



NEW JERSEY ENVIRONMENTAL RESOURCES WORKING GROUP
MEETING AGENDA

JANUARY 13, 2020
4:00PM – 5:30PM

AGENDA

Welcome

Commissioner Catherine McCabe, NJDEP

Jane Cohen, Senior Policy Advisor to Governor Murphy for Environment & Energy

NJDEP Principles and Priorities for Offshore Wind in 2021

Shawn LaTourette, Deputy Commissioner, NJDEP

Offshore Wind Project Status Updates and Review of BOEM Environmental Review Schedule

Megan Brunatti, Director, Office of Permitting and Project Navigation

New Jersey Protecting Against Climate Threats “NJPACT” and Offshore Wind

Sean Moriarty, Chief Advisor, Regulatory and Legislative Affairs, NJDEP

Overview of Research and Monitoring Initiative and Establishment of Advisory Sub-Committee of the Working Group

Jane Rosenblatt, Deputy Chief of Staff, NJDEP, Gary Buchannan, Director, Division of Science and Research, NJDEP

Geographic Location Determination and Federal Consistency

Kevin Hassell, Office of Climate Resilience Planning, NJDEP

Closing Remarks, Follow Up Items and Next Steps

Jane Rosenblatt, Deputy Chief of Staff, NJDEP

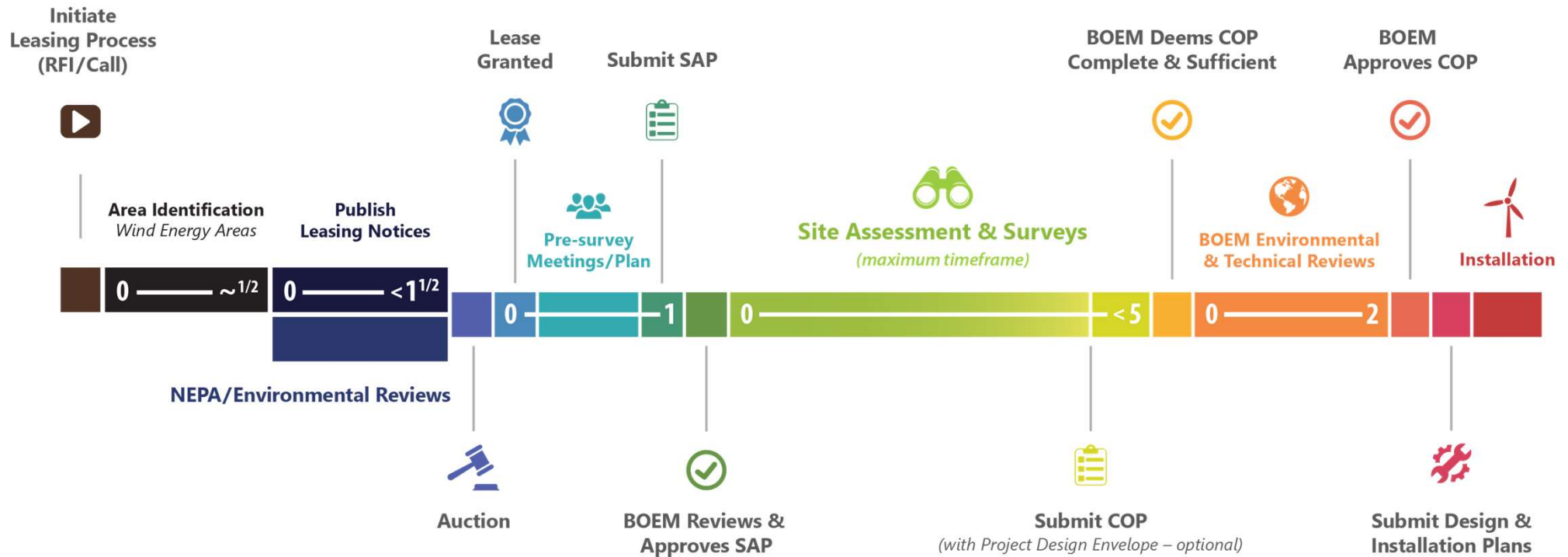


Offshore Wind Project Status Updates and Review of BOEM Environmental Review Schedule

