Ocean Wind
An Ørsted & PSEG project

Appendix Q – Coastal Zone Consistency Assessment

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Ocean Wind 1 Offshore Wind Farm COP

1. Coastal Zone Management Consistency Statement

The Coastal Zone Management Act (CZMA) of 1972 requires that federal actions affecting any coastal use or resource (defined as land or water use, or natural resource of a state's coastal zone), be conducted in a manner that is consistent with the enforceable policies of a state's federally approved Coastal Zone Management Program (CZMP) or Coastal Resource Management Program (CRMP).

Bureau of Ocean Energy Management (BOEM) is not requiring the submittal of a consistency certification under 30 C.F.R. 585.627(a)(9) as the Ocean Wind 1 Offshore Wind Farm (Project) is not within a state's Geographic Location Description. Nonetheless, this Consistency Certification was prepared to demonstrate that the proposed Project within BOEM Lease Area OCS-A 0498 is consistent with the policies identified as enforceable by the Coastal Zone Management (CZM) Rules of the State of New Jersey (N.J.A.C. 7:7). As described below, the proposed activity will be conducted in a manner consistent with this program and pursuant to 15 CFR part 930, which authorizes states with approved CZM programs to conduct a coastal zone consistency review and concurrence determination of projects within or outside the state coastal zone boundary. Projects that require a federal license or permit, are federally funded, or are a direct activity of a federal agency are to be reviewed to ensure that activities in or affecting the state's coastal zone are consistent with the state enforceable program policies.

In New Jersey, federal consistency reviews are the responsibility of the New Jersey Department of Environmental Protection (NJDEP), Division of Coastal Resources, as the lead State agency that implements or coordinates the State's federally approved CZMP. Pursuant to the CZMA, New Jersey has defined its coastal zone boundaries and developed policies to be utilized to evaluate projects within the designated Coastal Zone, as set forth in New Jersey's CZM Rules (last amended on February 20, 2020). These rules provide for the issuance of permits under three CZMP areas: Waterfront Development Law (N.J.S.A. 12:5-3), Tidal Wetland Act of 1970 (N.J.S.A. 13:9A), and the Coastal Areas Facility Review Act (CAFRA; N.J.S.A. 13:19).

2. Compliance with New Jersey Rules on Coastal Zone Management

The following sections contain an evaluation of the Project's consistency with applicable NJDEP CZM Rules (**Table 1)**. This document provides descriptions of how the Project will be consistent with each applicable policy or management principle. Rules not applicable to this Project have also been listed, with reasons for not including them in the CZM evaluation set forth.

Table 1 - Applicability to New Jersey's CZMA Rules February 7, 2020.

CZM Rule		Potentially Applicable		Not Applicable
		Federal Jurisdiction[1]	State Jurisdiction[2]	
SUBCHAPTER 9 - SPECIAL AREAS				
7:7-9.2	Shellfish Habitat		X	
7:7-9.3	Surf Clam Areas	X	X	
7:7-9.4	Prime Fishing Areas	X	X	
7:7-9.5	Finfish Migratory Pathways	X	X	
7:7-9.6	Submerged Vegetation Habitat		X	

CZM Rule		Potentially Applicable		Not Applicable
		Federal Jurisdiction[1]	State Jurisdiction[2]	
7:7-9.7	Navigation Channels	X	X	
7:7-9.8	Canals			X
7:7-9.9	Inlets			X
7:7-9.10	Marina Moorings			X
7:7-9.11	Ports	X	X	
7:7-9.12	Submerged Infrastructure Routes	X	X	
7:7-9.13	Shipwreck and Artificial Reef Habitats	X	X	
7:7-9.14	Wet Borrow Pits			X
7:7-9.15	Intertidal and Subtidal Shallows		X	
7:7-9.16	Dunes		X	
7:7-9.17	Overwash Areas		X	
7:7-9.18	Coastal High Hazard Areas		X	
7:7-9.19	Erosion Hazard Areas		X	
7:7-9.20	Barrier Island Corridor		X	
7:7-9.21	Bay Islands			X
7:7-9.22	Beaches		X	
7:7-9.23	Filled Water's Edge		X	
7:7-9.24	Existing Lagoon Edges			X
7:7-9.25	Flood Hazard Areas		X	
7:7-9.26	Riparian Zones		X	
7:7-9.27	Wetlands		X	
7:7-9.28	Wetlands Buffers		X	
7:7-9.29	Coastal Bluffs			X
7:7-9.30	Intermittent Stream Corridors		X	
7:7-9.31	Farmland Conservation Areas			X
7:7-9.32	Steep Slopes			X
7:7-9.33	Dry Borrow Pits			X
7:7-9.34	Historic & Archaeological Resources	X	X	
7:7-9.35	Specimen Trees		X	
7:7-9.36	Endangered or Threatened Wildlife or Plant Species Habitats	X	X	
7:7-9.37	Critical Wildlife Habitat		X	
7:7-9.38	Public Open Space		X	
7:7-9.39	Special Hazard Areas	X	X	
7:7-9.40	Excluded Federal Lands			X
7:7-9.41	Special Urban Areas		X	
7:7-9.42	Pinelands National Reserve and Pinelands Protection Area		X	
7:7-9.43	Meadowlands District			X
7:7-9.44	Wild and Scenic River Corridors	X	X	
7:7-9.45	Geodetic Control Reference Marks		X	
7:7-9.46	Hudson River Waterfront Area			X
7:7-9.47	Atlantic City			X
7:7-9.48	Land and Waters Subject to Public Trust Rights		X	

CZM Rule		Potentially Applicable		Not Applicable
		Federal Jurisdiction[1]	State Jurisdiction[2]	
SUBCHAPTER 10. STANDARDS FOR BEACH & DUNE ACTIVITIES				
7:7-10.2	Standards Applicable to Routine Beach Maintenance			X
7:7-10.3	Standards Applicable to Emergency Post-Storm Beach Restoration			X
7:7-10.4	Standards Applicable to Dune Creation and Maintenance		X	
7:7-10.5	Standards Applicable to the Construction of Boardwalks			X
SUBCHAPTER 11. STANDARDS FOR CONDUCTING & REPORTING THE RESULTS OF AN ENDANGERED OR THREATENED WILDLIFE OR PLANT SPECIES HABITAT ASSESSMENT AND/OR ENDANGERED OR THREATENED WILDLIFE SPECIES HABITAT EVALUATION				
7:7-11.2	Standards for Conducting Endangered or Threatened Wildlife or Plant Species Habitat Impact Assessment	X	X	
7:7-11.3	Standards for Conducting Endangered or Threatened Wildlife Species Habitat Evaluation	X	X	
7:7-11.4	Standards for Reporting the Results of Impact Assessments and Habitat Evaluations	X	X	
SUBCHAPTER 12. GENERAL WATER AREAS				
7:7-12.2	Shellfish Aquaculture		X	
7:7-12.3	Boat Ramps			X
7:7-12.4	Docks and Piers for Cargo & Commercial Fisheries			X
7:7-12.5	Recreational Docks and Piers			X
7:7-12.6	Maintenance Dredging		X	
7:7-12.7	New Dredging	X	X	
7:7-12.8	Environmental Dredging			X
7:7-12.9	Dredged Material Disposal	X	X	
7:7-12.10	Solid Waste or Sludge Dumping			X
7:7-12.11	Filling			X
7:7-12.12	Mooring	X	X	
7:7-12.13	Sand and Gravel Mining			X
7:7-12.14	Bridges			X
7:7-12.15	Submerged Pipelines			X
7:7-12.16	Overhead Transmission Lines			X
7:7-12.17	Dams and Impoundments			X
7:7-12.18	Outfalls and Intakes		X	
7:7-12.19	Realignment of Water Areas			X
7:7-12.20	Vertical Wake or Wave Attenuation Structures			X
7:7-12.21	Submerged Cables			X
7:7-12.22	Artificial Reefs			X

CZM Rule		Potentially Applicable		Not Applicable
		Federal Jurisdiction[1]	State Jurisdiction[2]	
7:7-12.23	Living Shorelines		X	
7:7-12.24	Miscellaneous Uses	X	X	
SUBCHAPTER 13. REQUIREMENTS FOR IMPERVIOUS COVER & VEGETATIVE COVER FOR GENERAL LAND AREAS & CERTAIN SPECIAL AREAS				
7:7-13.3	Impervious Cover Requirements that Apply to Sites in the Upland Waterfront Development and CAFRA Areas			X
7:7-13.4	Vegetative Cover Requirements that Apply to Sites in the Upland Waterfront Development and CAFRA Areas			X
7:7-13.5	Determining if a Site is Forested or Unforested			X
7:7-13.6	Upland Waterfront Development Area Regions and Growth Ratings			X
7:7-13.7	Determining the Environmental Sensitivity of a Site in the Upland Waterfront Development Area			X
7:7-13.8	Determining the Developmental Potential of a Site in the Upland Waterfront Development Area			X
7:7-13.9	Determining the Development Potential for Residential or Minor Commercial Site in the Upland Waterfront Development Area			X
7:7-13.10	Determining the Development Potential for a Major Commercial or Industrial Development Site in the Upland Waterfront Development Area			X
7:7-13.11	Determining the Development Potential for a Campground Development Site in the Upland Waterfront Development Area			X
7:7-13.12	Determining the Development Intensity of a Site in the Upland Waterfront Development Area			X
7:7-13.13	Impervious Cover Limits for a Site in the Upland Waterfront Development Area			X
7:7-13.14	Vegetative Cover Percentages for a Site in the Upland Waterfront Development Area			X
7:7-13.15	Coastal Planning Areas in the CAFRA Area			X
7:7-13.16	Boundaries for Coastal Planning Areas, CAFRA centers, CAFRA			X

CZM Rule		Potentially Applicable		Not Applicable
		Federal Jurisdiction[1]	State Jurisdiction[2]	
	cores, and CAFRA nodes; Non-mainland Coastal Centers			
7:7-13.17	Impervious Cover Limits for a Site in the CAFRA Area			X
7:7-13.18	Vegetative Cover Percentages for a Site in the CAFRA Area			X
7:7-13.19	Mainland Coastal Centers			X
SUBCHAPTER 14. GENERAL LOCATION RULES				
7:7-14.1	Rule on Location of Linear Development	X	X	
7:7-14.2	Basic Location Rule	X	X	
7:7-14.3	Secondary Impacts	X	X	
SUBCHAPTER 15. USE RULES				
7:7-15.2	Housing			X
7:7-15.3	Resort/Recreational			X
7:7-15.4	Energy Facility	X	X	
7:7-15.5	Transportation		X	
7:7-15.6	Public Facility		X	
7:7-15.7	Industry	X	X	
7:7-15.8	Mining			X
7:7-15.9	Port		X	
7:7-15.10	Commercial Facility			X
7:7-15.11	Coastal Engineering	X	X	
7:7-15.12	Dredged Material Placement on Land		X	
7:7-15.13	National Defense Facilities			X
7:7-15.14	High-Rise Structures			X
SUBCHAPTER 16. RESOURCE RULES				
7:7-16.2	Marine Fish and Fisheries	X	X	
7:7-16.3	Water Quality	X	X	
7:7-16.4	Surface Water Use			X
7:7-16.5	Groundwater Use		X	
7:7-16.6	Stormwater Management		X	
7:7-16.7	Vegetation		X	
7:7-16.8	Air Quality	X	X	
7:7-16.9	Public Access		X	
7:7-16.10	Scenic Resources and Design	X	X	
7:7-16.11	Buffers and Compatibility of Use		X	
7:7-16.12	Traffic	X	X	
7:7-16.13	Subsurface Sewage Disposal Systems			X
7:7-16.14	Solid & Hazardous Waste	X	X	
SUBCHAPTER 17. MITIGATION				
7:7-17.2	General Mitigation Requirements		X	
7:7-17.3	Timing of Mitigation		X	
7:7-17.4	Amount of Mitigation Required		X	
7:7-17.5	Property Suitable for Mitigation		X	

CZM Rule		Potentially Applicable		Not Applicable
		Federal Jurisdiction[1]	State Jurisdiction[2]	
7:7-17.6	Conceptual Review of a Mitigation Area		X	
7:7-17.7	Basic Requirements for Mitigation Proposals		X	
7:7-17.8	Department Review and Approval of Mitigation Proposal		X	
7:7-17.9	Requirements for Shellfish Habitat Mitigation		X	
7:7-17.10	Requirements for Submerged Aquatic Vegetation Habitat Mitigation		X	
7:7-17.11	Requirements for Intertidal and Subtidal Shallows and Tidal Water Mitigation		X	
7:7-17.12	Requirements for Riparian Zone Mitigation		X	
7:7-17.13	Requirements for Wetland Mitigation		X	
7:7-17.14	Wetlands Mitigation Hierarchy		X	
7:7-17.15	Requirements for Credit Purchase from an Approved Mitigation Bank		X	
7:7-17.16	Requirements for In-Lieu Fee Payment		X	
7:7-17.17	Financial assurance for Mitigation Projects; General Provisions			X
7:7-17.18	Financial Assurance; Fully Funded Trust Fund Requirements			X
7:7-17.19	Financial Assurance; Line of Credit Requirements			X
7:7-17.20	Financial Assurance; Letter of Credit Requirements			X
7:7-17.21	Financial Assurance; Surety Bond Requirements			X
7:7-17.22	Mitigation Banks			X
7:7-17.23	Application for a Mitigation Bank			X

Notes:

[1] Mean high water (MHW) to outer continental shelf (200 nautical miles)

[2] Within three nautical miles from shore

2.1 Subchapter 9 – Special Areas

7:7-9.2 Shellfish Habitat.

State Jurisdiction

This policy generally limits disturbance of shellfish habitat. Shellfish habitat is defined at N.J.A.C. 7:7-9.2(a) as an estuarine bay or river bottom, which currently supports or has a history of production for hard clams (*Mercenaria mercenaria*), soft clams (*Mya arenaria*), eastern oysters (*Crassostrea virginica*), bay scallops

(*Argopecten irradians*), or blue mussels (*Mytilus edulis*), or otherwise listed below in this section. A shellfish habitat area is defined as an area that meets one or more of the following criteria:

1. The area has a current shellfish density equal to or greater than 0.20 shellfish per square foot;
2. The area has a history of natural shellfish production according to data available to the New Jersey Bureau of Shellfisheries, or is depicted as having high or moderate commercial value in the Distribution of Shellfish Resources in Relation to the New Jersey Intracoastal Waterway (U.S. Department of the Interior [DOI], 1963) and/or "Inventory of New Jersey's Estuarine Shellfish Resources" (Division of Fish, Game and Wildlife [DFGW], Bureau of Shellfisheries, 1983-present);
3. The area is designated by the State of New Jersey as a shellfish culture area as authorized by N.J.S.A. 50:1 et seq. Shellfish culture areas include estuarine areas presently leased by the State for shellfish aquaculture activities or hard clam relay, transplant and transfer as well as those areas suitable for future shellfish aquaculture development; or
4. The area is designated as productive at N.J.A.C. 7:25-24, Leasing of Atlantic and Delaware Bay Bottom for Aquaculture.

BL England

There are no areas of shellfish habitat within the Atlantic Ocean at the site of the HDD landfall. Within Great Egg Harbor and Crook Horn Creek, the entire area is mapped as high value commercial hard clam habitat. The onshore cable will cross Crook Horn Creek at Roosevelt Boulevard Bridge via HDD technology. There will be no surficial construction activities in shellfish areas as a result of this installation, thereby avoiding impacts.

Oyster Creek

Barnegat Bay contains shellfish habitat areas as defined by N.J.A.C. 7:7-9.2(a)1 through 4 above. Portions of the Bay were mapped as moderate hard clam commercial value based on available USDOI 1963 resources. Based on 1983 to 1986 hard clam density mapping, the routes cross some moderate density habitat. The proposed offshore export cable corridors in Barnegat Bay avoid areas mapped as moderate and high shellfish density (greater than 0.2 shellfish per square foot) as mapped by DFGW 2012 shellfish resource inventories to the greatest extent practicable, but the routes cross some moderate and high value shellfish habitat near potential landfalls on the west side of Barnegat Bay. The landfall at Oyster Creek will be located to avoid impacts to existing aquaculture lease sites to the extent practicable, however an aquaculture lease in the vicinity of an Ocean Township landfall near the Holiday Harbor Marina landfall may be impacted by cable installation and anchor lines for installation vessels. Any impacts to the aquaculture lease area would be temporary and mitigation to the leaseholder will be coordinated with NJDEP Bureau of Shellfisheries.

As per N.J.A.C. 7:7-9.2(e), new dredging within shellfish habitat is prohibited. Ocean Wind 1 will minimize adverse impacts from cable installation to shellfish habitat through the use of jetting technology and trenchless technology (such as HDD or direct pipe), where practicable. Landfall on the western side of Barnegat Bay may be made using HDD installation or open cut installation. Jetting technology does not remove sediments from the trench, but rather, temporarily disturbs them as they are fluidized. While Ocean Wind 1 considered a series of water-to-water HDDs to cross Barnegat Bay, the HDD method was ultimately determined to be infeasible.

