



# State of New Jersey

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August 30, 2022

Jill Lewandowski  
BOEM Office of Environmental Programs  
45600 Woodland Road  
Sterling, VA 20166

**RE: Docket No. BOEM-2022-0034  
Notice of Intent to Prepare a Programmatic Environmental Impact Statement for Future Wind  
Development in the NY Bight Lease Areas**

Dear Ms. Lewandowski,

The New Jersey Department of Environmental Protection (NJDEP) appreciates the opportunity to review and comment on the Notice of Intent (NOI) to Prepare a Programmatic Environmental Impact Statement (PEIS) for Future Wind Development in the New York Bight.

Under the leadership of Governor Phil Murphy, New Jersey's development of offshore wind energy, together with other clean and renewable energy sources, is critical to addressing the challenges associated with climate change and to building a clean energy economy. As a state with one of the most ambitious offshore wind goals in the nation, we are on the path to achieving 7,500 MW of offshore wind power by 2035, and 100% clean energy by 2050. As the State pursues 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 on the PEIS, and subsequent National Environmental Policy Act (NEPA) review, to ensure that impacts to natural resources are avoided, minimized where avoidance is not possible, and appropriately mitigated for when necessary. Specifically, BOEM's PEIS will seek to analyze the potential impacts of wind energy development activities in the New York Bight (NY Bight), as well as the change in those impacts that could result from adopting programmatic avoidance, minimization, mitigation, and monitoring (AMMM) measures for the NY Bight. The information gathered during scoping will be used to identify significant issues and potential alternatives for consideration in the NY Bight PEIS.

New Jersey currently has two lease areas being developed off the coast of New Jersey, therefore, NJDEP is keenly aware of the challenges developers face in siting turbine infrastructure and submarine cables while avoiding resources including but not limited to: marine mammals, sea turtles, fish and fisheries, shellfish leases and habitat, avian species, bats, benthic habitat, subaquatic vegetation, borrow areas, and sand ridges. NJDEP anticipates that the PEIS will include proactive planning of offshore wind infrastructure to minimize impacts to natural resources. Upon review of the Notice of Intent to Prepare a Programmatic

Environmental Impact Statement for Development of Future Wind Areas in the NY Bight, NJDEP offers the following comments:

#### *Standardized Collection and Data*

To facilitate collaborative and comprehensive pre-construction research and ongoing monitoring of potential offshore wind development impacts to wildlife and fisheries, especially during the pre-construction phase, consideration should be given to types of regional data are important and should be required to assess knowledge gaps and inform future environmental reviews. Consistency in experimental designs, collection methods, data standardization, and data sharing agreements should all be addressed in the PEIS. Doing so will allow for regional analyses and assessment of cumulative impacts which, given the smaller geographic footprint of site-specific research to date, have been challenging to evaluate. Additionally, the PEIS should outline what data will be needed to inform decisions around consistent mitigation to be implemented across future projects.

#### *Survey Safety Considerations*

As surveys are conducted and potential impacts are assessed, we encourage BOEM and the developers to consider stakeholder engagement with the fishing community as a critical part of safety planning. Vessel operators are most capable of providing information about how surveys, construction, and operation of windfarms might create safety hazards, and potential mitigation measures that should be considered. This type of coordinated approach to survey work would improve communication with marine vessels and reduce interactions.

#### *Scallop*

The NJDEP's Marine Resources Administration recommends that BOEM consider options for funding research to protect the highly valuable sea scallop population in and around the NY Bight leases. Vessels from Maine to North Carolina fish the Mid-Atlantic Access Area (MAAA) and many of those vessels offload their catch in New Jersey rather than their home states to make the most of their days at sea quotas. The access area rotational program was established to promote optimal yield in the fishery by closing areas with large concentrations of fast-growing, small scallops before the scallops are exposed to fishing. In 2015, the MAAA was created and combined the previously designated scallop rotational areas which included Delmarva, Elephant Trunk, and Hudson Canyon. For the proposed NY Bight lease area, scallops are the most impacted fishery management plan and species, with over 25 million pounds being harvested over 12 years valued at over \$246 million. Scallops spawn as early as spring in the Mid-Atlantic region and the larvae remain in the water column for 4-6 weeks before settling on the ocean floor. Massachusetts, Virginia, and New Jersey are responsible for most of the U.S. harvest which in 2020 totaled approximately 49 million pounds of meats which were valued at approximately \$486 million. The U.S. scallop fishery is vitally important to the U.S. economy and is the largest wild scallop fishery in the world. Impacts to these historic, and profitable essential habitat areas would be detrimental to the sea scallop fishery.

#### *Surfclam and Ocean Quahog*

Surfclam and ocean quahog are the second most valuable fisheries and the second most impacted fishery management plan within the NY Bight lease areas with over 44 million pounds being harvested over 12 years, with a value of over \$25 million. Therefore, additional research on mitigation for these fisheries should be a high priority in the NY Bight.

#### *Regional Coordination*

The New Jersey Research and Monitoring Initiative (RMI) addresses the need for regional research and monitoring of marine and coastal resources during offshore wind development, construction, operation

and decommissioning as recommended in the New Jersey Offshore Wind Strategic Plan. The RMI is invested in coordinating research efforts to maximize the utility of results for decision making, along with our partners at NYSERDA, the Regional Wildlife Science Collaborative, and the Responsible Offshore Science Alliance. We encourage BOEM and developers to seek opportunities to coordinate research and monitoring efforts and the Programmatic EIS approach may facilitate that.

Thank you for providing the New Jersey Department of Environmental Protection with the opportunity to comment on the Notice of Intent to Prepare a Programmatic Environmental Impact Statement for Future Development in the New York Bight. NJDEP looks forward to coordinating with BOEM as the PEIS is developed, as well as conducting a robust review of the document once it is finalized.

If you have any questions or would like to discuss any of these comments, please contact Elizabeth Lange at [Elizabeth.Lange@dep.nj.gov](mailto:Elizabeth.Lange@dep.nj.gov).

Sincerely,

A handwritten signature in black ink that reads "Megan Brunatti". The signature is written in a cursive, flowing style.

Megan Brunatti  
Deputy Chief of Staff