



## State of New Jersey

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Governor

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SHAWN M. LATOURETTE  
Commissioner

SHEILA Y. OLIVER  
Lt. Governor

July 26, 2021

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

RE: Docket Number BOEM-2021-0038  
Notice of Intent to Prepare an Environmental Impact Statement for Empire Wind's Proposed Wind  
Energy Facility Offshore New York and New Jersey

Dear Mr. Bennett:

New Jersey once again commends BOEM's recent progress with offshore wind development along the Atlantic coast. As a state with one of the most ambitious offshore wind goals in the nation, we are encouraged by BOEM's continued efforts to advance the industry in our region.

The New Jersey Global Warming Response Act, N.J.S.A., 26:2C-37, et seq., directed the New Jersey Department of Environmental Protection (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). As New Jersey and our neighboring states pursue the responsible development of offshore wind, 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 Empire Wind 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 2018, the NJDEP has engaged regularly with Empire Wind regarding this proposed wind energy project and will continue to do so as design details are further refined. NJDEP has been actively engaged with stakeholders through its Offshore Wind Environmental Resources Working Group (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 off the coast of New Jersey. The NJDEP was encouraged that Empire Wind incorporated specific feedback from the commercial fishing industry into their turbine layout. It is critical that BOEM and Empire Wind continue stakeholder engagement with the commercial and recreational fishing groups, as well as other ocean users.

Also, 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.

Finally, on June 24, 2021, Empire Wind submitted to the NJDEP a federal consistency certification and a copy of the Construction and Operations Plan for the proposed wind energy project. The Department and Empire Wind 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 Empire Wind and the Department. The Department will issue its consistency decision on or before January 27, 2023, unless the Department and Empire Wind mutually agree in writing to an alternate date.

Thank you for providing the NJDEP with the opportunity to comment on the Notice of Intent to Prepare an Environmental Impact Statement for the Empire Wind, LLC project. We look forward to continuing to work with BOEM throughout the environmental review process, as well as with Empire Wind 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](mailto:Katherine.Nolan@dep.nj.gov).

Sincerely,

A handwritten signature in black ink that reads "Megan Brunatti". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Megan Brunatti, Director  
Office of Permitting and Project Navigation

Cc: Michelle Morin, BOEM  
Brandi Sanguinetti, BOEM  
Will Waskes, BOEM  
Matthew Brotmann, Empire Wind LLC