Megan Brunatti, Director, Office of Permitting and Project Navigation

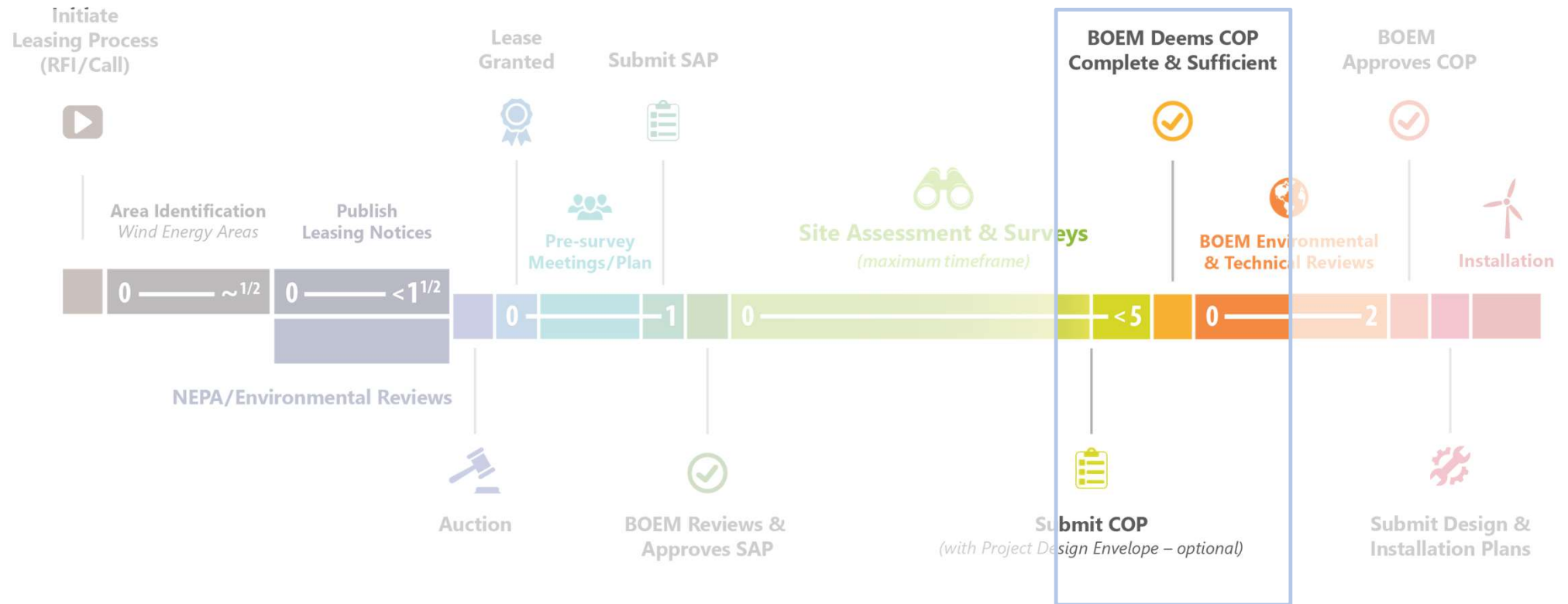


Bureau of Ocean Energy Management
Stages of Leasing and Development – Environmental Review and Decision Points