The primary method for cable installation in Barnegat Bay will be the use of a tracked self-propelled or towed jetting tool (jet sled or jet plow). This self-propelled tool is the most appropriate, considering the shallow waters in Barnegat Bay. The proposed jetting tool works by fluidizing sediment along the intended path of the cable – introducing water at high pressure along the leading edge or face of two swords that straddle the cable – allowing the cable to sink into the fluidized trench under its own weight. The jetting tool’s hydraulic nozzles are

controlled and pointed downward so as not to produce an upward movement of sediment into the water column; the benefit of using this method is to maximize the replacement of sediments within the trench to embed the cable as jetting progresses. Cable burial depth beneath the sediment surface is determined by the length of the swords and degree to which the sediment is fluidized. This cable installation method disturbs the sediment in the trench as little as possible so that the sediment can provide future cable protection. Compared to dredging, jetting minimizes direct impacts to the seabed as well as minimizes suspended sediment and deposition associated with construction outside the trench area.

Cable installation activities will be continuously monitored and adjusted in order to ensure the cable is laid and sufficiently buried while minimizing sediment disturbance. Jetting technology has been used on other similar projects in New York and New Jersey including recently in Delaware Bay for the Silver Run Project as approved by the NJDEP under Permit No. 1712-07-0002.3 WFD/CSW180001.

Temporary access for vessels will be required for cable installation in Barnegat Bay at the Lacey Township Holtec Property landfall approach which will be within shellfish habitat. All activities will be done in accordance with State and Federal regulations. Open cut installation method has been deemed the alternative with least overall impact due to the potential for inadvertent returns associated with HDD. As explained under policy N.J.A.C. 7:7-12.21, submerged cables are defined as “underwater telecommunication cables, and shall include all associated structures in the water such as repeaters”. Therefore, the Project’s electrical transmission export cables are not regulated as submerged cables and the Project’s electrical transmission cable installation is not regulated as New Dredging under N.J.A.C. 7:7-12.7. As such, the Project is consistent with N.J.A.C. 7:7-9.2.

The benthic community will experience short term, direct impacts that will be limited in spatial extent. Limited direct adverse impacts, such as mortality or injury to benthic organisms in the immediate path of the installation activities are likely. However, many benthic invertebrate species are capable of recolonizing from surrounding benthic communities (Rhoads et al. 1978, Schaffner 2001). Because the area to be jetted is small in comparison to the surrounding, unaffected habitat in Barnegat Bay, rapid recolonization following construction is expected. Therefore, the adverse direct impact to the benthic community, including shellfish habitat, from installation of the export cable will be temporary and minor. The benthic community will recover quickly to pre-construction conditions such that there will be no permanent impact. Therefore, the Project is consistent with this policy.

7:7-9.3 Surf Clam Areas.

Federal and State Jurisdiction

Surf clam areas are defined as coastal waters that can be demonstrated to support significant commercially harvestable quantities of surf clams (*Spisula solidissima*), or areas important for recruitment of surf clam stocks. This policy prohibits development that would destroy, condemn, or contaminate surf clam areas.

Other than localized Project impacts to the seabed associated with installing the Project infrastructure during construction, the Project will not have long term adverse impacts to the seabed and Applicant Proposed Measures (APMs) will be implemented to reduce temporary effects of increased turbidity associated with construction (Construction and Operations Plan [COP] Volume II). The offshore export cable will be buried at a target depth of 4 ft (1.2 m) in surf clam areas as required by NJDEP regulations. Per N.J.A.C. 7:7-9.3, where it is demonstrated that achieving a depth of 4 ft (1.2 m) is not practicable, the cable will be buried as close as practicable to the target depth.

Surf clam fisheries have experienced declines in commercial landings in New Jersey from 1980 through 2016 and landings in New Jersey are at an all-time low as catches that are composed of relatively small clams are not favored by processors (Northeast Fisheries Science Center [NEFSC] 2016). One potential explanation of

this is the warm water intrusion on the Mid-Atlantic shelf. Over the last decade, these warmer waters may have caused mortality in larger surf clams off the New Jersey coast and effectively shifted the population northward as indicated by the increase in New York surf clam biomass. Southern areas (Delmarva Peninsula and New Jersey) have experienced declines in surf clam biomass during recent years due primarily to poor recruitment and slow growth rates associated with warm water conditions (Weinberg 2005).

From 1988 to 2019, NJDEP's Bureau of Shellfisheries conducted an annual inventory of New Jersey's inshore (within 3 nautical miles of shore) surf clam stock. Sampling was conducted from Shark River Inlet to Cape Map Inlet between the months of June and August using a commercial hydraulic clam dredge to measure abundance at each station. Sampling of these inshore waters has shown a downward trend of the estimated standing stock from a maximum of 26.3 million bushels recorded in 1997 to just 325,020 bushels recorded in 2014 (most recent report available). Additionally, mean shell lengths have steadily increased which is reflective of poor recruitment during this time period. From 2010 through 2014, inshore surf clam harvest in New Jersey's designated "approved waters" has been practically non-existent with only 2,944 industry bushels of surf clams harvested from 2010 through 2014 (NJ Bureau of Shellfisheries 2015). Data on the adult/harvestable clams in state waters from 2009 through 2019 indicates that the total bushels harvested per 5 minute sampling effort has decreased from an average of approximately 2 bushels in 2009 to 0.03 bushels in 2019 (NJ Bureau of Shellfisheries 2019; **Figure 1a and 1b**). Recruitment data from 2015 through 2019 provided by the NJDEP's Bureau of Marine Fisheries has shown a similar trend (**Figure 2a and 2b**) when compared to data collected during the first 5 years of survey conducted from 1988 through 1992 for surf clam recruitment. Data provided is displayed as surf clams per liter of sample collected from the NJDEP surf clam recruitment surveys. Surf clam catch from 1988 through 1992 shows over 20 sampling locations within state waters in excess of 50 clams per liter. Conversely, the 2015 through 2019 surveys show a total of only two sampling locations with greater than 50 clams per liter (NJ Bureau of Shellfisheries 2019) indicating that recruitment has decreased dramatically over the 30+ years of the survey.

Furthermore, based on Vessel Monitoring System (VMS) and Vessel Trip Report (VTR) (NOAA Fisheries n.d.), the vast majority of vessel movement for the surf clam/ocean quahog harvest occurs outside of State waters and not along the proposed export cable route. VMS is a satellite surveillance system that monitors the location and movement of commercial fishing vessels. Data from 2011 to 2016 uses speed over ground information to assess the possibility of identifying transit versus fishing activity based on speed thresholds identified by industry and agency interviews. A speed threshold of less than 4 or 5 knots is considered indicative of fishing activity but may also include slower movement of vessel transit or other activities such as processing at sea. The resultant information is used to prepare density maps of fishing vessels in the vicinity of the Lease Area and export cable routes presented in Volume II Section 2.3.4 (MARCO n.d.).

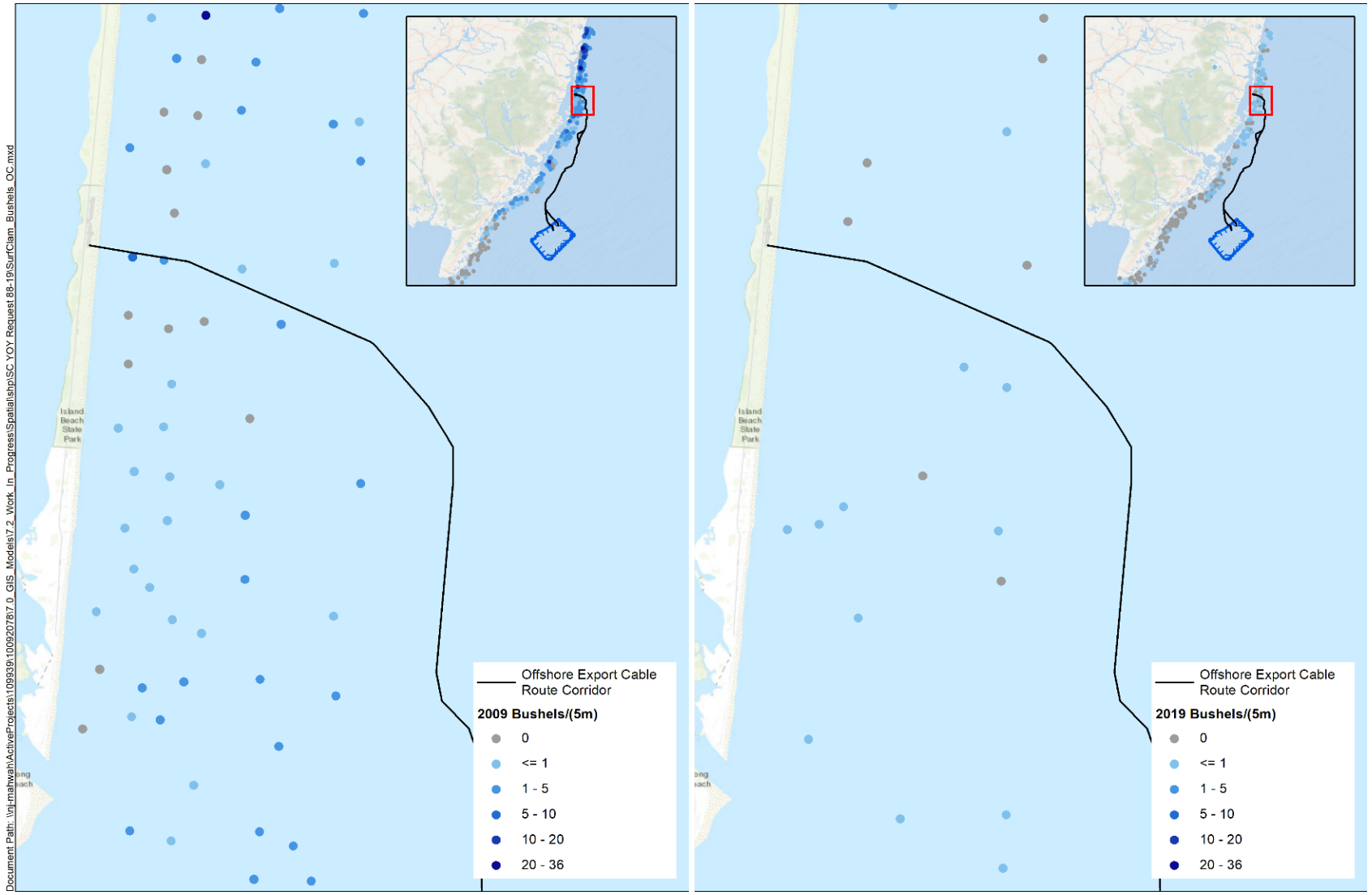

Figure 1a. NJDEP Surf Clam Surveys, bushels per 5 minute sampling effort at Oyster Creek, 2009 vs 2019.

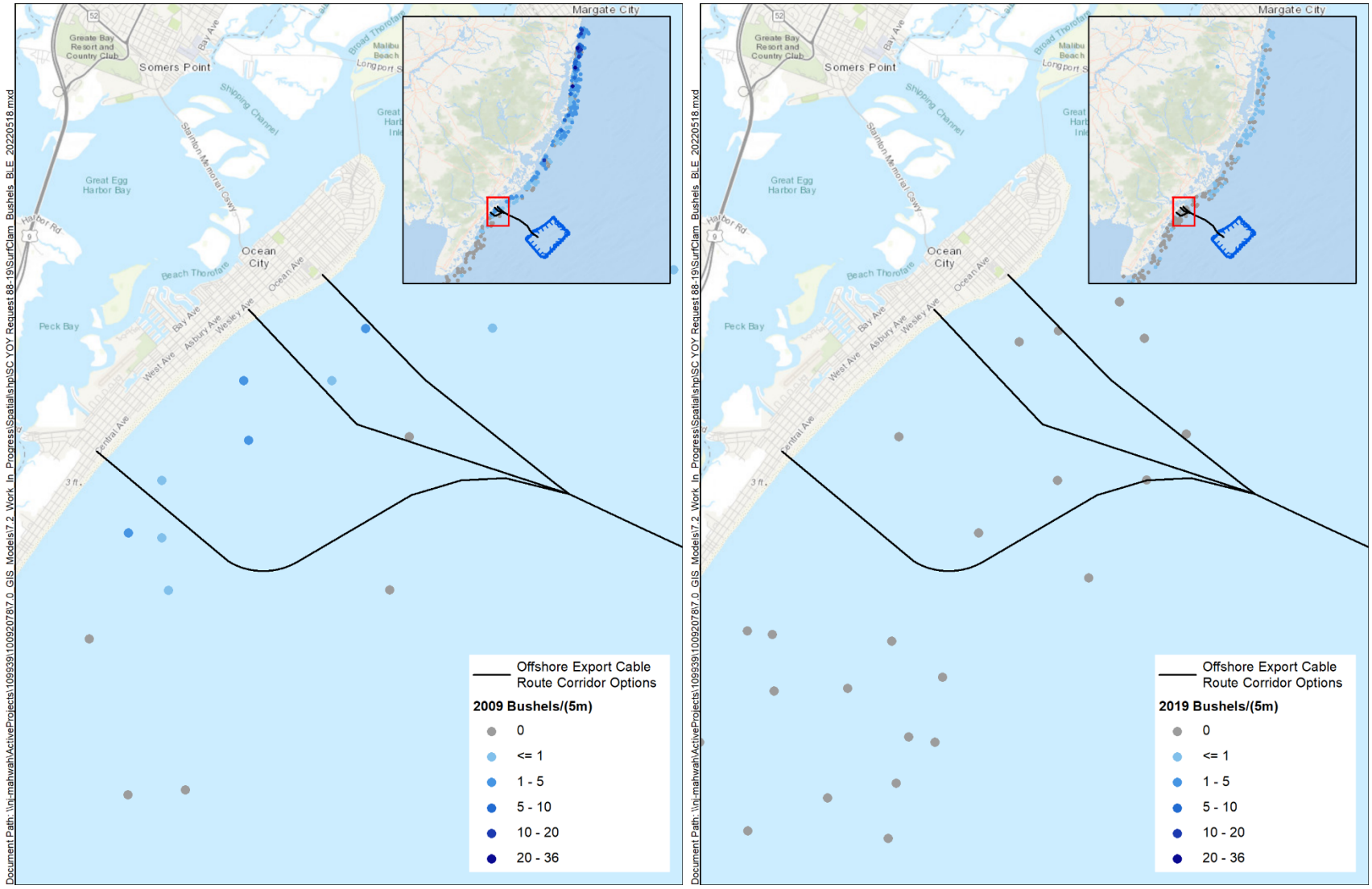

Figure 1b. NJDEP Surf Clam Surveys, bushels per 5-minute sampling effort at BL England, 2009 vs 2019.

