.84 and applicable BOEM regulations.

ASOW is hereby advised that, in the event of substantial non-compliance with the COP, the Division may request that BOEM take remedial action pursuant to 15 C.F.R. § 930.85.

Thank you for your attention to and cooperation with New Jersey's Coastal Zone Management Program. If you have any questions regarding this determination, please contact Becky Mazzei by phone at (609) 633-2289 or email at Becky.Mazzei@dep.nj.gov. Please reference the Division's file number in all communications.

Sincerely,

Jennifer Moriarty, Director
Division of Land Resource Protection

CC: BOEM
NOAA