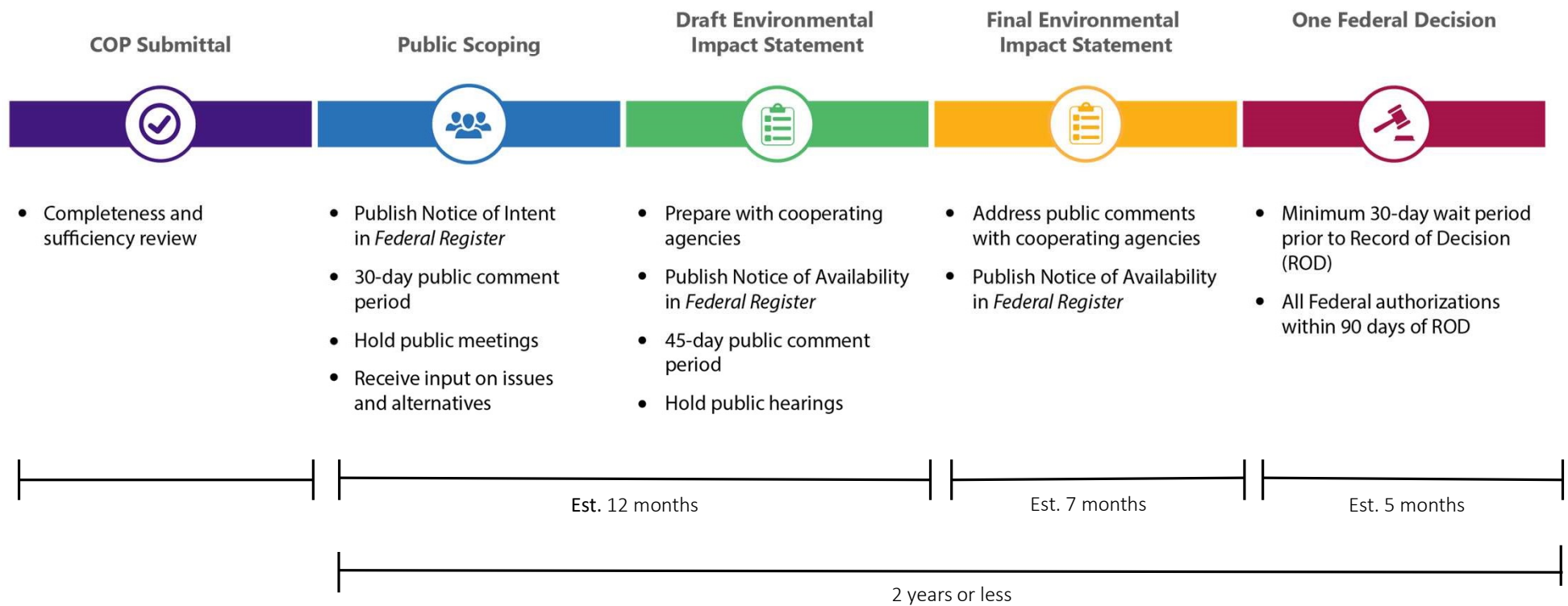
For general discussion purposes only. Information provided is pre-decisional and does not constitute a final agency decision or action.

Bureau of Ocean Energy Management
Stages of Leasing and Development – Environmental Review and Decision Points



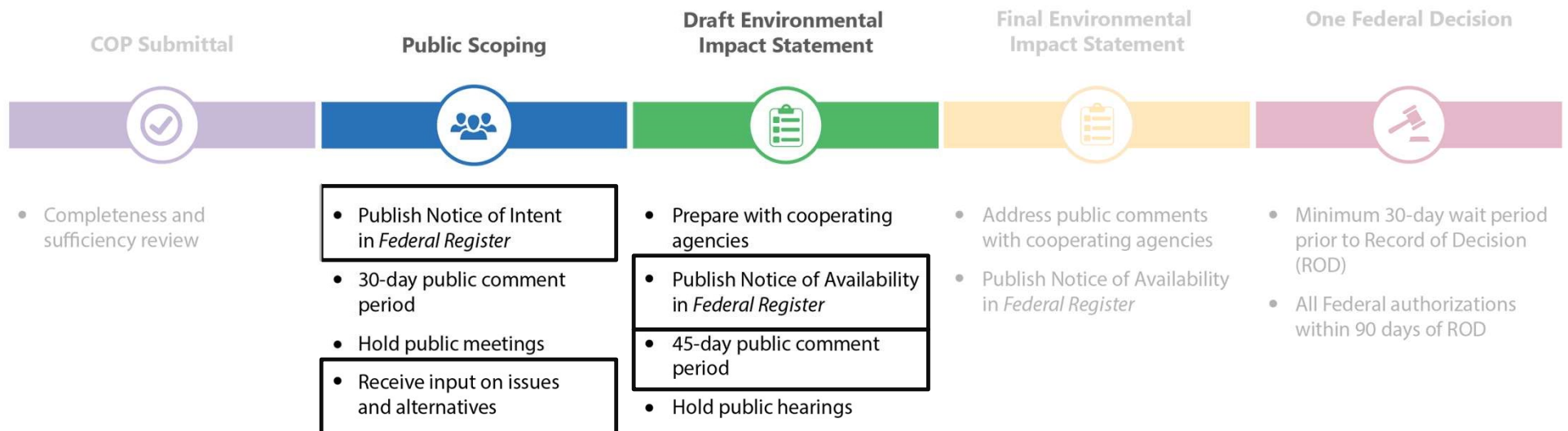
For general discussion purposes only. Information provided is pre-decisional and does not constitute a final agency decision or action.