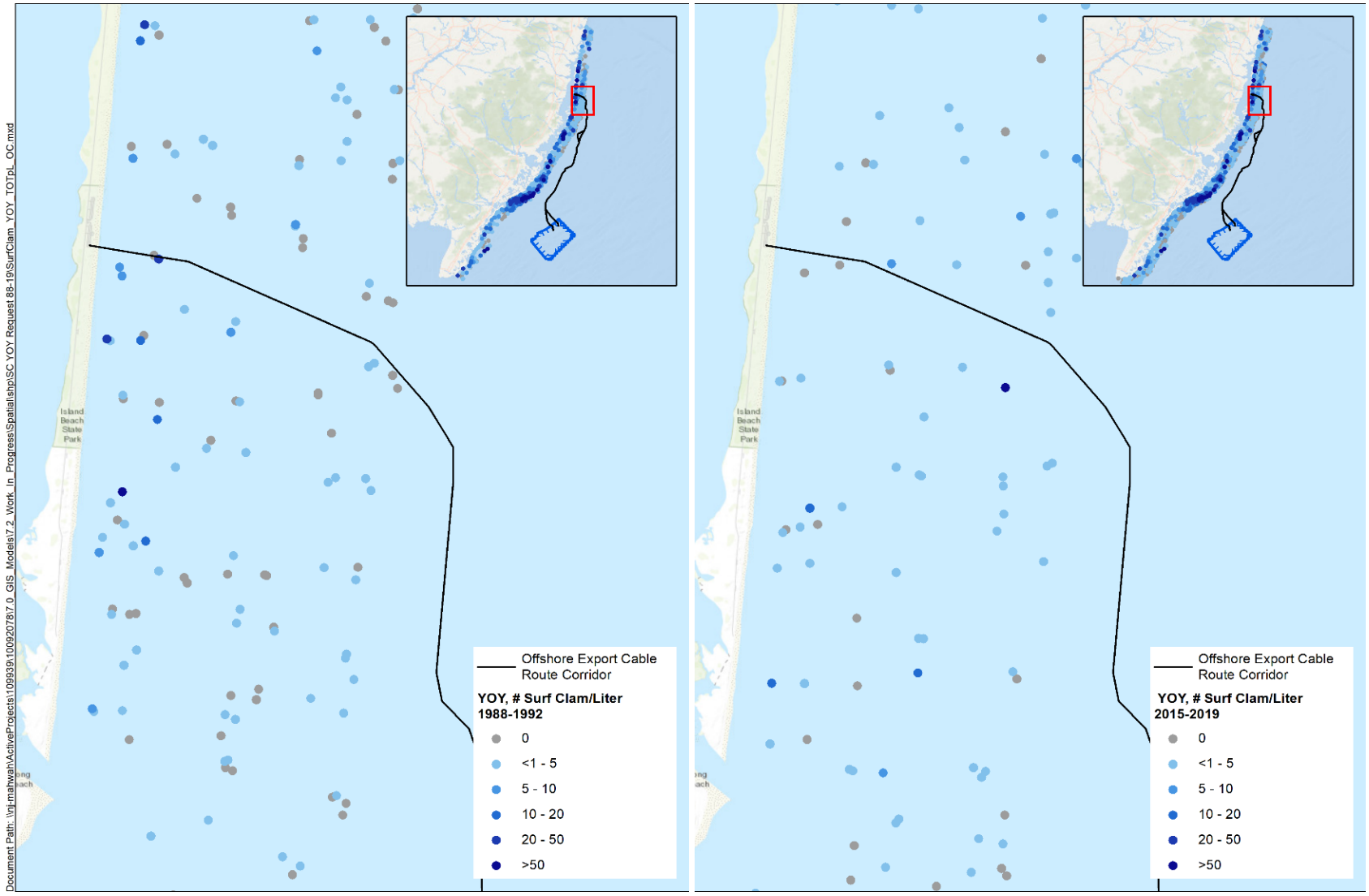

Figure 2a. NJDEP Surf Clam Recruitment Surveys, number of clams per liter of sample at Oyster Creek, 1988-1992 vs 2015-2019.

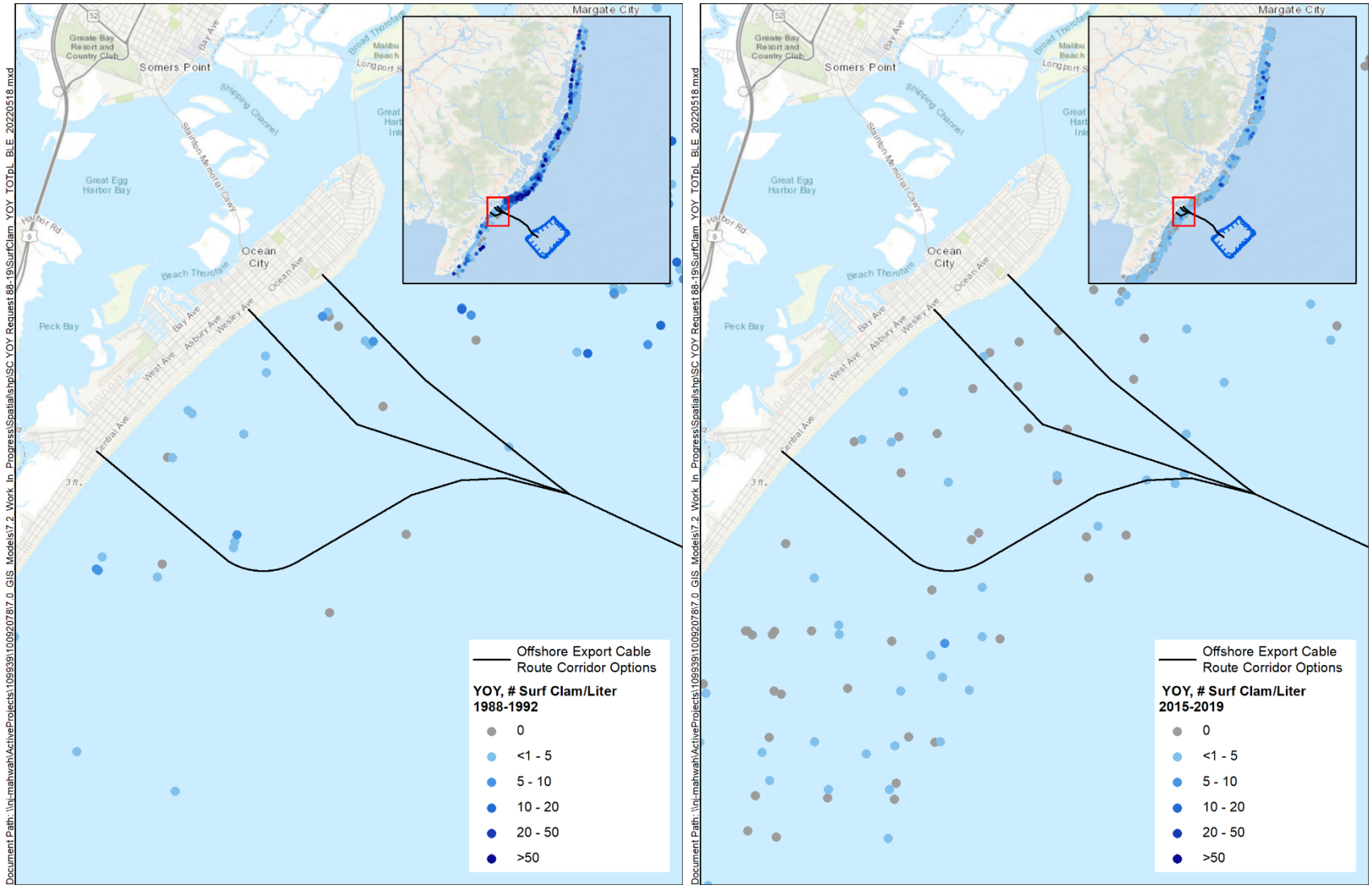

Figure 2b. NJDEP Surf Clam Recruitment Surveys, number of clams per liter of sample at BL England, 1988-1992 vs 2015-2019

Based on the aforementioned data and trends of surf clam stock inventory and recruitment, the areas of the export cable route within state waters do not show significant commercially harvestable quantities of surf clams or areas important for recruitment of surf clam stocks. Therefore, no impacts to surf clam areas are expected. Along the offshore export cable route, bottom habitat will return naturally to pre-existing conditions after cable burial, within approximately nine months, allowing for quick recolonization of the impacted area by any surf clams from the surrounding area that may be present. There will be no prohibition on surf clam harvest after Project construction. Development of the Project is in the national interest for clean, renewable energy and in compliance with the offshore wind generated electricity goal set by the State of New Jersey's Executive Order No. 307 (2022). Furthermore, Ocean Wind 1's fisheries liaison is coordinating with fishing stakeholders to minimize impacts to the commercial fisheries industry. Therefore, the Project is consistent with this policy.

7:7-9.4 Prime Fishing Areas.

Federal and State Jurisdiction

This policy prohibits submarine mining of sand or gravel in prime fishing areas. Project activities do not include mining. The Project will avoid prime fishing areas to the maximum extent practicable. While seabed preparation may be required prior to cable burial, sand or gravel submarine mining would not occur within prime fishing areas or in any part of the Project Area. Because the Project proposes to use jetting tools that will not discernably change bathymetry, fishery productivity of these areas will not be impacted. Additionally, the cables have been sited to avoid prime fishing areas mapped by the NJDEP to the maximum extent practicable.

BL England

The BL England offshore export cable route avoids all prime fishing areas.

Oyster Creek

Within the Oyster Creek offshore export cable route just prior to the Island Beach State Park (IBSP) landfall, the cable route crosses the Cedar Creek prime fishing area. At this location the cable route makes as direct a crossing as practicable in order to make landfall via HDD within the southern auxiliary lot at Swimming Area #2 at IBSP.

Along the offshore export cable corridors, bottom habitat is expected to infill to pre-existing conditions after cable burial and not cause any long-term changes to bathymetry. Public outreach and notice to mariners will occur prior to marine construction activities to minimize impacts. Therefore, the Project is consistent with this policy.

7:7-9.5 Finfish Migratory Pathways.

State Jurisdiction

This policy prohibits developments, such as dams, dikes, spillways, channelization, tide gates, and intake pipes that would create physical barriers to migratory fish. Although the cables for the Project will run through waters classified as a migratory pathway of migratory fish, the cables will be buried at target depths that will not result in a physical barrier to fish passage. Within Barnegat Bay, migratory fish work restriction windows (typically March through June) will be coordinated with NJDEP and U.S. Army Corps of Engineers (USACE) to avoid and minimize potential construction impacts to anadromous species. Potential impacts to migratory pathways will be limited to the areas directly around the construction and will be minimized through the use of APMs/BMPs and jetting technology where practicable to limit noise and turbidity, respectively. Jetting technology will minimize the amount of sediment disturbance around the construction location and migratory fish will be able to pass around construction. Construction will not create a physical barrier to the movement of fish along finfish

migratory pathways, nor will any other aspects of the Project. Therefore, the Project is consistent with this policy.

7:7-9.6 Submerged Vegetation Habitat.

State Jurisdiction

This policy prohibits or restricts development to protect water areas that support submerged vegetation. The Project may traverse submerged vegetation habitat in Barnegat Bay. Certain development in SAV habitat is allowed including trenching for utility pipelines and submarine cables in the public interest, provided there is no practicable or feasible alternative alignment, the impact is minimized and that, following pipeline or cable installation, the disturbed area is restored to its preconstruction contours and conditions.

BL England

Within the Atlantic Ocean, no areas are mapped as SAV. Within Great Egg Harbor, small areas of submerged vegetation habitat are mapped by the NJDEP, however, none are present at the crossing of Peck Bay/Crook Horn Creek. Furthermore, this crossing will occur via HDD, avoiding surficial impacts to the extent practicable.

Oyster Creek

The Project has been designed to minimize impacts to SAV and SAV habitat in Barnegat Bay to the extent practicable.

Open cut trenching will be used to install the cables from the maintenance/storage yard into a prior channel in Barnegat Bay. While this area is mapped by the NJDEP 1986 mapping as SAV habitat, mapping supplied by NJDEP from 1979 does not indicate this area is SAV habitat. Additionally, Rutgers cites multiple studies that also do not map SAV within this area (2009, 2003, 1996-99), and the depth of this channel (approximately 4 to 7 ft, CIRES 2014) is inconsistent with areas that typically support SAV. Further, Ocean Wind 1's site-specific surveys conducted October 2021 (underwater photography) have confirmed that this channel does not contain SAV beds (Construction and Operations Plan [COP] Appendix E). Ocean Wind 1's site-specific surveys conducted in July 2022 within the "prior channel" confirmed that SAV was typically observed as absent or sparse, generally as single or double shoots of SAV in any given video frame and it was undetermined whether the SAV was drifting in the water column or rooted to the seafloor. To the north and south of the prior channel, continuous/patchy SAV beds were observed during the July 2022 surveys. While the Project is working to limit disturbances to the prior channel area, the cable installation works will be located within the areas observed to contain continuous/patchy SAV beds. Use of open cut installation allows for a reduced cable separation (20 m for open cut rather than 50 m for HDD), which keeps the majority of workspace needed to accommodate the cable installation both in-water and at the landfall within the prior channel.

Landfall on the western side of Barnegat Bay may be made using HDD or open cut installation techniques depending on the potential for inadvertent returns. Ocean Wind 1's site-specific surveys conducted in July 2022 indicate that no SAV attached to the seafloor was found near the Holtec landfall; at Bay Parkway patchy SAV beds occur in very shallow nearshore areas and complete SAV beds were observed out to 492 to 820 feet from shore; at Nautilus and Lighthouse Drive complete SAV beds were noted to begin 82 to 164 feet from shore and extend to 492 feet from shore; and at the marina complete SAV beds were identified in the northern portion of the survey area and sparse or no SAV beds in the southern portion. Ocean Wind 1 identified the Holtec landfall as the preferred route, which minimizes impacts to SAV.

Additional SAV surveys will be completed within the growing season prior to the start of construction and following construction to document pre-construction existing conditions and impacts to SAV.

BMPs developed in coordination with NJDEP and NMFS during the acquisition of State and Federal permits will be implemented to further minimize impacts. Furthermore, jetting technology will minimize impacts to the seabed and limit resuspension and dispersal of sediments to surrounding SAV beds. Ocean Wind 1 will restore dredged areas west of IBSP within the prior channel (currently mapped by the NJDEP as SAV habitat) by backfilling areas with suitable material and mitigating.

Ocean Wind 1 will coordinate with NJDEP per N.J.A.C. 7:7-9.6 and NMFS to potential restore/mitigate SAV impacts as necessary. However, because the channel currently does not support SAV due to water depth, SAV is not expected to become reestablished in the area following construction. In areas outside of the permanent cable easement, SAV will become re-established once construction activities are completed.

Ocean Wind 1 will coordinate with NJDEP, NMFS and other regulatory agencies to prepare the best practicable mitigation plan to address impacts to SAV. A restoration and mitigation plan will be prepared and approved prior to construction.. Within six months before cable installation begins (within the growing season), a focused pre-construction SAV survey will be conducted to characterize the SAV condition (e.g., shoot density) within the Project's potential area of impact. Development of this Project is in the national interest for clean, renewable energy and is in compliance with the State of New Jersey's Executive Order No. 92 (2019) and N.J.A.C. 7:7-9.6(b). Therefore, the Project is consistent with this policy.

7:7-9.7 Navigation Channels.

Federal and State Jurisdiction

This policy prohibits construction that would extend into a navigation channel and stipulates that development that would cause siltation within navigation channels shall utilize appropriate mitigation measures. The Project would involve short term construction activities to cross New Jersey's Intracoastal Waterway, a navigation channel extending 102.3 nautical miles (nm) from Manasquan Inlet to the western entrance to the Cape May Canal. The intracoastal waterway is 100 ft wide and maintained at a depth of 6 feet below mean low water (MLW).

BL England

The export cable will be buried via HDD under the Intracoastal Waterway navigation channel and at the Crook Horn Creek crossing near Roosevelt Boulevard Bridge and the navigation channel and seabed will be avoided. The export cable crossing will be coordinated with USACE, NJDOT, and the U.S. Coast Guard (USCG) to assure safety of navigation during and after construction and to assure proper burial depths (e.g., 6 ft below authorized depth of Intracoastal Waterway) and channel morphologies have been met so that the cable is buried at a depth that will not be impacted by future dredging operations or navigation. The area that crosses the navigation channel will be small in size (approximately 0.1 acre) and all in-water operations associated with the installation will be conducted by qualified and certified vessel and equipment operators. Ocean Wind 1 is coordinating this crossing with USACE.

Oyster Creek

The export cable will be buried under the Intracoastal Waterway navigation channel in Barnegat Bay and measures will be taken to avoid impacts to the maximum extent practicable.

Mitigation measures will be used to minimize siltation within the navigation channel based on APMs. Export cable burial will be coordinated with USACE and the USCG to assure safety of navigation during and after construction and to assure proper burial depths and channel morphologies have been met so that the cable is buried at a depth that will not be impacted by future dredging operations or navigation. Further, an HRG survey will be conducted post construction to confirm target burial depths have been achieved. Short-term temporary

navigation restrictions may be imposed by the USCG during construction that will allow for export cable installation while minimizing conflicts with other vessels. No permanent structures or vessels will be staged or moored within the navigation channel during construction. The area that crosses the navigation channel will be small in size (approximately 0.1 acre) and all in-water operations associated with the installation will be conducted by qualified and certified vessel and equipment operators. Ocean Wind 1 has coordinated this crossing with USACE and has applied for a Section 408 authorization. Per USACE requirements, crossings must be 6 ft below the authorized channel depth or 4 ft below the existing depth, whichever is deeper. As previously mentioned, the authorized depth in this location is 6 ft below MLW. At the location of this crossing in Barnegat Bay, the existing water depth of the channel area is between 10 and 12 ft below MLW. Therefore, the cable will be buried at a minimum depth of 4 ft below the seabed for this crossing. Thus, the Project is consistent with this policy.

Ocean Wind 1 also proposes to perform maintenance dredging of the Oyster Creek channel portion of the Barnegat Inlet Federal Navigation Project in order to allow for the safe passage of construction vessels into Barnegat Bay. This channel is regulated by USACE under the Rivers and Harbors Act, Section 408. Ocean Wind 1 has coordinated with USACE who has solicited bids to conduct this maintenance dredging of the channel as part of its regular operations and maintenance duties. However, Ocean Wind 1 understands the next regularly planned maintenance dredging may not be performed prior to construction of the Ocean Wind 1 Project within Barnegat Bay. Therefore, Ocean Wind 1 is planning to perform this maintenance dredging to ensure safe and reliable use of the channel by Project construction vessels – if necessary. All dredging will be performed within the authorized project limits and in accordance with USACE environmental reviews and authorization. Ocean Wind 1 does not propose to expand or deepen the channel beyond the federally authorized limits. Therefore, the Project is consistent with this policy.

