



State of New Jersey

OFFICE OF PERMITTING AND PROJECT NAVIGATION

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November 1, 2021

James Bennett, Program Manager
Office of Renewable Energy
Bureau of Ocean Energy Management
45600 Woodland Road
Sterling, Virginia 20166

RE: Docket No. BOEM-2021-0057
Notice of Intent to Prepare an Environmental Impact Statement for the Atlantic Shores Offshore
Wind, LLC project located in Commercial Lease Area OCS-A 0499 offshore New Jersey

Dear Mr. Bennett:

New Jersey commends BOEM's progress with offshore wind development along the Atlantic coast, and in particular, in New Jersey, with the recent publication of the Notice of Intent to Prepare an Environmental Impact Statement (EIS) for the review of a construction and operations plan (COP) submitted by Atlantic Shores Offshore Wind, LLC, (ASOW). As a state with one of the most ambitious offshore wind goals in the nation, we are encouraged by this progress as we work to achieve 7,500 MW of offshore wind power by 2035, and 100% clean energy by 2050.

The New Jersey Global Warming Response Act, N.J.S.A., 26:2C-37, et seq., directed the NJDEP to develop plans for reducing emissions of climate pollutants, including through the adoption of renewable energy plans and policies consistent with the State's Energy Master Plan (EMP). The State's Offshore Wind Economic Development Act, N.J.S.A. C.48:3-87, et seq., authorizes the NJBPU to accept applications for qualified offshore wind ("OSW") projects and to conduct one or more competitive solicitations for open access OSW transmission facilities designed to facilitate the collection of OSW energy from qualified OSW projects. As the State pursues the responsible development of OSW, the NJDEP is obligated, pursuant to the federal Coastal Zone Management Act, 16 U.S.C. § 1451, et seq., and related state laws, to preserve, protect, restore, and enhance the resources of the State's coastal zone. As an affected state, we look forward to coordinating with BOEM as the ASOW EIS is developed to ensure that impacts to natural resources are avoided, minimized where avoidance is not possible, and appropriately mitigated for when necessary.

Since 2019, the NJDEP has engaged regularly with ASOW regarding their proposed wind energy project and will continue to do so as design details are further refined.

Based on NJDEP's review, it is noted that further coordination with the United State Army Corps of Engineers (USACE) regarding shore protection projects and sand borrow areas is necessary to ensure that ongoing and planned USACE projects are not adversely impacted and should include the NJDEP's Division of Coastal Engineering as well as representatives. Also, the New Jersey Department of Transportation (NJDOT) Office of Maritime Resources should be consulted regarding potential impacts of cable installation to navigation projects, state channels, and other NJDOT managed infrastructure and projects.

Further, NJDEP has been actively engaged with stakeholders through its Offshore Wind Environmental Resources Working Group. This stakeholdering is a necessary component of our process, and we are committed to being transparent and accessible as offshore wind development proceeds in New Jersey. It is critical that BOEM and ASOW continue stakeholder engagement with local municipalities who may be impacted by the development of the windfarm as well as the commercial and recreational fisheries groups. Our fishing communities and seafood industries are important parts of New Jersey's identity, and crucial components of our state's economy. We strongly encourage BOEM to engage with industry representatives now as the environmental review begins. In addition, the NJDEP suggests that BOEM and ASOW continue to consult with stakeholders regarding navigational and safety concerns, including transit through and around the windfarm and between the adjacent windfarms. The NJDEP is happy to assist with this engagement.

BOEM has chosen to utilize the National Environmental Policy Act (NEPA) substitution process to fulfill its obligations under the National Historic Preservation Act (NHPA), in accordance with 36 CFR 800.8. The NJDEP and the New Jersey Historic Preservation Office look forward to further consultation with BOEM regarding the identification, evaluation, and treatment of historic properties in accordance with the coordination of the NEPA provisions of Section 106 of the NHPA, as amended.

Lastly, on September 30, 2021, ASOW submitted to the Department a federal consistency certification and a copy of the COP for the proposed construction and operation of the wind energy project. The Department and ASOW have mutually agreed to stay the NJDEP six-month consistency review period consistent with 15 CFR§ 930.60(b) to provide sufficient time for discussions, meetings, and exchange of materials between ASOW and the Department. The Department will issue its consistency decision on or before June 29, 2023, unless the Department and ASOW mutually agree in writing to an alternate date.

Thank you for providing the New Jersey Department of Environmental Protection with the opportunity to comment on the Notice of Intent to Prepare an Environmental Impact Statement for the Atlantic Shores Offshore Wind, LLC project. We look forward to continuing to work with BOEM throughout the environmental review process, as well as with ASOW throughout the state's regulatory process.

If you have any questions or would like to discuss this letter, please free to contact Katie Nolan at Katherine.Nolan@dep.nj.gov.

Sincerely,

A handwritten signature in black ink that reads "Megan Brunatti". The signature is written in a cursive, flowing style. The first name "Megan" is written in a larger, more prominent script, and "Brunatti" follows in a similar but slightly smaller script. The signature is contained within a light gray rectangular box.

Megan Brunatti, Director
Office of Permitting and Project Navigation

Cc: Will Waskes, BOEM
Jennifer Daniels, ASOW
Jim Ferris, NJBPU