Bureau of Ocean Energy Management
Constructions and Operations Plan Review and Public Comment Process



For general discussion purposes only. Information provided is pre-decisional and does not constitute a final agency decision or action.

Bureau of Ocean Energy Management
Constructions and Operations Plan Review and Public Comment Process
Public Comment Milestones



For general discussion purposes only. Information provided is pre-decisional and does not constitute a final agency decision or action.

Bureau of Ocean Energy Management Constructions and Operations Plan - Draft Environmental Impact Statement

Draft Environmental Impact Statement



- Prepare with cooperating agencies
- Publish Notice of Availability in *Federal Register*
- 45-day public comment period
- Hold public hearings

Developed by BOEM based on information provided in the COP, the EIS includes:

- Purpose and need statement: Explains the reason the agency is proposing the action and what the agency expects to achieve.
- Alternatives: Consideration of a reasonable range of alternatives that can accomplish the purpose and need of the proposed action.
- Affected environment: Describes the environment of the area to be affected by the alternatives under consideration.
- **Environmental consequences: A discussion of the direct and indirect environmental effects and their significance.**

For general discussion purposes only. Information provided is pre-decisional and does not constitute a final agency decision or action.

New Jersey Protecting Against Climate Threats “NJPACT” and Offshore Wind

Sean Moriarty, Chief Advisor, Regulatory and Legislative Affairs, NJDEP



New Jersey Protecting Against Climate Threats “NJPACT” and Offshore Wind

Objective: To balance between maintaining habitat and protecting environmentally sensitive areas while encouraging renewable energy, such as offshore wind.



For general discussion purposes only. Information provided is pre-decisional and does not constitute a final agency decision or action.

New Jersey Protecting Against Climate Threats “NJPACT” and Offshore Wind Draft, Pre-Decisional Concepts Ready for Stakeholder Input

ELECTRIC TRANSMISSION CABLES:

Objective: To protect habitat and environmentally sensitive areas by ensuring that electric transmission cables associated with renewable energy projects, or their components, avoid or minimize potential adverse impacts to these resources.

Conceptual, Pre-Decisional Proposals:

- Add a required burial depth for electric transmission cables of 2 meters, unless determined through a burial risk assessment study that a different depth is necessary.
- Add public notice requirements for electric transmission cable installation.



For general discussion purposes only. Information provided is pre-decisional and does not constitute a final agency decision or action.

New Jersey Protecting Against Climate Threats “NJPACT” and Offshore Wind Draft, Pre-Decisional Concepts Ready for Stakeholder Input

SHELLFISH HABITAT:

Objective: To balance the continued protection of shellfish habitat and resources by ensuring that renewable energy projects, or their components, avoid or minimize potential adverse impacts to these resources and, where appropriate, mitigate for any adverse impacts that cannot be practicably avoided.

Conceptual, Pre-Decisional Proposals:

- Modify shellfish habitat rule to allow installation of submerged cables in shellfish habitat only where installation is demonstrated to be in the public interest and unavoidable impacts are minimized and mitigation is provided.
- Modify shellfish habitat rule and mitigation requirements to avoid oyster reef shellfish habitat to maximum extent practicable, and if not possible, take steps to mitigate including:
 - In kind restoration of habitat of the disturbed area to its preconstruction state, shell and oyster density and population conditions, including reef reconstruction, oyster seeding, replanting, and monitoring.



For general discussion purposes only. Information provided is pre-decisional and does not constitute a final agency decision or action.

New Jersey Protecting Against Climate Threats “NJPACT” and Offshore Wind Draft, Pre-Decisional Concepts Ready for Stakeholder Input

MARINE FISH AND FISHERIES:

Objective: To protect marine fish and fisheries by ensuring that renewable energy projects, or their components, avoid or minimize potential adverse impacts to these resources and, where appropriate, mitigate for any adverse impacts that cannot be practicably avoided.

Conceptual, Pre-Decisional Proposals:

- Add that renewable energy projects are conditionally acceptable if potential adverse impacts are avoided or minimized, including potential impacts from placement of structures or cables in critical habitat areas or migration corridors, use of materials and layout, noise or vibration, footprint size, installation and maintenance of electric transmission cables, and integrate mitigation requirements in the event any adverse impacts cannot be practicably avoided.