7:7-9.8 Canals.

This policy prohibits actions that would interfere with boat traffic in canals used for navigation. The Project Area is not a canal as defined by NJDEP nor will the Project interfere with any canals used for traffic. Therefore, this policy is not applicable.

7:7-9.9 Inlets.

This policy prohibits filling and discourages submerged infrastructure in coastal inlets. The Project does not include fill or the installation of infrastructure within inlets. Therefore, this policy is not applicable.

7:7-9.10 Marina Moorings.

This policy prohibits non-water-dependent development in marina mooring areas. The Project Area is not suitable for and does not contain marina moorings, nor would the Project involve development of marina moorings. Therefore, this policy is not applicable.

7:7-9.11 Ports.

State Jurisdiction

The policy prohibits uses that would preempt or interfere with port uses. Ocean Wind 1 sited Project facilities to avoid and minimize interference with navigation, including port use. Ocean Wind 1 will use an existing port and onshore office, warehouse and workshop facilities to the extent practicable. The Project activities will not preempt or interfere with port use. The use of the ports is consistent with port operations. Therefore, the Project is consistent with this policy.

7:7-9.12 Submerged Infrastructure Routes.

State Jurisdiction

This policy prohibits any activity that would increase the likelihood of damaging submerged infrastructure (pipeline or cable that runs below a submerged land surface) or interfering with maintenance operations. Surveys for existing submerged infrastructure have been conducted and the Project designed so that no threats to existing infrastructure will result from export cable burial or maintenance activities. Ocean Wind 1 will develop crossing agreements with utility owners prior to utility crossings. In addition, Ocean Wind 1 has sited and designed the Project to minimize the potential for damage to this submerged infrastructure and has designed cable crossings to include armored cable protection that will not only protect the Project's export cables, but also the existing infrastructure that they are crossing. The Project would not interfere with maintenance of other submerged infrastructure. Therefore, the Project is consistent with this policy.

7:7-9.13 Shipwrecks and Artificial Reef Habitats.

Federal and State Jurisdiction

This policy restricts the use, except for archeological research, of special areas with shipwrecks and artificial reefs that would adversely affect the usefulness of any special area as a fisheries resource. Known shipwrecks and artificial reef habitats were mapped and avoided during initial siting. A geophysical survey was conducted to identify potentially unmapped shipwrecks and artificial reef habitats. The proposed cable routes will avoid these areas to the extent practicable. If avoidance is not possible, Ocean Wind 1 will develop a plan to mitigate impacts to shipwrecks and artificial reef habitat. Ocean Wind 1 has designed the Project to avoid effects on all 19 submerged archaeological resources likely representing shipwrecks or debris and their associated buffers. BOEM has indicated that there will be no adverse effect on these resources. In a letter to BOEM dated December 12, 2022, NJHPO indicated that it concurs with this assessment. The Project will not have adverse impacts on shipwrecks or artificial reef habitats. Therefore, the Project is consistent with this policy.

7:7-9.14 Wet Borrow Pits.

This policy restricts the use and filling of underwater borrow pits. The Project will avoid wet borrow pits. Therefore, this policy is not applicable.

7:7-9.15 Intertidal and Subtidal Shallows.

State Jurisdiction

This policy discourages disturbance of shallow-water areas (i.e., permanently or twice daily submerged areas from the spring high water to a depth of 4 ft. below MLW). Pursuant to N.J.A.C. 7:7–9.15(e), the installation of submerged infrastructure within intertidal and subtidal shallows is conditionally acceptable, provided: (1) directional drilling is used unless it can be demonstrated that the use of directional drilling is not feasible; (2) where directional drilling is not feasible, there is no feasible alternative route that would not disturb intertidal and subtidal shallows; (3) the infrastructure is located deeply enough to avoid exposure or hazard; and (4) all trenches are backfilled to the preconstruction depth with naturally occurring sediment.

BL England

The Project will cross under intertidal and subtidal shallows (ISS) at the Atlantic Ocean landfall. HDD installation will be used at the landfall to avoid impacts to ISS in these areas. Use of HDD will allow for avoidance of impacts to ISS as the exit pits within the water body are deeper than the lower limit of ISS (4ft below MLW).

Oyster Creek

The Project will cross ISS areas. HDD will be used at the IBSP Atlantic landfall, to avoid impacts to ISS. Use of HDD will allow for avoidance of impacts to ISS as the exit pits within the water body are deeper than the lower limit of ISS Open cut trenching will be used to bury cable at the Holtec landfall due to the risk of inadvertent returns for HDD. Trenches will be backfilled to preconstruction contours. The export cable will be buried at target depths that will prevent it from becoming exposed or posing a hazard risk, to the extent practicable. If necessary, mitigation measures will be implemented in accordance with N.J.A.C. 7:7-17.7.

Therefore, the Project is consistent with this policy.

7:7-9.16 Dunes.

State Jurisdiction

This policy protects and preserves ocean and bay front dunes.

BL England

The export cables will pass under dunes via HDD at depths where the cables will not be vulnerable to exposure. The export cable will be buried below the peak of the dunes on the beach in Ocean City and below the MLLW line. The cable will also be buried under the dunes and the Atlantic Ocean below the beach nourishment project's depth of closure elevation of -22 ft NAVD88.

Oyster Creek

The export cables will pass under dunes via HDD, below the dunes at IBSP where the cables will not be vulnerable to exposure. Because of the depth of burial, the cables will not be uncovered for operations and maintenance activities in the HDD areas during the operational lifetime of the Project.

Therefore, installation and maintenance will not cause adverse long-term impacts on the natural functioning of the beach and dune system. The export cable will be buried, and any operations and maintenance access (such as a manhole) will be located in previously disturbed areas (roadway and parking areas) that typically have human and vehicle activity and noise. In addition, the Project is an acceptable activity because it meets the rule on location of linear development (N.J.A.C. 7:7-14.1). Ocean Wind 1 will continue to coordinate with NJDEP's coastal engineering group and USACE to avoid, minimize, or mitigate impacts to dunes. Therefore, the Project is consistent with this policy.

7:7-9.17 Overwash Areas.

State Jurisdiction

This policy restricts development in overwash areas because of their sensitive nature. Cables and infrastructure on land may be constructed within overwash areas. However, linear developments are allowed within these areas. The Project will minimize all construction impacts and restore the overwash areas to existing grade following construction. Because the export cable will remain buried, and the cable route and any operation and maintenance points (such as a manhole) would be located in previously disturbed areas, installation and maintenance would not cause adverse long-term impacts. Ocean Wind 1 will coordinate with NJDEP's coastal engineering group to avoid, minimize, or mitigate impacts to overwash areas. Therefore, the Project is consistent with this policy.

7:7-9.18 Coastal High Hazard Areas.

State Jurisdiction

This policy restricts development in coastal high-hazard areas, which are flood-prone areas subject to high velocity waters (i.e., FEMA defined Zone V). Portions of the export cable route are located within the FEMA designated Zone VE. The cable and its associated structures will be placed underground and, therefore, will not be subject to high velocity waters. Any permanent aboveground structure will be placed at least 25 feet landward of any shore protection structures such as bulkheads, revetments or seawalls. Prior to construction, the appropriate Flood Hazard Area approvals will be obtained, and the Project will be in compliance with N.J.A.C. 7:13. Therefore, the Project is consistent with this policy.

7:7-9.19 Erosion Hazard Areas.

State Jurisdiction

This policy prohibits development in erosion hazard areas under most circumstances to protect public safety. Landfalls of export cables and infrastructure are not anticipated to occur in an erosion hazard area. However, linear developments are allowed in erosion hazard areas. Therefore, the Project is consistent with this policy.

7:7-9.20 Barrier Island Corridor.

State Jurisdiction

This policy stipulates that new or expanded development within the oceanfront barrier island corridor comply with the requirements for impervious cover and vegetative cover that apply to the site under N.J.A.C. 7:7-13. The export cable corridors associated with the Project are linear developments that will not be wholly located within or solely serving a development need within the barrier island corridor.

BL England

The portions of the Project that fall within the barrier island corridor include the underground cables and their associated components at Ocean City. These have been sited within existing road ROWs to the extent practicable. Impacts to impervious surfaces include HDD and trenching within existing roadways in Ocean City. Construction will take place within the parking lots, where practicable and impacted areas of vegetation will be restored or mitigated for, as appropriate.

Oyster Creek

The portions of the Project that may fall within the barrier island corridor include the underground cables and their associated components at IBSP. These have been sited within existing parking lots and road ROWs to the extent practicable. However, there will be temporary impacts to wetlands and vegetation on the Bay side of IBSP. Impacts to impervious surfaces include HDD and trenching within the IBSP Swimming Area #2 parking lot, Shore Road and the maintenance area on the west side of IBSP. Construction will take place within parking lots and roadway ROWs, where practicable and impacted areas of vegetation will be restored or mitigated for, as appropriate.

The Project would not alter the existing character of New Jersey's developed barrier islands and will not add to the public service costs or hurricane emergency evacuation challenges of these islands. Therefore, the Project is consistent with this policy.

7:7-9.21 Bay Islands.

This policy restricts development on bay islands. The Project would avoid bay islands and no development is proposed on bay islands. Therefore, this policy is not applicable.

7:7-9.22 Beaches.

State Jurisdiction

This policy restricts development on beaches. The export cables will pass under the beach via trenchless technology methods to the extent practicable, at a depth where the cables will not be exposed. HDD workspace will be located in existing paved areas. The export cable will remain buried, and the cable route and any operations and maintenance access (such as TJBs) will be located in previously disturbed areas.

BL England

The export cable landfall workspace and transition joint bay (TJB) for BL England will be located within paved areas on 35th Street. Therefore, installation and maintenance will not cause adverse long-term impacts on the natural functioning of the beach and dune system because the export cable will remain buried, and the cable and any operation and maintenance points (e.g., TJBs) will be located in previously disturbed areas and not on beaches. The export cables will pass under dunes and below the beach nourishment projects' depth of closure via HDD at depths where the cables will not be vulnerable to exposure.

Oyster Creek

At IBSP in the Oyster Creek Project Area, the export cable landfall workspace and TJBs will be installed within Swimming Area #2 parking lot.

Therefore, installation and maintenance would not cause adverse long-term impacts on the natural functioning of the beach and dune system because the export cable will remain buried, and any operation and maintenance points (TJBs) would be located in previously disturbed areas and not on beaches. Furthermore, the Project meets the rule on location of linear development (N.J.A.C. 7:7-14.1) and is an acceptable activity under N.J.A.C.7:7-9.22. Therefore, the Project is consistent with this policy.

7:7-9.23 Filled Water's Edge.

Filled water's edge areas are existing filled water, wetlands, or upland areas lying between wetlands or water areas, and either the upland limit of fill or the first paved road/railway landward of the adjacent water area, whichever is closer to the water. This policy seeks to promote water-dependent uses at waterfront areas that have been previously filled or modified for commercial activity. Depending on landfall location, export cables will be installed to the extent practicable via trenchless technology methods to a location beyond the filled water's edge and these areas will not be impacted. If trenchless methods are not possible, water's edge will be restored to pre-existing contours and conditions. Development will comply with public trust rights rule, N.J.A.C. 7:7-9.48, and the public access rule, N.J.A.C. 7:7-16.9. If the landfall chosen has direct water access (that is, those sites without extensive intertidal shallows or wetlands between the upland and navigable water), development will comply with the waterfront and non-waterfront use requirements. However, the long-term use of the area within filled water's edge areas will not change. Therefore, the Project is consistent with this policy.

7:7-9.24 Existing Lagoon Edges.

State Jurisdiction

This policy restricts development at lagoon edges, which are defined as existing manmade land areas resulting from the dredging and filling of wetlands, bay bottom and other estuarine water areas for the purpose of creating waterfront lots along lagoons for residential and commercial development. Existing Lagoon Edges extend upland to the limit of fill, or the first paved public road or railroad generally parallel to the water area, whichever is less. Because the cable will be placed in roadway ROWs, existing lagoon edges will not be crossed, as the existing lagoon edge would end at the first paved surface. Therefore, this policy is not applicable.

7:7-9.25 Flood Hazard Areas.

State Jurisdiction

This policy is designed to restrict development in flood hazard areas and to ensure that the waterfront is not pre-empted by uses that could function equally well at inland locations. Portions of the underground onshore export cable routes associated with the Project are located within a regulated tidal Flood Hazard Area according to FEMA Flood Insurance Rate Maps (Zone AE [100-year floodplain with base flood elevations], Zone VE [coastal zone subject to wave action] at the landfalls, and within the 500-year floodplain). The Project is consistent with Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq., and implementing rules at N.J.A.C. 7:13, Uniform Construction Code, N.J.A.C. 5:23, and Federal flood reduction standards, 44 C.F.R. Part 60. Therefore, the Project is consistent with this policy.

7:7-9.26 Riparian Zones.

State Jurisdiction

This policy sets the standards for development in a riparian zone. A riparian zone exists along every regulated water, except there is no riparian zone along the Atlantic Ocean nor along any manmade lagoon, stormwater management basin, or oceanfront barrier island, spit or peninsula. Within the Project Area, riparian zones are identified along Oyster Creek in Ocean County near the Oyster Creek interconnection point and the proposed substation along with the area adjacent to Crook Horn Creek in Cape May County in the BL England onshore export cable corridor. These locations have been identified to have riparian zones of either 50 or 150 feet. The Project would not permanently impact these riparian zones. By design, the Project will avoid riparian zones to the maximum extent practicable at both locations by siting the trenchless technology entry and exit launch locations outside of them (see policy N.J.A.C. 7:7-12.14). A small portion of riparian zone may be impacted by temporary workspace at Oyster Creek between man-made ditches within the Holtec Property. Should these areas be impacted by entry/exit pits or other activities, Ocean Wind 1 will obtain all permits in accordance with N.J.A.C. 7:13. Therefore, the Project is consistent with this policy.

7:7-9.27 Wetlands.

Federal and State Jurisdiction

This policy restricts disturbance in wetland areas and requires mitigation if wetlands are destroyed or disturbed. The policy also prohibits development within wetlands unless the Department can find that the proposed development meets the following conditions:

1. Requires water access or is water oriented as a central purpose of the basic function of the activity (this rule applies only to development proposed on or adjacent to waterways). This means that the use must be water dependent;
2. Has no prudent or feasible alternative on a non-wetland site;
3. Will result in minimum feasible alteration or impairment of natural tidal circulation (or natural circulation in the case of non-tidal wetlands); and
4. Will result in minimum feasible alteration or impairment of natural contour or the natural vegetation of the wetlands.

The Project's landfall areas meet the definition of a water dependent activity because the Project requires water access to the Atlantic Ocean and inland bays for cable crossings and is an offshore wind farm.

The routes and installation methods were selected to avoid and minimize impacts to wetlands and other resources to the maximum extent practicable while also incorporating engineering feasibility. N.J.A.C. 7:7a-1.3

defines a “practicable alternative” as other choices available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and may require an area not owned by the applicant which could reasonably have been or be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed activity. For a more detailed assessment of the alternatives investigated, please see Volume I Section 5.

BL England

HDD and BMPs will be used to further minimize impacts to NJDEP-regulated resources, including wetlands at the Crook Horn Creek/Peck Bay crossing at the Roosevelt Boulevard Bridge in Ocean City/Upper Township. Site-specific wetland surveys were conducted to inform the design and exact location of the placement of infrastructure to limit impacts to wetlands to the maximum extent practicable. Following these site-specific wetland surveys, Ocean Wind 1 coordinated with NJDEP and USACE to verify the size and location of wetlands. At the western HDD workspace at Crook Horn Creek, the workspace has been designed to avoid the coastal wetland and exclusion fencing will be used to avoid impacts the adjacent coastal wetlands.

Freshwater wetlands will be temporarily impacted during construction of the onshore export cable through the former golf course to the relocated BL England substation. In addition, forested wetlands in this area will be permanently impacted through the removal of woody vegetation.

For the BL England onshore substation, Ocean Wind 1 originally planned to use a portion of the former BL England Generating Station property that was previously used as a golf course (BL England Golf Course; greenfield) as shown in BOEM’s Draft Environmental Impact Statement for the Project. In response to comments from Upper Township’s town council received during the Draft EIS Public Hearing on July 14, 2022 and in an effort to reduce impacts on areas zoned for recreation and park use as per the Township of Upper Redevelopment Plan adopted by the Township Governing Body on January 25, 2021, Ocean Wind 1 has moved its preferred substation location to an adjacent portion of the same property, which formerly housed elements of the BL England Generating Station. These elements of the former BL England Generating Station, including coal storage, and waste-water storage tanks, were demolished; the site remediated; and the area was subsequently made available to Ocean Wind 1 for its substation development, which would allow for a reduction in impacts. The recently remediated site offers little or low-quality habitat as compared to the greenfield site on the golf course. In addition, multiple freshwater wetlands were delineated within the golf course site that would have been permanently filled as a result of construction of the substation. While the onshore export cable extension will impact some of these wetlands, the cable would be buried below ground, contours would be restored, and emergent wetland impacts would be temporary. There would be permanent impacts along the onshore export cable route extension through the former golf course due to conversion of forested wetlands. The coal storage brownfield location is devoid of wetlands, and as such permanent wetland impacts associated with the substation footprint will be avoided.

