Permits and Approvals for Construction of Onshore Wind Facilities
March 2021

The following permits and approvals may be required for the construction of onshore (land-based), terrestrial wind turbine facilities located landward of the mean high water line, depending on the specifics of the project. This document lists the permits and approvals that are most likely to be required from the New Jersey Department of Environmental Protection and similar permits and approvals required from federal agencies. Accordingly, each section below may apply to a specific project or portion of a project.

State
- CAFRA permit (N.J.S.A. 13:19-1 et seq.)
- Upland Waterfront Development permit (N.J.S.A. 12:5-3)
- Freshwater Wetlands permit (N.J.S.A. 13:9B-1 et seq.)
- Coastal Wetlands permit (N.J.S.A. 13:9A-1 et seq.)
- Flood Hazard Area Control Act permit (N.J.S.A. 58:16A-1 et seq.)
- Water Quality Certificate under Section 401 of the Clean Water Act for any discharge of dredged or fill material
- Tidelands Conveyance (N.J.S.A. 12:3-1) may be required where any part of the project, including utility lines, occupies or bisects an area that is currently or was previously flowed by the tide.
- Environmental review provisions of NJ Executive Order No. 215 of 1989 (EO #215) may be triggered if a department, agency, or authority of the State is granting at least 20% financial assistance and an Environmental Impact Statement under NEPA is not required

Federal Review

Each project proposed is anticipated to be subject to federal environmental reviews under the National Environmental Policy Act (NEPA).

If applicable, various federal agencies should be consulted including the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS). For example, consultation with the USFWS is required pursuant to Section 7 of the Endangered Species Act regarding threatened and endangered species and their habitats and the Migratory Bird Treaty Act regarding migratory birds. Consultation with NMFS is required under the Marine Mammal Protection Act regarding marine mammals; Section 7 of the Endangered Species Act regarding threatened and endangered species and their habitats; and the Magnuson-Stevens Fishery Conservation and Management Act regarding essential fish habitat. Under the MMPA, permit applicants must apply to NMFS Office of Protected Resources directly for Incidental Take Authorizations, not the lead federal action agency. Consultation with the State Historic Preservation Office is required under Section 106 of the National Historic Preservation Act. To facilitate this, early coordination with NMFS and UFWS is encouraged to determine the extent of issues to be addressed

Note:
This is not an exhaustive list of required permits and approvals. For a comprehensive guide to all potential DEP permits, consult the Permit Readiness Checklist at http://www.nj.gov/dep/pcer/introcklist.htm. Other state approvals such as stormwater management, potable and sewer connections, air permits, etc. may be required. In addition, other federal approvals may be required from agencies such as the Federal Aviation Administration and the U.S. Environmental Protection Agency.

With passage of the Electric Discount and Energy Competition Act of 1999, the Board of Public Utilities no longer regulates electric power generation companies. The electric distribution company to whose network the off-shore electric power generation facility will be connected would be required to file a petition with the Board for approval of such connection. The electric distribution company should file the petition having all agreements in place and with most permit applications in process. The petition lead time is recommended to be at least 6 months prior to the anticipated date of service operation, with more lead time better.

NJDEP Additional Resources:
http://www.state.nj.us/dep/aqes/wind.html
http://www.nj.gov/dep/aqes/offshorewind.html

Link to New Jersey Board of Public Utilities:
http://www.njcleanenergy.com/renewable-energy/technologies/wind/shore-wind