For general discussion purposes only. Information provided is pre-decisional and does not constitute a final agency decision or action.

Overview of Research and Monitoring Initiative and Establishment of Advisory Sub-Committee of the Working Group

Jane Rosenblatt, Deputy Chief of Staff, NJDEP, Gary Buchanan, Director, Division of Science and Research, NJDEP



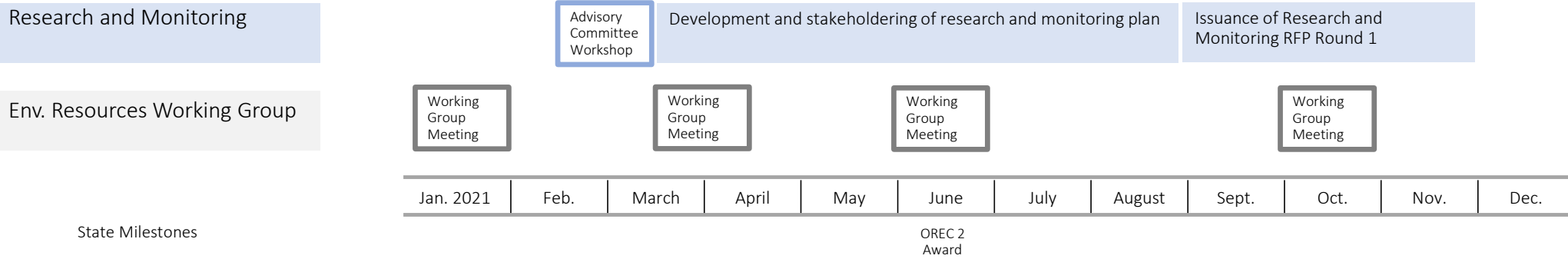
Requirement of Applicants to New Jersey's Second Offshore Wind Solicitation

New Jersey's near shore and offshore waters are biologically diverse and rich with fisheries and other species habitat that provide important natural resource and economic value to the State and its residents. While New Jersey has studied these resources the introduction of new onshore and offshore industry introduces new variables into both the natural and economic environment that must be well studied and understood as offshore wind developments are constructed, operated, and decommissioned. Accordingly, conducting ongoing research and monitoring the effects of offshore wind industry on the distribution and abundance of wildlife and fisheries resources is a priority for New Jersey. To facilitate a shared understanding of these effects Applicants will be required to commit financial and technical support to research initiatives and the regional monitoring of wildlife and fisheries related to the introduction of offshore wind projects with a \$10,000 per megawatt of project nameplate capacity fee. NJDEP and BPU will collaborate with the selected Applicant, research institutions, industry, regional monitoring organizations and members of the New Jersey Offshore Wind Environmental Resources Working Group to identify and prioritize research and monitoring needs. Example studies could include but are not limited to: annual habitat surveys, regional studies and collaboration with neighboring states to develop and collect information, evaluation of the extent and attenuation of noise resulting from construction and operation of offshore wind energy facilities and its effects on the background biological soundscape, and assessment of vulnerability of fisheries receptors.



For general discussion purposes only. Information provided is pre-decisional and does not constitute a final agency decision or action.