One stormwater outfall at the substation site will permanently impact 0.007 acre of NJDEP 1970s Mapped Coastal wetlands associated with grading for the outfall, but based on the LOI for the property and site investigations, this area is outside of wetlands. Best management practices will be used to minimize impacts during construction and any temporarily impacted areas will be restored per permit conditions following construction. The former coal pile site became available following demolition of portions of the former BL England Generating Station and the substation relocation to the former coal pile is proposed because it will reduce impacts to wetlands and habitat. All impacts to the wetlands in this location will be mitigated for in accordance with N.J.A.C. 7:7-17 and N.J.A.C. 7:7A-11.

Oyster Creek

Open cut will be used at the Oyster Creek Holtec Property landfall because the risk of inadvertent return during HDD is too high. HDD would be used at the Oyster Creek crossing or its tributaries. Site-specific wetland surveys were conducted to inform the design and exact location of the placement of infrastructure to limit impacts to wetlands to the maximum extent practicable. Following these site-specific wetland surveys, Ocean Wind 1 coordinated with NJDEP and USACE to verify the size and location of wetlands.

Within the Oyster Creek Project Area, wetland impacts will occur at IBSP near Shore Road as a result of cable duct installation through an emergent wetland community. Cable ducts will be below grade and the area over the top of these ducts will be restored and replanted so permanent impacts will not be incurred. At this location, the two cables will be installed into two TJBs which will be below grade and transitioned into offshore cables. The cables will then be installed into Barnegat Bay shoreline via open cut installation through a berm with fringe wetlands dominated by common reed. Temporary impacts to the wetlands will occur here, but the berm will be restored to previous conditions and the wetlands will be allowed to naturally revegetate.

At the western Barnegat Bay landing at the Holtec landing, the cable will make landfall in a common reed coastal wetland using open cut technology because of the risk of inadvertent returns during HDD. The wetland will be matted during HDD construction activities and two TJBs will be installed below grade and contours will be reestablished, allowing revegetation to occur over top of the TJBs. The only permanent surficial impacts in this area will be the at-grade access manhole covers to the TJBs and permanent concrete winch pads. There will be no impact to tidal hydrology as a result of this work. After installing the cables below grade through a short distance of mapped coastal wetlands and a very small area of palustrine forested wetlands (less than 3,000 square feet [0.059 acre]), the cable will be installed within previously disturbed upland dirt trails, upland forested areas, and paved roads until the Project crosses under Oyster Creek via HDD installation, thereby avoiding wetlands to the west of Route 9 and on the southern shoreline of Oyster Creek. Impacts to coastal and freshwater wetlands will be mitigated for in accordance with N.J.A.C. 7:7-17 and N.J.A.C. 7:7A-11 and potentially require replanting of trees upon coordination with NJDEP.

Small, isolated freshwater wetlands, totaling less than 2 acres in the proposed onshore substation parcel at Oyster Creek will be filled as a result of the construction. The substations were sited based on an existing and valid LOI issued by the Department that did not map these isolated wetlands. Because of the proximity of the substation to the interconnection point, along with the topography in the western portion of the parcel, the Oyster Creek substation could not be sited in a different location to avoid impacts to the isolated wetlands. All impacts to the wetlands in this location will be mitigated for in accordance with N.J.A.C. 7:7-17 and N.J.A.C. 7:7A-11.

The Project route will avoid and minimize any adverse impacts to wetlands by maintaining wetland buffers, implementing APMs and BMPs for erosion and sediment control, and maintaining natural surface drainage patterns. Ocean Wind 1 will avoid impacting tidal hydrology and wetlands to the maximum extent practicable. Ocean Wind 1 is seeking a permit in accordance with N.J.A.C. 7:7 and N.J.A.C. 7:7A to authorize Project activities within those wetlands regulated under the Wetlands Act of 1970 and the Freshwater Wetlands Protection Act. The Project intends to purchase wetland mitigation credits from a mitigation bank that services the area. The Mitigation Plan will be finalized prior to construction per State requirements. Therefore, the Project will be consistent with this policy.

7:7-9.28 Wetland Buffers.

State Jurisdiction

This policy restricts development in wetland buffer areas in order to protect wetlands. The Project will occur in upland buffers or areas adjacent to wetlands, as well as wetland areas where there is no feasible alternative. However, the Project will avoid and minimize impacts to wetlands and wetland buffers to the greatest extent possible by siting the majority of the onshore Project components within existing disturbed areas such as the former coal pile area, roadway rights-of-way and other paved areas such as parking lots, raised berms or trails to the maximum extent practicable. Additionally, the Project will implement APMs and BMPs for soil erosion and sediment control (SESC) and will maintain natural surface drainage features. Ocean Wind 1 conducted site-specific wetland surveys and coordinated with NJDEP and USACE on the size, location, and approvals necessary for development in wetlands and wetland buffers. Project impacts to wetland transition area buffers will be avoided to the maximum extent practicable. For actions that will require unavoidable impacts to wetland transition area buffers, Ocean Wind 1 is seeking permits in accordance with N.J.A.C. 7:7 and N.J.A.C. 7:7A. Therefore, the Project is consistent with this policy.

7:7-9.29 Coastal Bluffs.

This policy restricts development on coastal bluffs. The Project Area does not contain coastal bluffs. Therefore, this policy is not applicable.

7:7-9.30 Intermittent Stream Corridors.

State Jurisdiction

This policy restricts action in intermittent stream corridors. Intermittent stream corridors are areas including and surrounding surface water drainage channels in which there is not a permanent flow of water and which contain an area or areas with a seasonal high water table equal to or less than one foot. The inland extent of these corridors is either the inland limit of soils with a seasonal high water table depth equal to, or less than one foot, or a disturbance of 25 feet measured from the top of the channel banks, whichever is greater. The Project will occur in upland buffers or areas adjacent to wetlands, but no intermittent stream corridors were identified during site-specific wetland and watercourse delineations. Therefore, this policy is not applicable.

7:7-9.31 Farmland Conservation Areas.

This policy seeks to preserve large parcels of land used for farming. Per N.J.A.C. 7:7–9.31(a), farmland conservation area is defined as, “any contiguous area of 20 acres or more (in single or multiple tracts of single or multiple ownership) with soils in the Capability Classes I, II and III or special soils for blueberries and cranberries as mapped by the United States Department of Agriculture (USDA), Soil Conservation Service (SCS), in National Cooperative Soil Surveys, which are actively farmed, or suitable for farming, unless it can be demonstrated by the applicant that new or continued use of the site for farming or farm dependent purposes is not economically feasible.” The Project does not occur in any area that meets the criteria for farmland conservation area. Therefore, this policy is not applicable.

7:7-9.32 Steep Slopes.

This policy seeks to preserve steep slopes by restricting development in such areas. Restricting development on steep slopes helps to control erosion and reduce flooding downhill. The Project Area does not contain steep slopes. Therefore, this policy is not applicable.

7:7-9.33 Dry Borrow Pits.

This policy restricts the excavation and filling of upland or dry borrow pits. The Project Area does not contain dry borrow pits nor does Ocean Wind 1 propose to use or fill dry borrow pits. Therefore, this policy is not applicable.

7:7-9.34 Historic and Archeological Resources.

Federal and State Jurisdiction

This policy protects the value of historic architectural and archaeological resources and may result in a need for protective measures.

Maritime Archaeology

The Project has the potential to affect submerged cultural resources within the offshore marine environment along the offshore export cable route and within the Wind Farm Area. Geophysical surveys were conducted from 2018 to 2022 and will continue through Project construction with the goal to identify potential submerged cultural resources. The marine archaeological resources assessment of the HRG data within the Preliminary Area of Potential Effect (PAPE) identified 19 potential submerged cultural resources within the gradiometer, side-scan sonar, and/or multibeam echosounder datasets, 12 are located within the Wind Farm Area; three are located along the BL England export cable route corridor; and four are located along the Oyster Creek export cable route corridor. Four targets appear to represent shipwrecks in the side-scan sonar imagery and are in close proximity to reported shipwrecks. Five targets consist of magnetic anomalies that share characteristics with verified shipwreck magnetic signatures and side-scan imagery of unknown origin, therefore, may represent a partially buried shipwreck source. The remaining 10 targets consist of magnetic anomalies that share characteristics with verified shipwreck magnetic signatures and, therefore, may represent a buried shipwreck source. An avoidance buffer measuring 50 meters (164 feet) from the outer edge of magnetic anomalies and acoustic contacts has been applied to avoid adversely affecting these resources. HRG data also identified 16 geomorphic features of archaeological interest within the PAPE, 13 are located within the Wind Farm Area; one is located along the BL England export cable route corridor; and two are located along the Oyster Creek export cable route corridor. These geomorphic features, termed ancient, submerged landforms, represent relict channel margins that may have been subaerially exposed and available for past human use. The features possess archaeological potential; however, no direct evidence of associated human occupation has been documented in the geophysical or geotechnical data. The features, therefore, represent portions of buried landscapes that may be of cultural significance to Native American communities. Thirteen of the 16 ancient, submerged landforms within the Lease Area cannot be avoided by the Project. Therefore, BOEM has determined the undertaking would have adverse effects on historic properties within the marine APE. In a letter to BOEM dated December 12, 2022, New Jersey HPO indicated that it concurs with this assessment. Ocean Wind 1 has committed to avoiding three of 16 ancient, submerged landforms and all 19 submerged archaeological resources and their associated avoidance buffers. BOEM has indicated that there will be no adverse effect on these resources and NJ HPO has indicated that it concurs with this assessment. A historic properties treatment plan has been developed for mitigation of adverse effects. Ocean Wind 1 developed and will implement a post-review discovery plan (see COP Appendix F-5) for offshore archaeological resources.

Terrestrial Archaeology

Cables and infrastructure on land may potentially affect cultural resources within the onshore environment. Ocean Wind 1 conducted Phase 1 archaeological surveys in order to identify and avoid archaeological resources within the onshore Project Area. Ocean Wind 1 developed and will implement a post-review discovery plan for onshore archaeological resources (see COP Appendix F-5). Based on the findings of

onshore archaeological surveys and the recommendation made by the NJ HPO, archaeological monitoring will occur during construction activities; however, no further studies or mitigation are recommended. Six archaeological sites were identified within the terrestrial PAPE. All six sites would be avoided by all Project activities. BOEM has indicated through its Section 106 process that the Project has been sited to avoid adverse effects on terrestrial archaeological resources by siting onshore facilities within previously disturbed areas and existing road ROWs to the extent practicable. In a letter to BOEM dated December 12, 2022, NJ HPO indicated that it concurs with this assessment. Refer to COP Appendix F for the Marine and Terrestrial Archaeological Resources Assessment Reports.

Historic Architecture

Onshore and offshore infrastructure may potentially affect architectural resources. Ocean Wind 1 conducted architectural surveys and assessed impacts to historic architectural resources. Impacts to historic architectural resources were minimized to the extent practicable through siting of the Project facilities (e.g., siting onshore substations adjacent to and within existing generation properties where they are consistent with existing conditions, and siting buried onshore infrastructure primarily within road ROWs) and by burying onshore and offshore export cables to minimize impacts to historic architectural resources. Based on the results of the historic resources visual effects assessment, findings are recommended as No Adverse Effect on historic properties from onshore infrastructure (COP Appendix F-3). Ocean Wind 1 sited offshore infrastructure approximately 15 mi from the shoreline of the barrier islands at its nearest point , will use an ADLS to minimize night-time effects by only activating the FAA-require warning lights when an aircraft is in the vicinity of the Wind Farm Area, and will use non-reflective pure white (RAL Number 9010) or light gray (RAL Number 7035) paint on offshore infrastructure to minimize potential for visual impacts. To evaluate visual effects from the offshore infrastructure, 52 historic properties were reviewed within the Offshore Infrastructure PAPE, which included 7 historic districts and 45 individual properties. These 52 historic properties were evaluated for potential visual effects from the proposed Project using the Criteria of Adverse Effect in 36 CFR § 800.5. Visual effects recommendations are made of No Adverse Effect at 35 properties, and the potential for Adverse Effect at 17 properties. The finding of effect was determined for the Ocean City Boardwalk, Ocean City Music Pier, and Flanders Hotel in Ocean City; U.S. Lifesaving Station #35 in Stone Harbor; North Wildwood Lifesaving Station and Hereford Inlet Lighthouse in North Wildwood; Brigantine hotel in Brigantine; Absecon Lighthouse, Atlantic City Boardwalk, Atlantic City Convention Hall, Ritz-Carlton Hotel, and Riviera Apartments in Atlantic City; Vassar Square Condominiums and 114 S Harvard Avenue in Ventnor City; Lucy the Margate Elephant in Margate City; Great Egg Coast Guard Station in Longport; and the U.S. Coast Guard Station #119 in Little Egg Harbor. Villa Maria by the Sea was originally considered here, but subsequent to field surveys it was demolished. These properties are on the seashore, all but one are within 16 miles of the Wind Farm Area, and ocean views are a character-defining feature of each property's significance. Ocean Wind 1 has sited facilities to minimize impacts and will mitigate for Adverse Effects on historic resources. Therefore, this Project is consistent with this policy.

7:7-9.35 Specimen Trees.

This policy seeks to protect specimen trees as defined by NJDEP. Specimen trees are the largest known individual trees of each species in New Jersey. The Department's Division of Parks and Forestry maintains a list of these trees (see "New Jersey's Biggest Trees," published by the Department's Division of Parks and Forestry, Summer 1991 for a listing of specimen trees). In addition, large trees approaching the diameter of the known largest tree shall be considered specimen trees. Individual trees with a circumference equal to or greater than 85 percent of the circumference of the record tree, as measured 4.5 feet above the ground surface, for a particular species shall be considered a specimen tree. No old growth trees were observed

during wetland delineations. The majority of the Project will be located within existing disturbed areas. The Project will not impact specimen trees or large trees approaching the diameter of a specimen tree. Therefore, the Project is consistent with this policy.

7:7-9.36 Endangered and Threatened Wildlife or Vegetation Habitats.

Federal and State Jurisdiction

Agency consultations for information regarding threatened, endangered and special concern species and habitats have been coordinated with USFWS, NJDEP Natural Heritage Program (NHP) and the National Oceanic and Atmospheric Administration (NOAA). Desktop reviews have identified several species as potentially occurring within or in the vicinity of the Project Area, as outlined in **Tables 2 and 3**. Ocean Wind 1 conducted onshore species habitat assessments to determine whether appropriate habitat for threatened and endangered species is present.

Site specific ecological community assessments were conducted in conjunction with wetland delineations and community descriptions. The Project will avoid habitat for threatened and endangered species to the extent practicable. Ocean Wind 1 has designed facilities and plans to utilize installation methods to minimize impacts where avoidance is not possible and continues to coordinate with relevant agencies to develop BMPs and comply with permit conditions to demonstrate compliance with this rule. In addition, Ocean Wind 1 will implement nearshore marine waters monitoring by approved protected species observers (PSO) to prevent adverse impacts to marine mammals, sea turtles and Atlantic sturgeon. Therefore, this Project is consistent with this policy.

Table 2. State and Federally Listed Species (not including birds*) that may occur within and in the vicinity of the Project Area.

Common Name	Scientific Name	Status
Mammals		
Bobcat	*Lynx rufus*	SE
Northern long-eared bat	*Myotis septentrionalis*	FT
Reptiles		
Loggerhead turtle	*Caretta*	FT
Green turtle	*Chelonia mydas*	FT
Kemp's Ridley turtle	*Lepidochelys kempii*	FE
Leatherback turtle	*Dermochelys coriacea*	FE
Bog turtle	*Clemys muhlenbergii*	FT, SE
Corn snake	*Pantherophis guttatus*	SE
Northern pine snake	*Pituophis melanoleucus melanoleucus*	ST
Timber rattlesnake	*Crotalus horridus horridus*	SE
Wood turtle	*Glyptemus insculpta*	ST
Amphibians		
Pine barrens treefrog	*Hyla andersonii*	ST
Cope's gray treefrog (southern gray treefrog)	*Hyla chrysoscellis*	SE
Fish		
Atlantic Sturgeon	*Acipenser oxyrinchus*	FE, SE
Shortnose Sturgeon	*Acipenser brevirostrum*	FE, SE
Oceanic whitetip shark	*Caracharinus longimanus*	FT

Common Name	Scientific Name	Status
Giant manta ray	*Manta birostris*	FT
Alewife	*Alosa pseudoharengus*	C
Blueback herring	*Alosa aestevalis*	C
Cusk	*Brosme brosme*	C
Plants		
American Chaffseed	*Schwalbea Americana*	FE
Knieskern's beaked-rush	*Rhynchospora knieskernii*	FT, SE
Seabeach Amaranth	*Amaranthus pumilus*	FT, SE
Sensitive joint-vetch	*Aeschynomene virginica*	FT
Swamp pink	*Helonias bullata*	FT, SE
Marine Mammals		
Blue whales	*Balaenoptera musculus*	FE
Fin whales	*Plegadis falcinellus*	FE
North Atlantic right whale	*Eubalaena glacialis*	FE
Sei whales	*Balaenoptera borealis*	FE
Sperm whales	*Physeter macrocephalus*	FE

Notes:

Status: FE – Federally Endangered, FT – Federally Threatened, SE- State Endangered, ST – State Threatened, C – Candidate Species

*For bird species listed in New Jersey and/or federally, see Table 4.2.3-1 in the Ocean Wind 1 COP.

