



State of New Jersey

PHILIP D. MURPHY
Governor

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

SHEILA Y. OLIVER
Lt. Governor

April 27, 2023

Katharine Perry
c/o Ocean Wind LLC
399 Boylston Street
Boston, MA 02116

Re: Federal Consistency Certification Request
File No. 0000-21-0008.1, CDT210001
Applicant: Ocean Wind LLC
Project: Ocean Wind 1 Offshore Wind Project
BOEM Energy Lease OCS-A 0498

Dear Ms. Perry:

The New Jersey Department of Environmental Protection (NJDEP) Division of Land Resource Protection (Division), acting under Section 307 of the Federal Coastal Zone Management Act (P.L. 92-583) as amended, has reviewed the request for a Federal Consistency Certification for the portion of the proposed Renewable Offshore Wind Project known as Ocean Wind 1, located in federal waters beyond the three-geographical mile limit of the New Jersey territorial sea.

The Division has determined that the project is conditionally consistent with New Jersey's Coastal Zone Management Rules N.J.A.C. 7:7-1.1 et seq., (amended on October 5, 2021), provided the conditions outlined below are met to the satisfaction of the NJDEP.

Project Description

The offshore portion of the proposed Renewable Offshore Wind Project known as Ocean Wind 1 (project) is proposed in federal waters beyond the three-geographical mile limit of the New Jersey territorial sea. Specifically, the offshore portion of the project components include the installation of up to 98 Wind Turbine Generators, up to 3 Offshore Substations, and associated inter-array cables located within the Bureau of Ocean Energy Management (BOEM) Lease Area OCS-A-0498, which is located approximately 15 miles (13 nautical miles) southeast of Atlantic City, New Jersey. In addition, the offshore portion of the project includes two transmission cables that eventually make landfall in Ocean County and Cape May County, New Jersey. The segments of the two transmission cables that are located within the three-geographical mile limit of the New Jersey territorial sea, as well as those portions of the Project located on land within New Jersey, are being reviewed under separate application by the Division.

Based upon the information contained in BOEM's Draft Environmental Impact Statement (DEIS), as well as Ocean Wind LLC's Construction and Operations Plan (COP), including the measures to avoid, minimize and mitigate the reasonably foreseeable effects associated with the project, the NJDEP concurs

that the Project is consistent with the enforceable policies of New Jersey's Coastal Zone Management Plan provided the following conditions are implemented:

1. Ocean Wind LLC and the State of NJ shall execute a Memorandum of Understanding (MOU) to provide appropriate compensation measures for fisheries resources and fishing industry uses impacted by the authorized project.
2. Ocean Wind LLC shall implement all protective and mitigative measures as outlined in BOEM's Final EIS and Record of Decision for protection of fisheries, aquatic and benthic resources.
3. Prior to commencement of project construction, an Ocean Wind Offshore Wind Project Memorandum of Agreement shall be executed among the Section 106 consulting parties for the avoidance, minimization, and mitigation of project adverse effects on historic properties, pursuant to Section 106 of the National Historic Preservation Act.
4. Ocean Wind LLC shall develop a Project Mitigation Plan that is informed by public engagement, consultation with the appropriate state, federal (National Oceanic and Atmospheric Administration (NOAA) Fisheries)), and regional, non-government organizations (i.e., the Regional Wildlife Science Collaborative for Offshore Wind and the Responsible Offshore Science Alliance). The Plan shall summarize the expected impacts; describe and provide technical details for each mitigation measure (including the type of impact to which it relates and the conditions under which it is required); identify policies and standards to be used and complied with; and, be responsive to impacts detected in project monitoring and other monitoring and research studies and initiatives, including Ocean Wind Fisheries Monitoring Plan, Ocean Wind Benthic Monitoring Plan, and the New Jersey Research and Monitoring Initiative for Offshore Wind.
5. If avoidance and minimization to Prime Fishing Areas identified on NOAA and NJDEP's publicly available GIS layer depicting previously identified Prime Fishing Areas (see <https://gisdata-njdep.opendata.arcgis.com/>) is not feasible, then Ocean Wind LLC shall provide the Division of Land Resource Protection with information that clearly shows any permanent changes to the bathymetry, including but not limited to flattening sand waves, filling, and relocation of boulders, post-construction. This shall include the location and extent of modification of the pre-existing bathymetry (figures and GIS shapefiles with locations and dimensions of these features within the project area should be provided), which structures were installed within these areas, and the avoidance and minimization measures which were implemented to reduce the area permanently modified.
6. For Wind Turbine Generators (WTGs) and Off Shore Substations (OSSs) - including most WTGs of Rows 1 through 8 and OSSs 1 and 2 - with the potential to impact artificial reefs and species using those reefs within the Atlantic City Reef and Great Egg Harbor artificial reef sites, additional noise dampening devices that result in greater noise dampening shall be utilized to avoid and minimize impacts to habitats and species. Devices may include, but are not limited to isolation casings, isolation casings with bubble curtains inside, and double-walled isolation casings.
7. If any military munitions and explosives of concern (MECs) or unexploded ordinances (UXOs) are encountered during project construction, Ocean Wind LLC shall immediately notify the United States Coast Guard (USCG) of the munition and its location.

This Federal Consistency is authorized pursuant to all parties following the guidelines set forth, and agreed upon, for the construction of the proposed project. Under 15 CFR 930.44, the Division reserves the right to object and request remedial action if any activities are conducted in a manner that substantially differs from that described in the DEIS and COP, or if the project effects the coastal zone in a manner that substantially differs from the effects described in the DEIS or COP.

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 do not hesitate to contact Christopher Jones by phone at (609) 633-2289 or email at Christopher.Jones@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