



State of New Jersey

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TO: Interested Parties

FROM: Offshore Wind Research & Monitoring Initiative (RMI)

SUBJECT: Permitting Guidance Document to Inform Proposals for Expansion of New Jersey's Motus Wildlife Tracking System.

DATE: 8/23/2023

In response to questions received regarding potential permits needed for the Request for Proposals (RFP) for expanding the Motus Wildlife Tracking System in New Jersey to inform baseline avian and bat population movements near offshore wind energy areas, the NJDEP provides the following guidance that may be used to factor NJDEP permitting requirements into the proposals.

As a selected project for the New Jersey Research and Monitoring Initiative (RMI), NJDEP will work with the awardee of the project to ensure that the Motus systems are located in areas that are permissible under NJDEP's rules and regulations. Upon award, the awardee will have the opportunity to further discuss permitting and any other technical questions they may have.

NJDEP is committed to finding the most effective locations for installation of the Motus systems to achieve the most accurate and comprehensive data sets. These locations may include NJDEP owned parks and wildlife management areas, however further coordination will be required with the Division of State Parks, Forests & Historic Sites, the Office of Transactions and Public Land Administration, and New Jersey Fish and Wildlife, to ensure that locations are chosen with the least impacts to sensitive habitats and park users.

Division of Land Resources Protection Permitting

Any receiver stations placed on existing structures would not require authorization under the Freshwater Wetlands Protection Act Rules, Flood Hazard Area Control Act Rules, or the Coastal Zone Management Rules.

The receiver stations require areas that are geographically high and clear of trees, with a clear line of site of 15 km being ideal. This would also likely exclude areas regulated under the Freshwater Wetlands Protection Act. Should wetlands regulated under the Freshwater Wetlands

Protection Act require disturbance to install footings for the receiver stations, authorization will likely be required under a freshwater wetlands Individual Permit pursuant to NJAC 7:7A-9 and 7:7A-10. There are no general permits available that could authorize the proposed activities. Other existing general permits may also be applicable on a case by case basis.

Receiver stations installed within areas defined at N.J.A.C. 7:7-2.3 Coastal Wetlands, and identified by a promulgated coastal wetlands map number in Appendix D of the Coastal Zone Management Rules would require authorization under a Coastal Wetlands Permit. The Division of Land Resources Protection (DLRP) would recommend avoiding coastal wetlands as defined in this section to the extent practicable.

There are no Permit-By-Rules or General Permit-By-Certifications available under the coastal zone management rules that would be applicable to the installation of the Motus receiver station towers within areas regulated by the Coastal Zone Management rules.

Any of the structures proposed waterward of the Mean High Water Line (MHWL) in tidal waters would likely require a Waterfront Development In-Water Individual Permit under NJAC 7:7-2.4, with compliance demonstrated with the applicable Special Areas under Subchapter 9, General Water Areas under Subchapter 12, Use Rules under subchapter 15, and Resource Rules under subchapter 16.

In areas outside of the CAFRA regulatory area, installation of the receiver station landward of, and within 500' of, the MHWL will likely require authorization under a Waterfront Development Individual Upland Permit, and demonstrate compliance with the subchapters listed above. A review of the exceptions listed under N.J.A.C 7:7-2.4(d) has determined that none of the exceptions listed in 1-4 would be applicable, as these are new structures.

If proposed within the Flood Hazard Area or Riparian Zone of a regulated waterbody, the receiver station would be regulated by the Flood Hazard Control Act Rules. Potential permit types that may be applicable include Permit-by-Rules (PBR) 8, 9, 10, 33, 34, and 35. PBR's would not require review by DLRP, though DLRP would be willing to provide comment on an as needed basis. Beyond the PBRs and general permits, the only other permitting option under FHA regulation would be an Individual Permit that shows compliance with the applicable standards under Subchapter 11 and 12. General guidance would be that placing the Motus in the channel of a fluvial waterbody would not likely be permissible, and impacts to riparian zone (clear cutting of vegetation for sight lines or installation of the Motus) should be avoided to the extent practicable.

More information on permitting and the fee's associated can be found [here](#). Please note, wherever the fee requires a calculation based on the acreage of the site, the total should be rounded up to the nearest acre. For easements and rights of ways, NJDEP's Application Support Unit requests the length of the project multiplied by the width of the easement.

For additional questions on permits from the Division of Land Resource Protection, please contact Janet Stewart at Janet.Stewart@dep.nj.gov and Matthew Resnick at Matthew.Resnick@dep.nj.gov.

For additional questions on the [RFP](#) for expanding the Motus Wildlife Tracking System in New Jersey to inform baseline avian and bat population movements near offshore wind energy areas, please contact Caitlin McGarigal at Caitlin.McGarigal@dep.nj.gov.