Table 3 – State and Federal Listed birds that have the potential to pass through the BL England and Oyster Creek study areas.

Common Name	Scientific Name	NJ Status*	Federal Status*
American Oystercatcher	*Haematopus palliates*	SC - Breeding + Non-breeding	BCC
Lesser Yellowlegs	*Tringa flavipes*	-	BCC - Non-breeding
Whimbrel	*Numenius phaeopus*	SC - Non-breeding	BCC - Non-breeding
Willet	*Tringa semipalmata*	-	BCC
Hudsonian Godwit	*Limosa haemastica*	-	BCC - Non-breeding
Marbled Godwit	*Limosa fedoa*	-	BCC - Non-breeding
Short-billed Dowitcher	*Limnodromus griseus*	-	BCC - Non-breeding
Piping Plover	*Charadrius melodus*	E - Breeding + Non-breeding	T
Purple Sandpiper	*Calidris maritima*	-	BCC - Non-breeding
Semipalmated Sandpiper	*Calidris pusilla*	SC - Non-breeding	BCC - Non-breeding
Spotted Sandpiper	*Actitis macularius*	SC - Breeding	-
Buff-breasted Sandpiper	*Calidris subruficollis*	-	BCC - Non-breeding
Upland Sandpiper	*Batramia longicauda*	E - Breeding + Non-breeding	BCC
Solitary Sandpiper	*Tringa solitaria*	-	BCC - Non-breeding
Sanderling	*Calidris alba*	SC - Non-breeding	-
Red Knot	*Calidris canutus rufa*	E - Non-breeding	T - Non-breeding
Bald Eagle	*Haliaeetus leucocephalus*	E - Breeding, T - Non-breeding	BCC

Common Name	Scientific Name	NJ Status*	Federal Status*
Peregrine Falcon	*Falco peregrinus*	E - Breeding, SC - Non-breeding	BCC
American Kestrel	*Falco sparverius*	T - Breeding + Non-breeding	-
Northern Goshawk	*Accipiter gentilis*	E - Breeding, SC - Non-breeding	-
Northern Harrier	*Circus cyaneus*	E - Breeding, SC - Non-breeding	-
Red-shouldered Hawk	*Buteo lineatus*	E - Breeding, SC - Non-breeding	-
Broad-winged Hawk	*Buteo platypterus*	SC - Breeding	-
Cooper's Hawk	*Accipiter cooperii*	SC - Breeding	-
Sharp-shinned Hawk	*Accipiter striatus*	SC - Breeding + Non-breeding	-
Osprey	*Pandion haliaetus*	T - Breeding	-
Snowy Owl	*Bubo scandiacus*	-	BCC
Short-eared Owl	*Asio flammeus*	E - Breeding, SC - Non-breeding	BCC - Non-breeding
Barred Owl	*Strix varia*	T - Breeding + Non-breeding	-
Long-eared Owl	*Asio otus*	T - Breeding + Non-breeding	-
Barn Owl	*Tyto alba*	SC - Breeding + Non-breeding	-
Black Rail	*Laterallus jamaicensis*	E - Breeding, T - Non-breeding	Threatened[1]
King Rail	*Rallus elegans*	-	BCC
American Bittern	*Botaurus lentiginosos*	E - Breeding, SC - Non-breeding	BCC
Least Bittern	*Ixobrychus exilis*	SC - Breeding + Non-breeding	BCC
Cattle Egret	*Bubulcus ibis*	T - Breeding, SC - Non-breeding	-
Snowy Egret	*Egretta thula*	SC - Breeding	BCC
Black-crowned Night-heron	*Nycticorax nycticorax*	T - Breeding, SC - Non-breeding	-
Yellow-crowned Night-Heron	*Nyctanassa violacea*	T - Breeding + Non-breeding	-
Great Blue Heron	*Ardea herodias*	SC - Breeding	-
Tricolored Heron	*Egretta tricolor*	SC - Breeding + Non-breeding	-
Little Blue Heron	*Egretta caerulea*	SC - Breeding + Non-breeding	-
Glossy Ibis	*Plegadis falcinellus*	SC - Breeding	-
Pied-billed Grebe	*Podilymbus podiceps*	E - Breeding, SC - Non-breeding	BCC
Horned Grebe	*Pidiceps auritus*	-	BCC - Non-breeding

Common Name	Scientific Name	NJ Status*	Federal Status*
Black-billed Cuckoo	*Coccyzus erythropthalmus*	SC - Breeding	BCC
Blue-headed Vireo	*Vireo solitarius*	SC - Breeding	-
Bobolink	*Dolichonyx oryzivorus*	T - Breeding, SC - Non-breeding	BCC
Brown Thrasher	*Toxostoma rufum*	SC - Breeding	-
Canada Warbler	*Cardellina canadensis*	SC - Breeding	BCC
Cerulean Warbler	*Dendroica cerulea*	SC - Breeding + Non-breeding	BCC
Prairie Warbler	*Dendroica discolor*	-	BCC
Blackburnian Warbler	*Dendroica fusca*	SC - Breeding	-
Black-throated Blue Warbler	*Dendroica caerulescens*	SC - Breeding	-
Black-throated Green Warbler	*Dendroica virens*	SC - Breeding	-
Prothonotary Warbler	*Protonotaria citrea*	-	BCC
Hooded Warbler	*Wilsonia citrina*	SC - Breeding	-
Nashville Warbler	*Oreothlypis ruficapilla*	SC - Breeding	-
Northern Parula	*Parula americana*	SC - Breeding	-
Worm-eating Warbler	*Helmitheros vermivorum*	SC - Breeding	BCC
Yellow-breasted Chat	*Icteria virens*	SC - Breeding	-
Kentucky Warbler	*Oporornis formosus*	SC - Breeding + Non-breeding	BCC
Golden-winged Warbler	*Vermivora chrysoptera*	E - Breeding, SC - Non-breeding	BCC
Blue-winged Warbler	*Vermivora cyanoptera*	-	BCC
Saltmarsh Sparrow	*Ammodramus caudacutus*	SC - Breeding	BCC
Seaside Sparrow	*Ammodramus maritimus*	-	BCC
Ipswich Sparrow	*Passerculus sandwichensis princeps*	SC - Non-breeding	-
Nelson's Sparrow	*Ammodramus nelsoni*	-	BCC
Grasshopper Sparrow	*Ammodramus savannarum*	T - Breeding, SC - Non-breeding	-
Savannah Sparrow	*Passerculus sandwichensis*	T - Breeding	-
Henslow's Sparrow	*Ammodramus henslowii*	E - Breeding + Non-breeding	BCC
Vesper Sparrow	*Pooecetes gramineus*	E - Breeding, SC - Non-breeding	-
Winter Wren	*Troglodytes hiemalis*	SC - Breeding	-
Sedge Wren	*Cistothorus platensis*	E - Breeding + Non-breeding	BCC
Cliff Swallow	*Petrochelidon pyrrhonota*	SC - Breeding	-
Eastern Meadowlark	*Stunella magna*	SC - Breeding + Non-breeding	-
Evening Grosbeak	*Coccothraustes vespertinus*	-	BCC

Common Name	Scientific Name	NJ Status*	Federal Status*
Red-headed Woodpecker	*Melanerpes erythrochephalus*	T - Breeding + Non-breeding	BCC
Rusty Blackbird	*Euphagus carolinus*	-	BCC - Non-breeding
Wood Thrush	*Hylocichla mustelina*	SC - Breeding	BCC
Gray-cheeked Thrush	*Catharus minimus*	SC - Non-breeding	-
Veery	*Catharus fuscescens*	SC - Breeding	-
Least Flycatcher	*Empidonax minimus*	SC - Breeding	-
Loggerhead Shrike	*Lanius ludovicianus*	E - Non-breeding	BCC
Horned Lark	*Eremophila alpestris*	T - Breeding, SC - Non-breeding	-
Eastern Whip-poor-will	*Antrostomus vociferus*	SC - Breeding	BCC
Common Nighthawk	*Chordeiles minor*	SC - Breeding + Non-breeding	-
Black Skimmer	*Rynchops niger*	E - Breeding + Non-breeding	BCC
Common Tern	*Sterna hirundo*	SC - Breeding	-
Gull-billed Tern	*Gelochelidon nilotica*	SC - Breeding + Non-breeding	BCC
Least Tern	*Sterna antillarum*	E - Breeding + Non-breeding	BCC
Roseate Tern	*Sterna dougallii*	E - Breeding + Non-breeding	E
Caspian Tern	*Hydroprogne caspia*	SC - Breeding	-
Red-throated Loon	*Gavia stellate*	-	BCC - Non-breeding

Source: NJDEP 2012 and USFWS IPaC database (USFWS 2018b).

* E = Endangered, T = Threatened, SC = Special Concern, BCC = Birds of Conservation Concern

[1] Eastern Black Rail subspecies (*Laterallus jamaicensis jamaicensis*) is federally listed

7:7-9.37 Critical Wildlife Habitats.

State Jurisdiction

Critical wildlife habitats are specific areas known to serve an essential role in maintaining wildlife, particularly wintering, breeding, and migrating. Portions of the Project fall within State-priority Important Bird Areas (IBAs) and continental-priority IBAs, which are areas that provide essential habitats for sustaining bird populations; however, the Project is not expected to impact the habitat as impacts will be limited to previously disturbed areas such as pavement and roadway rights-of-way (ROW), to the extent practicable. Onshore export cables will be buried, and HDD installation is proposed at sensitive habitat areas such as beaches, dunes, and large water body crossings to the extent practicable. In addition, Ocean Wind 1 will continue to coordinate with the USFWS and the NJDEP during the permitting phase of the Project to identify critical wildlife habitats, including known nesting habitats of migratory birds. Appropriate mitigation measures will be taken to avoid impacts and Ocean Wind 1 will work with the NJDEP to implement appropriate seasonal work restriction windows and identify noise ordinance requirements. Therefore, the Project is consistent with this policy.

7:7-9.38 Public Open Space.

State Jurisdiction

This policy encourages the development of new public open spaces and discourages development that might adversely affect existing public open space. Project impacts to public open space resources will be avoided to the maximum extent possible through siting to avoid sensitive areas, trenchless technology options or other BMPs. Ocean Wind 1 will coordinate with the State for approvals for the use of State lands and construction will be scheduled outside of the high tourism season.

BL England

The landfall for BL England will be made from workspace within paved portions of 35th Street and the cable will be installed under the beach using HDD installation technology to avoid impacts to resources and use of the beach to the extent possible. The beach adjacent to 35th Street is used for passive recreation by members of the public. Installation of the cable will occur during the tourism off season so as to minimize impacts to the community to the maximum extent practicable. During construction the immediate vicinity of 35th Street will be temporarily closed as the street will be utilized for the HDD workspace. The temporary closure will allow for the work zone to remain as compact as possible. For all cable installation works planned in Ocean City, access to local residences, businesses, and the beach in Ocean City will be maintained via the adjacent alleys and/or cross streets. During time periods where work is occurring, traffic plans and the final cable work zones will be coordinated with local police, local officials, and other stakeholders. Ocean Wind 1 will work with local residents and businesses during construction to make adjustments as necessary to ensure any impacts are minimized to the maximum extent practicable. Ocean Wind 1 will coordinate construction activities to try to avoid community events (e.g., annual marathons or parades) and develop a construction schedule to minimize activities in the onshore export cable corridors during the peak summer recreation and tourism season, where practicable.

Oyster Creek

Within IBSP, Ocean Wind 1 sited the cable, selected installation techniques and developed the Project schedule to reduce conflicts with open space. The export cable will remain buried, and the cable route and any operation and maintenance points (such as a manhole) have been sited in previously disturbed areas to the extent practicable. Landfall from the Atlantic Ocean will be made using HDD from IBSP Swimming Area #2 Auxiliary parking lot (closed seasonally October through June) to minimize impacts to the beach and dunes. Should trenchless technologies not be feasible, construction will be conducted to remain consistent with the character and purpose of IBSP. The cable route in IBSP is sited within existing paved parking lots and a disturbed maintenance area to minimize impacts on the public open space to the extent practicable. In addition, construction will take place outside of the summer season when use is reduced.

Therefore, this Project is consistent with this policy.

7:7-9.39 Special Hazard Areas.

Federal and State Jurisdiction

This policy discourages development in special hazard areas. The substation and portions of the onshore export cable are within areas of known contamination. The Project linear portions will be enrolled under the NJDEP Site Remediation Program (SRP) as a linear construction project (LCP) and handled in accordance with all applicable regulations. Ocean Wind 1 will manage any contamination encountered during Project construction in accordance the NJDEP SRP guidance as well as with the Materials Management Plan (MMP) and Materials Handling Plan (MHP), which will be developed prior to construction. The Project will not include residential and labor-intensive economic development within the special hazard area and all development will include appropriate mitigating measures to protect public health and safety. Therefore, the Project is consistent with this policy.

7:7-9.40 Excluded Federal Lands.

Excluded Federal lands are those lands, the use of which is, by law, subject solely to the discretion of or held in trust by the Federal Government, its officers or agents. Federal lands are outside of the New Jersey Coastal Zone in accordance with Section 304 of the CZMA. The Project Area contains no excluded Federal lands and Federal actions on excluded lands will not occur. Therefore, this policy is not applicable.

7:7-9.41 Special Urban Areas.

State Jurisdiction

This policy seeks to encourage waterfront development that would benefit certain municipalities that receive State aid. The Project may occur in special urban areas; however, development will not adversely affect the economic wellbeing of these areas. Secondary impacts of the Project may include an increase in employment opportunities in the Project Area and a temporary stimulating effect on the local economy due to increased demand for goods and services. Furthermore, development of the Project is in the national interest for clean, renewable energy and in compliance with the offshore wind-generated electricity goal set by the State of New Jersey's Executive Order No. 92 (2019). Therefore, the Project is consistent with this policy.

7:7-9.42 Pinelands National Reserve and Pinelands Protection Area.

State Jurisdiction

This policy allows the Pinelands Commission to serve as the reviewing agency for actions within the Pinelands National Reserve. Cables and infrastructure would be located within the Pinelands National Reserve. The onshore export cable corridor passes through Pinelands Management Areas (PMA) including Forest Areas, Rural Development Areas and Regional Growth Areas.

BL England

The BL England onshore export cable corridor passes through Pinelands Management Areas (PMA) including Forest Area with Garden State Parkway Overlay and Regional Growth Area. The proposed BL England substation is now located within the federally designated Pinelands National Reserve Forest Area. While the substation location is within the Forest Area PMA, it is currently devoid of vegetation due to demolition and remediation of the former coal pile and associated facilities. Based on coordination with the Pinelands Commission, the Pinelands Comprehensive Management Plan defines the proposed Project as public service infrastructure. While the onshore export cable route crosses a Forest Area PMA, it is at the Garden State Parkway Crossing in Upper Township which is within the Garden State Parkway Overlay. The Garden State Parkway Overlay and Regional Growth Area allow for the development of public service infrastructure. In an email dated January 4, 2023, the Pinelands Commission indicated that while the BL England substation is within a Forest Management Area, the proposed development remains consistent with the guidance provided in the Pinelands Commission's letter dated December 7, 2021.

Oyster Creek

The Oyster Creek onshore export cable corridor passes through PMA including Forest Area, Forest Area Water, and Rural Development Management Area. Based on coordination with the Pinelands Commission, the Pinelands Comprehensive Management Plan defines the proposed cables as public service infrastructure.

Portions of the Project at IBSP are within a Forest Area PMA and portions within Barnegat Bay are within a Forest Area Water PMA. The landfall and a portion of the onshore cable route at the Holtec Property are within a Forest Area PMA and the remaining export cable route and substation are within a Rural Development Area. The cables are considered public service infrastructure, which is allowed in Rural Development Area PMAs.