Research and Monitoring Initiative and Establishment of Advisory Sub-Committee

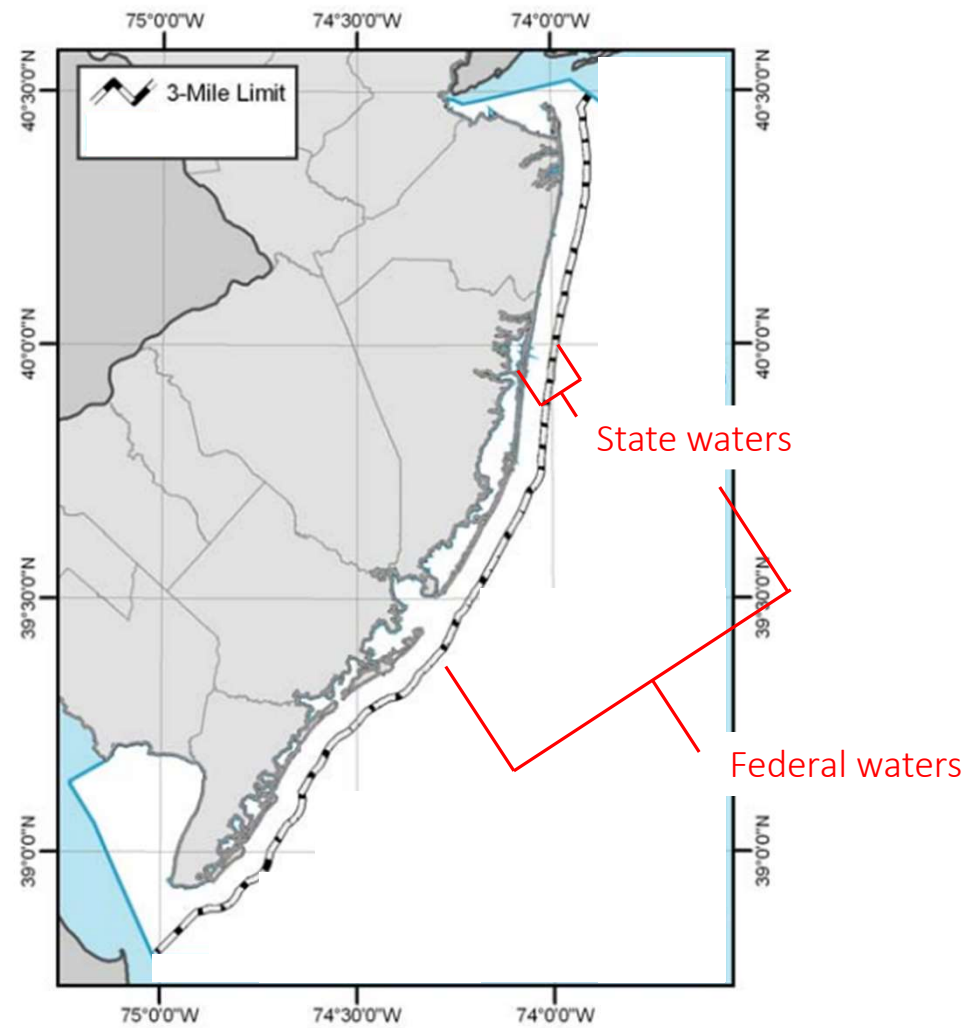


For general discussion purposes only. Information provided is pre-decisional and does not constitute a final agency decision or action.

