



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Land Resource Protection
Mail Code 501-02A
P.O. Box 420
Trenton, New Jersey 08625-0420
www.nj.gov/dep/landuse

SHAWN M. LATOURETTE
Commissioner

SHEILA Y. OLIVER
Lt. Governor

Marc Reimer
c/o Orsted
399 Boylston Street
Boston, Massachusetts 02116

October 19, 2022

RE: Deficiency and Additional Information Request Letter:
Coastal Wetlands-(not SFH/Duplex)
WFD IP-Commercial/Industrial/Public(Waterward)
FWW Individual Permit-Wetlands (not SFH/Duplex)
FHA Individual Permit-Utility
Verification-Method 2 (FEMA Tidal Method)
CAFRA Individual Permit-Commercial/Industry/Public
File and Activity No.: 0000-21-0008.2 LUP220001
Applicant: Marc Reimer c/o Orsted
Project: Ocean Wind 1 Offshore Wind Farm
Municipalities: Lacey & Berkeley Townships; County: Ocean
Municipalities: Ocean City & Upper Township; County: Cape May

Dear Mr. Reimer:

Watershed & Land Management (Program) has received the above-referenced application to install offshore export cables, onshore export cables, onshore substations and connections to the existing electrical grid with associated infrastructure and improvements for the work proposed in state waters and onshore associated with the proposed construction of Ocean Wind I's offshore wind farm.

1. Based upon the materials submitted, the following additional information and revisions to the corresponding site plans are required for Program staff to deem the Waterfront Development Individual In-Water Permit application technically complete:
 - a. The submitted sediment data package is incomplete. In order to address the requirements of the Water Quality rule at N.J.A.C. 7:7-16.3, the entire sediment data package, prepared by the laboratory that performed the sediment analysis which contains the raw laboratory data, must be provided for review. A review of the sediment chemistry sample summary tables was conducted but a comprehensive review cannot be accomplished until the laboratory report is submitted and reviewed by the Division. Note that from a cursory review, it appears that sediment modeling will likely be required so that a complete assessment of impacts can be made. Please contact the Division for further guidance.

2. For the pending Flood Hazard Area Verification, separate site plans showing existing conditions only, topography, the limits of the riparian zone, metes and bounds of any existing and/or proposed flood hazard area and floodway limits must be provided.

In addition to the above, the following items should be addressed in order for the Program to determine project compliance with all applicable regulations:

1. Please provide an addendum to the compliance statement addressing how the portion of the project located within CAFRA jurisdiction meets the requirements of Section 10 of CAFRA. These requirements can be found in the Coastal Zone Management Rules at N.J.A.C. 7:7-1.4(b).
2. The requirements of the Public Facility rule at N.J.A.C. 7:7-15.6 are applicable to the project. Please provide an addendum to the compliance statement addressing how the project complies with the requirements of this rule.
3. Since the entirety of the project proposal is located within coastal jurisdiction, the submitted application for a Flood Hazard Area Individual Permit is not required in accordance with the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-2.1(b)6. Please submit a request in writing to withdraw the pending Flood Hazard Area Individual Permit application. Please be advised, the requirements of the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13 will be reviewed under the pending coastal permit applications.
4. In order to assess the project's impact to critical wildlife habitat, please quantify on all applicable sheets of the project plans the project's proposed disturbance to woody vegetation, which includes trees and scrub-shrub vegetation. The plan sheets need to clearly identify all areas where clearing is proposed. It would be helpful if this information can also be provided in a shapefile format as well.
5. Please address the requirements of the Public Access Law. If the Public Access Law applies to the project, a proposal to provide new public access shall be submitted to the Division for review.
6. Please provide the following information related to the submitted sediment chemistry sample summary tables:
 - a. The sediment chemistry sample summary tables must include a comparison to the Ecological Screening Criteria. Bulk sediment chemistry on raw dredged material samples results must be screened against the Ecological Saline Water Sediment Effects Range Medium (ER-M) and Low (ER-L) criteria. ER-Ms and ER-Ls are measures of toxicity in marine sediment that are used in assessing toxicity hazards for trace metals and organic contaminants. Parameters that exceed the ER-M value indicate there is a greater than 50% incidence of adverse effects to benthic communities
 - b. The legend associated with the sediment chemistry sample summary tables contains an exceedance indicator represented by blue italic text with light gray lines which corresponds to a sediment analysis result that exceeds the reporting limit. Please clarify if the 'reporting limit' the exceedance indicator is referring to is the 'NJ Min. Criteria' and if so, please change the description associated with the exceedance indicator to correspond to a result that exceeds 'NJ Min. Criteria'.

- c. Please insert the NJDEP reporting limits, outlined in the Remediation Standards (N.J.A.C. 7:26D), into the sediment chemistry sample summary tables so the Division can ensure that the laboratory analysis for each specific analyte were at or under the NJDEP reporting limits.

Following the above, please submit the revised site plans and other information within thirty days of the receipt of this letter. All site plans must be signed and sealed by a licensed professional engineer, architect, or land surveyor, as appropriate, and include a revision date. All supplemental or revised application materials must be submitted through the DEP Online service. This process must be used for any Program application that requires follow-up information. The uploaded documents will go directly into the Department's database, known as "NJEMS" as an attachment and staff will be notified that information has been received. The service can be found at: <https://www.nj.gov/dep/landuse/epermit.html>.

Please be advised, a detailed review of the submitted applications is ongoing and additional information may also be requested at a later date.

If you have any questions regarding this letter, please contact Lindsey J. Davis by email at Lindsey.Davis@dep.nj.gov or by phone at (609)633-2289. Please reference the Program's file number in all communication.

Sincerely,

Janet L. Stewart, Bureau Chief
Bureau of Coastal Permitting
Division of Land Resource Protection
Watershed & Land Management Program

- c: Municipal Clerk
Municipal Construction Official
Agent (original) – David Brizzolara