Based on the letter from the Pinelands Commission in December 2021, the proposed cables are not inconsistent with the Forest Area PMA. The Pinelands Commission notes that within the Pineland Forest Management Area, "…the proposed development does not raise an issue that rises to a level that it causes the proposed development to be inconsistent with the intent, policies and objectives of the National Parks and Recreation Act of 1978 creating the Pinelands National Reserve and the Pinelands Protection Act of 1978." (The Pinelands Commission 2021).

Ocean Wind 1 will adhere to the land use standards, guidelines, and regulations of the Pinelands Comprehensive Management Plan and will coordinate with the Pinelands Commission on coastal construction permit applications. The appropriate State permit will be acquired if discharge of dredged or fill materials occurs in freshwater wetlands and/or State open waters per Section 404 of the Federal Water Pollution Control Act of 1972, as amended by the Clean Water Act of 1977, or under an individual or Statewide general permit per 33 USC 1344 and N.J.S.A. 13:9(B)-6(b).

Therefore, the Project is consistent with this policy.

7:7-9.43 Meadowlands District.

This policy allows the New Jersey Meadowlands Commission to serve as the reviewing agency for actions within the Hackensack Meadowlands District. The Project is not located within the Hackensack Meadowlands District. Therefore, this policy is not applicable.

7:7-9.44 Wild and Scenic River Corridors.

State Jurisdiction

This policy recognizes the outstanding value of certain rivers in New Jersey by restricting development to compatible uses.

BL England

A portion of the BL England onshore study area, is located upland and adjacent to the Great Egg Harbor River Wild and Scenic River Federal Boundary designated by the National Parks Service (**Figure 3**). However, the Project does not encroach into the Wild and Scenic River corridor and would avoid impacts that would adversely affect the resources for which the Great Egg Harbor River was designated into the national system through the implementation of BMPs and APMs, such as locating export cable corridors and landfall within existing rights-of-way or previously disturbed/developed lands to the extent practicable. Further, development of the Project will comply with the standards set forth in the Great Egg Harbor River Comprehensive Management Plan adopted pursuant to the National Wild and Scenic Rivers Act for the wild and scenic river corridor. Ocean Wind 1 will coordinate with the National Park Service, the Federal river-administrating agency for Great Egg Harbor River during the permitting process as required. Therefore, this Project is consistent with this policy.

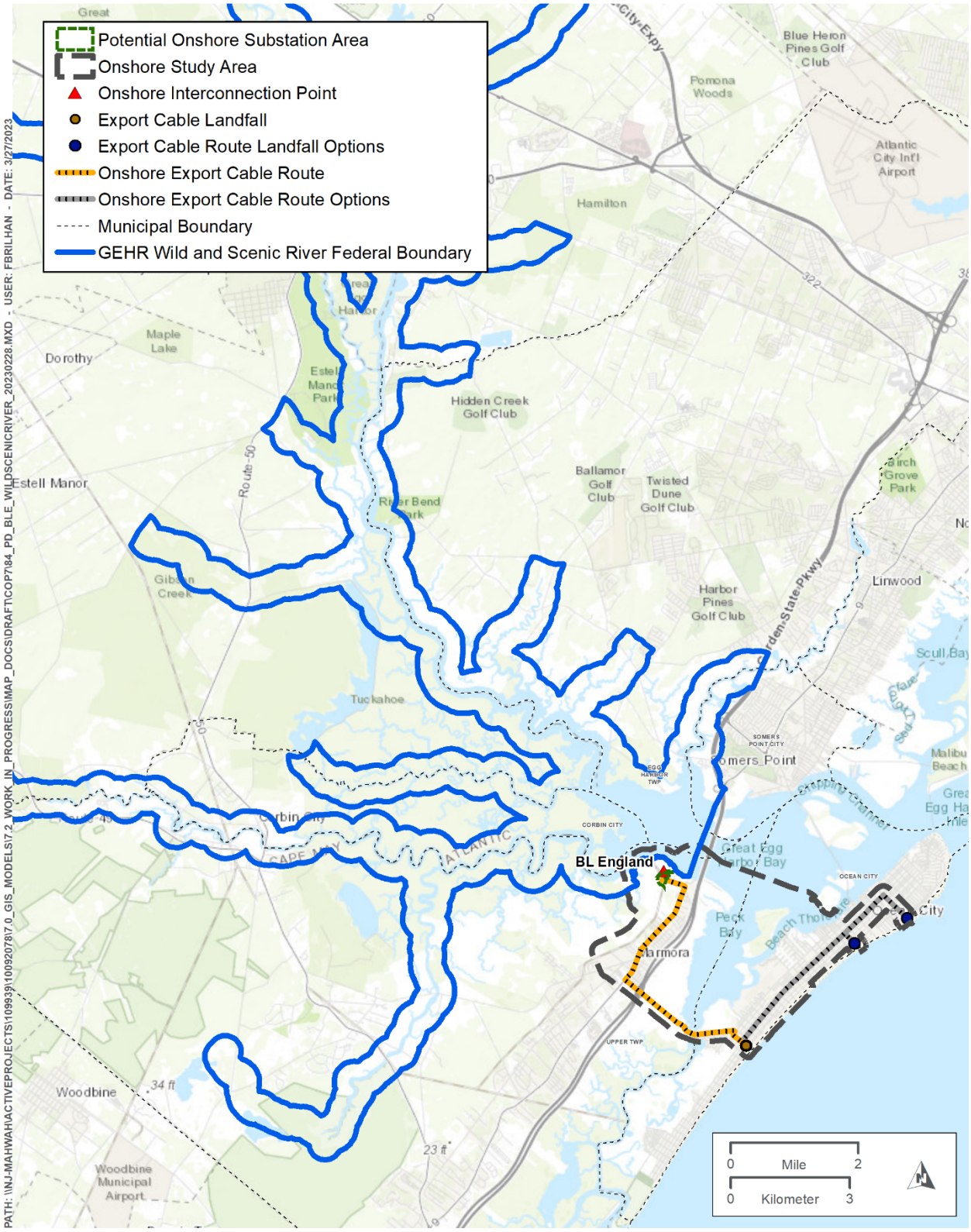

Figure 3 – Great Egg Harbor River Wild and Scenic River Federal Boundary.

7:7-9.45 Geodetic Control Reference Marks.

State Jurisdiction

This policy discourages disturbance of geodetic control reference marks. The Project may encounter geodetic control reference marks in the export cable corridor from landfall to the onshore substation; however, it is unlikely these geodetic control reference marks will be impacted. If any geodetic control reference mark must be moved, raised or lowered to accommodate construction, the New Jersey Geodetic Control Survey will be contacted at least 60 days prior to disturbance and arrangements will be made to protect the position. If impacts occur, the geodetic control reference marks will be restored to pre-construction conditions and re-surveyed by a New Jersey-licensed surveyor. Therefore, this Project is consistent with this policy.

7:7-9.46 Hudson River Waterfront Area.

This policy sets forth non-industrial and industrial development standards for public access and open space along the Hudson River Waterfront Area and requires development, maintenance, and management of a section of the Hudson Waterfront Walkway coincident with the shoreline of the property development. The Project is not located on the Hudson River waterfront. Therefore, this policy is not applicable.

7:7-9.47 Atlantic City.

State Jurisdiction

This policy sets standards for development in the City of Atlantic City. The Project Area is not located within the municipal boundary of Atlantic City. Therefore, this policy is not applicable.

7:7-9.48 Lands and Waters Subject to Public Trust Rights.

State Jurisdiction

Lands and waters subject to public trust rights are tidal waterways and their shores, lands now or formerly below the MHW line, and shores above the MHW line. Public trust rights include public access, which is the ability of the public to view and pass physically to, from and along the ocean shore and other waterfronts subject to public trust rights, and to use these lands and waters. There is existing public access to the water and the shoreline in the vicinity of the export cable landfalls and onshore export cable corridors; however, the Project will not impact the public's rights of access to or use of natural resources in the Project Area. Portions of the Project are within waterfront and the waterfront may be impacted during construction; therefore, development will be in accordance with N.J.A.C. 7:7-16.9. Public access during construction activities could pose the potential for both security threats and hazard conditions for members of the public and workers at the site; however, all existing public access to and along the waterfront will be maintained to the maximum extent practicable, during construction, including barrier free access to tidal waterways and their shores where feasible and warranted by the character of the site. The Project will not impede the public's access to the water and shoreline post-construction. In addition, Ocean Wind 1 will provide for public access or public access improvements as required by NJDEP permit conditions. Therefore, the Project is consistent with this policy.

The Public Access Law, N.J.S.A. 13:1D-153a, states that if a permit application to NJDEP "provides for a change in the existing footprint of a structure, a change in use of the property, or involves beach replenishment or beach and dune maintenance, the department shall review the existing public access provided to tidal waters and adjacent shorelines at the property and shall require as a condition of the permit or other approval that additional public access to the tidal waters and adjacent shorelines consistent with the public trust doctrine be provided".

The Project involves, among other facilities, the construction of underground export cables that will make landfall at public access areas at Island Beach State Park in Berkley and Lacey Townships in Ocean County, and the City of Ocean City in Cape May County. Since construction of the underground export cables will be accomplished via HDD, there will be no change in the existing footprint of a structure. Nor would there be a change in use of the properties since the surface uses, such as beaches, will remain the same, and the Project does not involve beach replenishment or impact the existing USACE dune. Accordingly, the Public Access Law does not apply to the construction of the underground export cables.

In addition, the Project includes the construction of two onshore electric substations at the Oyster Creek point of interconnection in Lacey Township and the BL England point of interconnection in Upper Township. Both sites are zoned for utility uses, so Ocean Wind 1 is not proposing to change the use of either site. Further, neither substation site is adjacent to tidal waterways, so direct public access to tidal waters from these sites is not possible. Therefore, the Public Access Law does not apply to the construction of the onshore substations.

The Project will be in compliance with this policy and any restrictions to public access to the beach will only be temporary during Project construction.

The Law also states that if the regulated activity being proposed is on a marina property, NJDEP shall require that the existing degree of public access to the waterfront and adjacent shoreline be maintained. If the regulated activity affects or diminishes public access on the marina property, the NJDEP shall require equivalent access as a condition of the permit or other approval. Equivalent public access includes access that allows the opportunity to participate in the same activities in the same manner, by the same number of people as the existing public access. The Project is in compliance with this policy as access to the marina at the marina landfall will not be impacted during Project construction and access to the marina will not be impeded.

Therefore, the Project is consistent with this rule.

2.2 Subchapter 10 – Standards for beach and dune activities

State Jurisdiction

These standards apply to routine beach maintenance, emergency post-storm beach restoration, dune creation and maintenance, and construction of boardwalks. The NJDEP Division of Coastal Engineering is responsible for administering beach nourishment and shore protection projects throughout the State. The Project will use HDD to the extent practicable to avoid and minimize impacts to beaches. Ocean Wind 1 is coordinating with NJDEP's coastal engineering group and USACE to avoid impacts to beach maintenance activities and post-storm beach restoration efforts.

If the Project requires creation of a boardwalk at IBSP for public access, the standards for construction of boardwalks along tidal shorelines will be completed in accordance with N.J.A.C. 7:7-10.5. Construction of a boardwalk will be coordinated with NJDEP's coastal engineering group and USACE. Therefore, the Project is consistent with these standards.

2.3 Subchapter 11 – Standards for conducting and reporting the results of an endangered or threatened wildlife or plant species habitat impact assessment and/or endangered or threatened wildlife species habitat evaluation

Federal and State Jurisdiction

This section details the performance and reporting standards for impact assessments and habitat evaluations for endangered and threatened wildlife species. The Project may occur on or adjacent to endangered or

threatened wildlife or plant species habitat. Ocean Wind 1 has coordinated with the NJDEP and USFWS and conducted onshore habitat assessments to determine whether appropriate habitat for threatened and endangered species is present. Project habitat evaluations for each wildlife species identified as endangered or threatened used scientific methodology appropriate for each species/group, examined specific attributes that may limit or eliminate its suitability as habitat (i.e., vegetative analysis), and includes an assessment of the area surrounding the site with photographs and/or cover maps. Habitat assessments have been completed for bog turtle, Knieskern's beaked rush, swamp pink, eastern black rail, and saltmarsh sparrow (COP Appendix E). All habitat impact assessments and evaluations conducted for the Project will comply with the standard reporting requirements of N.J.A.C. 7:7-11.4. In addition, Ocean Wind 1 will implement offshore and nearshore marine waters monitoring by approved PSO to prevent adverse impacts to marine mammals, sea turtles and sturgeon. Therefore, the Project is consistent with these standards.

2.4 Subchapter 12 – General water areas

This section categorizes the important uses of general water areas and sets conditions or standards of acceptability for certain uses within general water areas. Only those standards applicable to the Project Area are listed.

7:7-12.2 Shellfish Aquaculture

State Jurisdiction

This policy encourages shellfish aquaculture as a means of food production that can be at least as efficient as land-based agriculture provided that it does not unreasonably affect the coastal recreational economy, the coastal ecosystem, or navigation. The study area includes an aquaculture lease area on the west side of Barnegat Bay near a potential Ocean Township landfall; however, the Project would not cause long-term impacts the aquaculture lease areas. Therefore, the Project is consistent with this policy. The Project's inshore cable route in Barnegat Bay has been sited away from lease areas where possible to avoid impacts to shellfish in areas identified as hardclam high and moderate density under the two most recent datasets published by the NJDEP to the extent practicable (1986 and 2012). The landfall at Oyster Creek will be located to avoid impacts to existing aquaculture lease sites to the extent practicable, however the aquaculture lease near the marina landfall may be impacted by cable installation and anchor lines for installation vessels. Any impacts to the aquaculture lease area would be temporary and mitigation to the leaseholder will be coordinated with the NJDEP Bureau of Shellfisheries. At BL England, the offshore cable route makes landfall within the street in Ocean City using HDD technology and remains within onshore areas to the substation, avoiding any shellfish aquaculture or lease areas. Therefore, the Project is consistent with this policy.

7:7-12.3 Boat Ramps

This policy permits private and public use boat ramps if they are constructed in an environmentally sensitive manner. The Project will not require construction of private or public use boat ramps. Therefore, this policy is not applicable.

7:7-12.4 Docks and Piers for Cargo and Commercial Fisheries

Docks and piers for cargo and passenger movement and commercial fisheries are structures supported on pilings driven into the bottom substrate or floating on the water surface, used for loading and unloading passengers or cargo, including fluids, connected to or associated with, a single industrial or manufacturing facility or to commercial fishing facilities. This policy permits the construction of docks and piers for cargo and passenger movement and commercial fisheries if they will not interfere with navigation and are associated with

the aforementioned facilities. No docks and piers for cargo and commercial fisheries are proposed as part of this Project. Therefore, this policy is not applicable.

7:7-12.5 Recreational Docks and Piers

This policy generally permits the construction of recreational docks and piers, including jet ski ramps, and mooring piles. No recreational docks and piers are proposed as part of this Project. Therefore, this policy is not applicable. If a pier or dock is constructed as part of public access associated with the Project, it will be consistent with 7:7-12.5.

7:7-12.6 Maintenance Dredging

This policy sets the rules for maintenance dredging.

Maintenance dredging is the periodic removal of accumulated sediment from previously legally dredged navigation and access channels, marinas, lagoons, canals, or boat moorings for the purpose of safe navigation.

For a project to be considered maintenance dredging, the applicant shall demonstrate through historical data, including, but not limited to, previously issued dredging permits, previous dredging contracts, historic bathymetric surveys, and/or aerial photography that:

1. The proposed dredge area is limited to the same length and width as a previous dredging operation;
2. The proposed water depth is the same as a previous dredging operation or as historical water depths within the proposed dredge area; and
3. The proposed dredge area has historically been used for navigation or mooring of vessels requiring the proposed water depth

BL England

For BL England, Ocean Wind 1 is not proposing any maintenance dredging as part of the Project.

Oyster Creek

For Oyster Creek, Ocean Wind 1 is proposing dredging within a prior channel west of IBSP in Barnegat Bay. The Oyster Creek Federal Channel is a USACE civil works project regulated by 33 USC 408 (Section 408) and is part of the USACE Barnegat Inlet Federal Navigation Project. The USACE Philadelphia District, maintains the authorized depths within Barnegat Inlet and the Oyster Creek Channel through regular maintenance dredging. Ocean Wind 1 requires safe and reliable passage of construction vessels into Barnegat Bay. Barnegat Inlet and the Oyster Creek Channel would need to be dredged to the authorized width and depth for the passage of construction vessels into Barnegat Bay. Ocean Wind 1 has coordinated closely with the USACE Philadelphia District regarding current channel conditions and planned maintenance dredging – particularly of the Oyster Creek Channel which experiences regular shoaling.