Federal Consistency and Geographic Location Description

Kevin Hassell, Bureau of Climate Resilience Planning, NJDEP

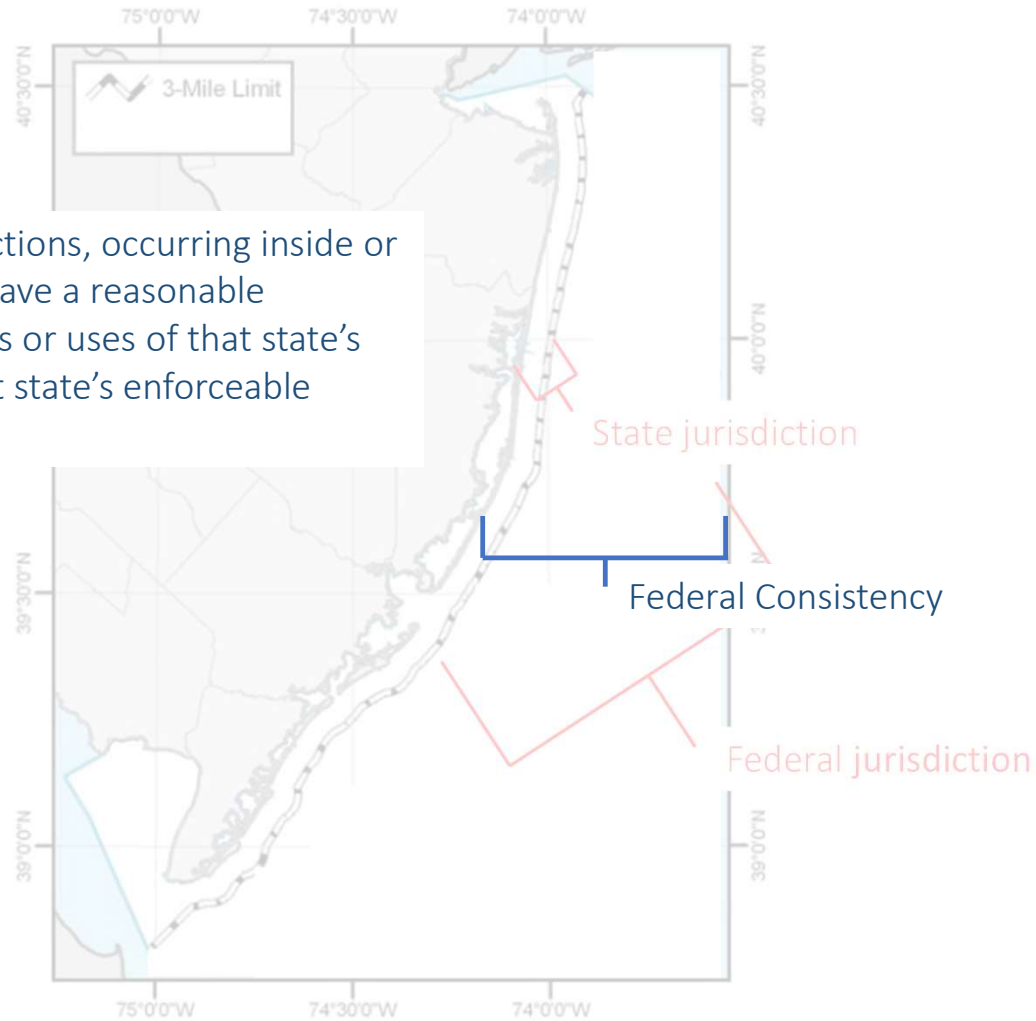




For general discussion purposes only. Information provided is pre-decisional and does not constitute a final agency decision or action.

New Jersey Department of Environmental Protection
Federal Consistency

Federal Consistency requires federal actions, occurring inside or outside of a state's coastal zone, that have a reasonable potential to affect the coastal resources or uses of that state's coastal zone, to be consistent with that state's enforceable policies.



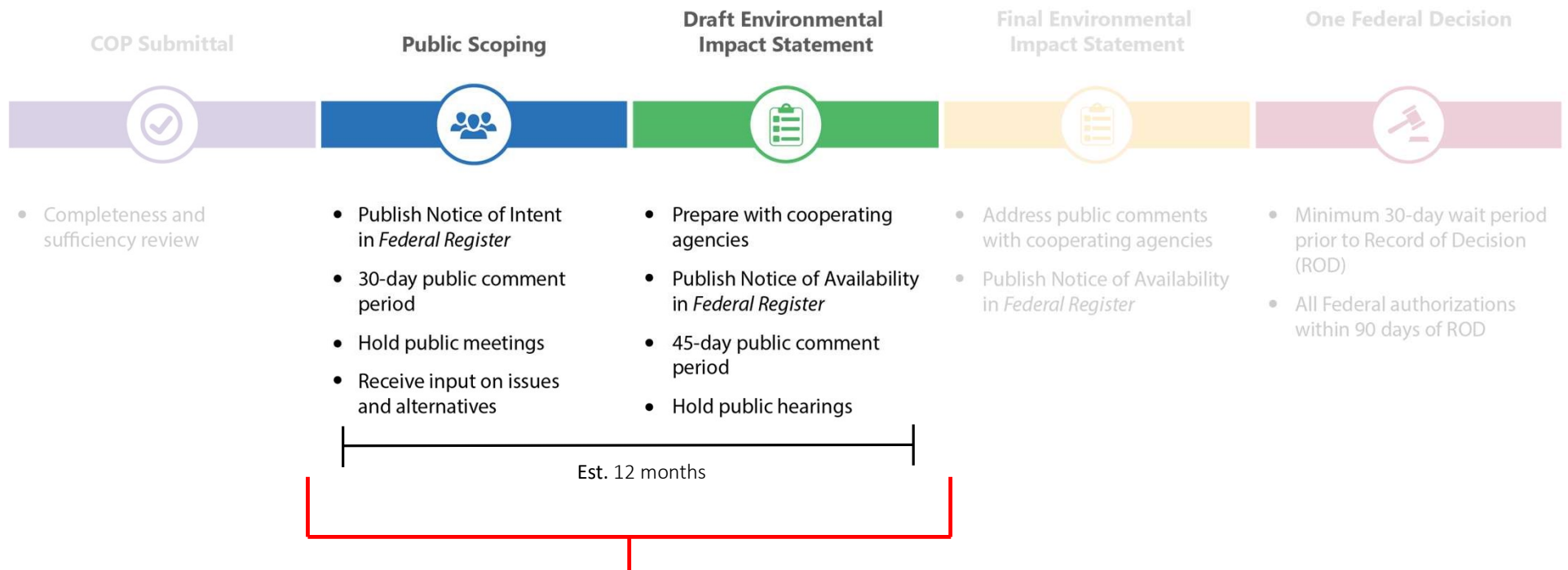
For general discussion purposes only. Information provided is pre-decisional and does not constitute a final agency decision or action.

New Jersey Department of Environmental Protection
Constructions and Operations Plan Review and Public Comment Process
Federal Consistency



For general discussion purposes only. Information provided is pre-decisional and does not constitute a final agency decision or action.

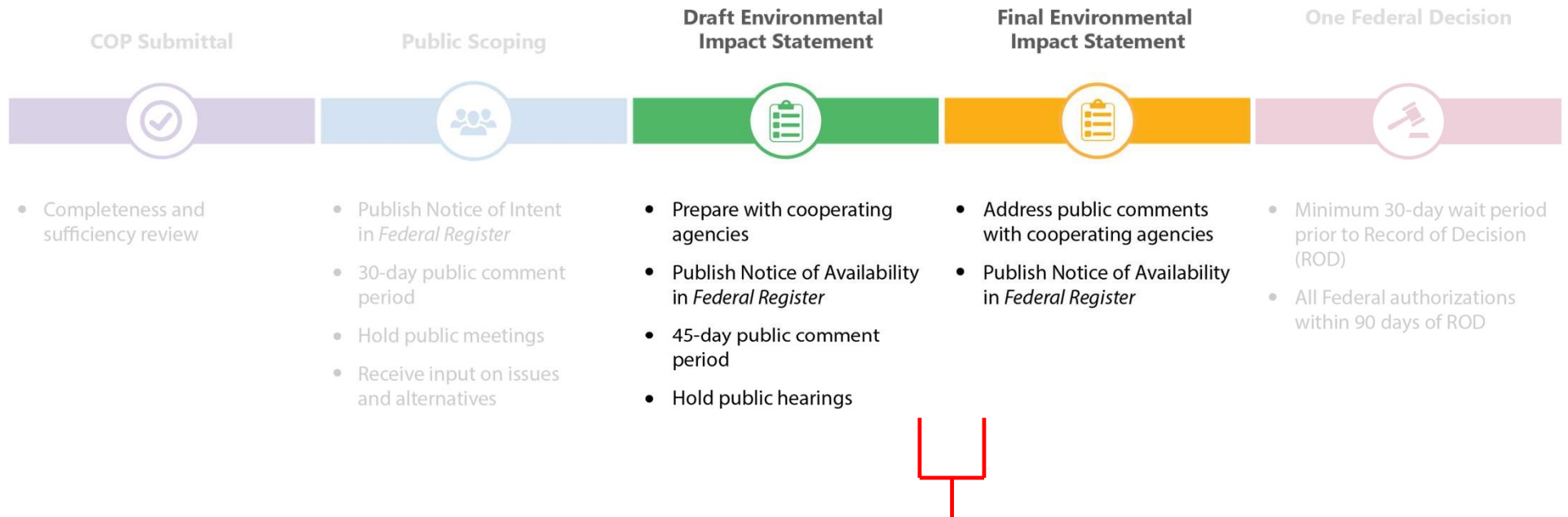
New Jersey Department of Environmental Protection
Constructions and Operations Plan Review and Public Comment Process
Federal Consistency



The year between the publication of an NOI and the publication of a draft EIS, will be spent reviewing and engaging with a project developer on resource impacts within both state jurisdiction and federal within NJDEP enforceable policies to ensure consistency. State permits will likely be applied for during the draft EIS phase.

For general discussion purposes only. Information provided is pre-decisional and does not constitute a final agency decision or action.

New Jersey Department of Environmental Protection
Constructions and Operations Plan Review and Public Comment Process
Federal Consistency



Following the publication of the draft EIS and NJDEP completeness review, a Federal Consistency determination letter will be issued to the project developer and BOEM. Depending on timing, state permits may be issued before or after Federal Consistency is determined.

For general discussion purposes only. Information provided is pre-decisional and does not constitute a final agency decision or action.