In coordination with the USACE, the proposed potential dredge area is about 2,400 ft long, 200 ft wide, and 8 ft MLLW deep. The western portion of the channel shoals frequently and is typically dredged every three years depending on funding appropriations (USACE 2020). USACE has completed maintenance dredging of the Oyster Creek Channel as recently as Spring 2016 (USACE 2016) and December 2020 (USACE 2021). Ocean Wind 1 and USACE Philadelphia District began coordinating on potential maintenance dredging needs and the current condition of the Barnegat Inlet and Oyster Creek Federal Channel in June 2021, with additional coordination and follow-up meetings in September 2021 and February 2022. Ocean Wind 1 also identified potential maintenance dredging needs of the Oyster Creek Channel to BOEM and NJDEP and included those areas of the Oyster Creek Channel that may require maintenance dredging in the 2022 High Resolution

Geophysical and Geotechnical Survey Plan (submitted to BOEM December 2021) and Sediment Sampling and Analysis Plan for Near Shore and Inshore Installation Activities (submitted to NJDEP November 2021).

Given that the proposed work area falls within the horizontal and vertical extents of the existing channel and that the channel was previously used for navigation, the proposed potential dredging is consistent with this policy.

Dredged material will be disposed of in accordance with the dredged material disposal plan. Dredged material placement will comply with N.J.A.C. 7:7-12.9 and N.J.A.C. 7:7-15.12.

Therefore, the Project is consistent with this policy.

7:7-12.7 New Dredging

Federal and State Jurisdiction

New dredging is the removal of sediment that does not meet the definition of maintenance dredging at N.J.A.C. 7:7-12.6 or the definition of environmental dredging at N.J.A.C. 7:7-12.8. It also includes the temporary or permanent displacement or removal of sediment for the purpose of installing submerged pipelines and cables. As noted under policy N.J.A.C. 7:7-9.2 Shellfish Habitat, the electric transmission cable installation conducted as part of the Project will not be considered new dredging because the cable to be buried is electric transmission cable, not submerged cable (which the CZM Rules define as telecommunications cable, see N.J.A.C. 7:7-12.21). Dredging will be required at the HDD exist pits below MLW. For areas that require mechanical dredging, the Project will be consistent with N.J.A.C. 7:7-12.7 New Dredging, the general water area rules, and the energy facility use rule (N.J.A.C. 7:7-15.4). The dredged area will cause no significant disturbance to special water or water's edge areas and adverse environmental impacts will be minimized to the maximum extent practical. Dredged material placement will comply with N.J.A.C. 7:7-12.9 and N.J.A.C. 7:7-15.12. Therefore, the Project is consistent with this policy.

7:7-12.8 Environmental Dredging

This policy sets the rules for environmental dredging. Environmental dredging means new dredging performed in a special hazard area designated as such pursuant to N.J.A.C. 7:7-9.29 specifically to remove contaminated sediments for the purpose of remediating to an environmental standard as specified in the Department's Technical Requirements for Site Remediation (N.J.A.C. 7:26E). Cable installation will not require environmental dredging. Therefore, this policy is not applicable.

7:7-12.9 Dredged Material Disposal

Federal and State Jurisdiction

These rules set standards for disposal and beneficial use of dredged materials. While dredging is unlikely to occur as part of cable installation within the Project Area in areas where cables are buried via jetting technology, some dredging will be required at HDD exit pits below MLLW and in select areas in Barnegat Bay. Ocean Wind 1 is evaluating disposal options and currently has an agreement with an upland disposal facility (Clean Earth). Ocean Wind 1 will dispose of the dredged material in conformance with the U.S. Environmental Protection Agency (USEPA) Guidelines, USACE Guidelines, N.J.A.C. 7:7 Appendix G for the Management and Regulation of Dredging Activities and Dredged Material in New Jersey's Tidal Waters, and applicable State Surface Water Quality Standards at N.J.A.C. 7:9B and permit conditions. The Sediment Sampling and Analysis Plan has been approved by NJDEP; the sampling was conducted in May 2022. Sampling results were shared with an appropriate disposal facility that provided a letter of acceptance of the material. Ocean Wind 1 will provide written consent to NJDEP once acquired from the facility to document the acceptance of the material.

Therefore, the Project is consistent with this policy.

7:7-12.10 Solid Waste or Sludge Dumping

The dumping of solid waste or sludge is the discharge of solid or semi-solid waste material from industrial or domestic sources or sewage treatment operations into a water area. No solid waste or sludge dumping is proposed as part of this Project. Therefore, this policy is not applicable.

7:7-12.11 Filling

Federal and State Jurisdiction

Filling is defined at N.J.A.C. 7:7-12.11(a) as “the deposition of material including, but not limited to, sand, soil, earth, and dredged material, into water areas for the purpose of raising water bottom elevations to create land areas.” The Project will not deposit material with the intent of raising water bottom elevations to create land areas, therefore, would not meet the definition of filling under this rule. Material will not be deposited in lakes, ponds, reservoirs, and open bays at depths greater than 18as defined at N.J.A.C. 7:7-12.1, or in man-made lagoons. Therefore, this policy is not applicable.

7:7-12.12 Mooring

Federal and State Jurisdiction

A boat mooring is a temporary or permanently fixed or floating anchored facility in a water body for the purpose of attaching a boat. Under this rule, moorings are conditionally acceptable in all General Water Areas. Vessels will be temporarily moored for construction of the Project. Within the Project Area, impacts to special areas will be minimized to the maximum extent practicable and moorings will not present a hazard to navigation. The mooring area will be adequately marked and located so as not to hinder navigation in coordination with USCG requirements. Therefore, the Project is consistent with this policy.

7:7-12.13 Sand and Gravel Mining

This policy generally restricts sand and gravel mining, which is the removal of sand or gravel from the water bottom substrate, usually by suction dredge, for the purpose of using the sand and gravel at another location. No sand or gravel mining is proposed for this Project. Therefore, this policy is not applicable.

7:7-12.14 Bridges

A bridge is any continuous structure spanning a water body, except for an overhead transmission line. This policy generally permits bridges crossing over bays, rivers, streams, and other water areas because they are often necessary to provide continuity in the transportation system and link isolated land areas between barrier islands. No bridges are proposed as part of the Project. Therefore, this policy is not applicable.

7:7-12.15 Submerged Pipelines

Submerged pipelines are underwater pipelines that transmit liquids or gas, including crude oil, natural gas, water petroleum products, or sewerage. As defined by N.J.A.C. 7:7-12.15, the Project will not include submerged pipelines. Therefore, this policy is not applicable.

7:7-12.16 Overhead Transmission Lines

State Jurisdiction

This policy regulates overhead transmission lines, which are wires hung between supporting pylons for transmission from the site of origin to the site of consumption. Overhead transmission lines include electrical, telecommunication, and cable television lines. Overhead lines are prohibited over open bays, semi-enclosed

and back bays, lakes, ponds, and reservoirs. Overhead transmission lines are also discouraged over large rivers. Large rivers are defined by N.J.A.C. 7:7-12.1 as waterways with watersheds greater than 1,000 square miles and are limited to the Delaware, Hudson and Raritan Rivers. No overhead transmission lines will cross open bays, semi-enclosed or back bays (such as Barnegat Bay), lakes, ponds, reservoirs or large rivers as part of the Project. Any potential overhead transmission lines planned as part of this Project will be developed to be consistent with all federal, state, and local regulations. Therefore, the Project is consistent with this policy.

7:7-12.17 Dams and Impoundments

Dams and impoundments (i.e., dikes with sluice gates and other structures to control the flow of water) are structures that obstruct natural water flow patterns for the purpose of forming a contained volume of water. The Project will not include the construction of dams and impoundments. Therefore, this policy is not applicable.

7:7-12.18 Outfalls and Intakes

State Jurisdiction

As defined at N.J.A.C. 7:7-12.8, outfalls and intakes are pipe openings that are located in water areas for the purpose of intake of water or discharge of effluent including sewage, stormwater and industrial effluent. Stormwater management for the Project will utilize outfalls at the substation to discharge stormwater. These outfalls will be operated in accordance with applicable rules of this chapter.

BL England

At the BL England onshore substation, stormwater will drain to the northwest and southwest through outfalls that discharge to upland areas and flow into a tidal wetland west of the substation.

Oyster Creek

At the Oyster Creek onshore substation, stormwater basins will tie into an existing stormwater outfall just east of the substation property, which will drain into a tidal waterbody just downstream of the dammed pond southeast of the substation into the tidally influenced portion of Oyster Creek.

Adequate measures will be taken to encourage filtration and minimize discharge of pollutants into a water body. Therefore, the Project is consistent with this policy.

7:7-12.19 Realignment of Water Areas

Realignment of water areas means the physical alteration or relocation of the surface configuration of any water area. The Project will not result in the realignment of water areas. Therefore, this policy is not applicable.

7:7-12.20 Vertical Wake or Wave Attenuation Structures

This policy generally permits the construction of vertical wake or wave attenuation structures to protect boat moorings, including those at marinas. These structures may be fixed or floating, attached or detached, depending on the water depth, tidal range, and wave climate. Construction of a vertical wake or wave attenuation structure is not proposed as part of this Project. Therefore, this policy is not applicable.

7:7-12.21 Submerged Cables

Federal and State Jurisdiction

This policy governs the installation and long-term maintenance of telecommunications cables, taking into account existing utilities, fishing stakeholders and practices, and burial technology, in order to minimize the conflict between the existing cables and fishing industries. The NJDEP requires submerged cables to meet

specific conditions when not located within the Atlantic Ocean (inshore waters) and different conditions when located within the Atlantic Ocean.

Pursuant to N.J.A.C. 7:7-12.21, submerged cables are defined as “underwater telecommunication cables, and shall include all associated structures in the water such as repeaters.” However, the Project will include submerged electric transmission export cables, which are not considered “submerged cables” under the CZM Rules. Therefore, this policy is not applicable.

7:7-12.22 Artificial Reefs

Artificial reefs are man-made structures intended to stimulate the characteristics and functions of natural reefs. This policy generally permits the construction of new or expanded artificial reefs provided that at the time of deployment, and at all times after creation, all conditions of N.J.A.C. 7:7-12.22 are met. Under this rule, artificial reefs do not include shore protection structures, pipelines, fish aggregating devices, and other structures not constructed for the sole purpose of fish habitat. No structures for the sole purpose of fish habitat are proposed as part of this Project. Therefore, this policy is not applicable.

7:7-12.23 Living Shorelines

Living shorelines address the loss of vegetated shorelines and habitat in littoral zones by providing protection, restoration, or enhancement of these habitats. The Project will impact vegetation along the shoreline on the western side of IBSP and at the western side of Barnegat Bay. Following construction, vegetation will be replanted/enhanced and monitored per permit conditions. Therefore, the Project will comply with this policy.

7:7-12.24 Miscellaneous Uses

This policy analyzes water dependent uses of water areas not identified in the use rules of N.J.A.C. 7:7-12 or addressed in the use rules of N.J.A.C. 7:7-15 on a case-by-case basis to ensure that adverse impacts are minimized. This policy also discourages non-water dependent uses in all water areas. The Project does not propose uses that are not water dependent in general water areas. Further, the Project’s water dependent uses in water areas are in compliance with the use rules defined in N.J.A.C. 7:7-12 and N.J.A.C. 7:7-15. Therefore, the Project would comply with this policy.

2.5 Subchapter 13 – Requirements for impervious cover and vegetative cover for general land areas and certain special areas

This section defines general land areas (including coastal zones) and sets forth the requirements for impervious cover and vegetative cover, particularly forested cover, on sites in upland development areas. This section does not apply to a linear development that is not wholly within or solely serving a development, nor does it apply to electrical substations. Furthermore, development of the Project is in the national interest for clean, renewable energy and would serve a public need. Therefore, the policies found within this subchapter are not applicable.

2.6 Subchapter 14 – General location rules

Federal and State Jurisdiction

The section defines rules on location of linear development, as well as setting criteria for the basic location rule and secondary impacts.

7:7-14.1 Rule on Location of Linear Development.

The rule on location of linear development states that a linear development shall comply with the specific location rules to determine the most acceptable route, to the maximum extent practicable. The electric transmission cable installation and alignment complies with the CZM location rules for determining the most acceptable route. The onshore portions of the Project have been sited within existing rights-of-way and previously disturbed habitat to the extent possible to avoid and minimize impacts to sensitive resources; mitigation may be required where impacts cannot be avoided (e.g., wetlands at the Oyster Creek substation). Appropriate measures will be used to mitigate environmental impacts (Volume II Table 1.1-2). There will be no permanent or long-term loss of unique or irreplaceable areas. Mitigation will be carried out in coordination with the regulations and with cooperating agencies to offset any permanent impacts to regulated resources. Therefore, the Project is in compliance with this policy.

7:7-14.2 Basic Location Rule.

The basic location rule is intended to ensure development promotes public health, safety, and welfare; protects public and private property, wildlife, and marine fisheries; and preserves, protects, and enhances the natural environment. As previously discussed, the Project has been sited within existing rights-of-way and previously disturbed habitat wherever possible to protect public and private property, wildlife, and marine fisheries. Where impacts cannot be avoided, appropriate measures will be used to mitigate environmental impacts (Volume II Table 1.1-2). Therefore, the Project is in compliance with this policy.

7:7-14.3 Secondary Impacts.

Secondary impacts are the effects of additional development likely to be constructed as a result of the approval of a particular proposal. Secondary impacts resulting from implementation of the Project include, but are not limited to, impacts to traffic along some roads and highways; impacts to terrestrial habitat that could potentially result in reduced foraging and breeding habitat and potential individual mortality for some species; temporary displacement of benthic species due to habitat change and increased turbidity, and indirect mortality; and indirect noise and vibration. These impacts will be minor and short-term. Avoidance and mitigation measures will be implemented to minimize impacts wherever possible. Additional secondary impacts include a temporary, minor increase in employment opportunities in the Project Area and a temporary stimulating effect on the local economy due to increased demand for goods and services. Therefore, the Project is consistent with this subchapter and complies with its policies.

2.7 Subchapter 15 – Use rules

7:7-15.2 Housing.

These rules set standards for housing construction in the coastal area. The Project does not involve housing construction. Therefore, this policy is not applicable.

7:7-15.3 Resort/Recreational.

Resort/recreation uses include the wide range of small and large developments attracted to and often dependent upon locations along the coast. These include hotels, motels, marinas, boating facilities, campgrounds, amusement piers, parks and recreational structures such as boathouses, natural areas, open space for active and passive recreation, and linear paths for bicycling and jogging. This policy sets standards for resort and recreational uses in the coastal area. No resort or recreation uses are proposed as part of this Project. Therefore, this policy is not applicable.

7:7-15.4 Energy Facility.

Federal and State Jurisdiction

These rules set standards for energy facility development in the coastal area. Energy facilities include facilities, plants or operations for the production, conversion, exploration, development, distribution, extraction, processing, or storage of energy or fossil fuels. Energy facilities also include onshore support bases and marine terminals. The Project is a water dependent offshore renewable energy generation facility. The Project will require the construction of an onshore substation near each interconnection point with the existing grid to allow for distribution of the power.

BL England

The BL England substation uses portions of the parcel that have been previously developed, maintained, and disturbed in association with the BL England Generating Station to minimize potential impacts. Use of this site also reduces the need for upgrades to the existing grid to accommodate the power, reducing secondary impacts.

Oyster Creek

The Oyster Creek substation uses a parcel that has been previously developed, maintained, and disturbed in association with the Oyster Creek Nuclear Generating Station to minimize potential impacts.

Use of these sites also reduces the need for upgrades to the existing grid to accommodate the power, reducing secondary impacts. The proposed installation technologies minimize potential for restrictions on access to lands and waters under public trust. Ocean Wind 1 will comply with N.J.A.C. 7:7-15.4(r)1viii, where these policies dictate designs, surveys, and time restrictions on wind turbine operation required to minimize adverse effects on birds, bats, and marine organisms. Therefore, the Project is consistent with this policy.

7:7-15.5 Transportation.

State Jurisdiction

These rules set standards for road construction and the development of public transport facilities, bicycle and footpaths, and parking facilities in the waterfront or coastal area. No public transportation facilities, bicycle or foot paths are proposed.

BL England

The Project will require construction of permanent access roads at the BL England substation. The new access road construction will comply with the rule on the location of linear development (N.J.A.C. 7:7-14.1). The Project will also require onshore cable burial within existing public roadway rights-of-way.

Oyster Creek

The Project will require construction of permanent access roads at the Oyster Creek substation and depending on route selected, potentially to the TJBs on the Holtec property for construction, operation, and maintenance, and decommissioning activities. The new road construction will comply with the rule on the location of linear development (N.J.A.C. 7:7-14.1). The Project will also require onshore cable burial within existing public roadway rights-of-way and parking lots at IBSP.

Following installation, these roadways will be backfilled and restored to pre-existing conditions and there will be no permanent impacts to transportation. Therefore, the Project is consistent with this policy.

7:7-15.6 Public Facility.

These rules set standards for public facilities (e.g., solid waste facilities, public utilities) in the coastal area.

> "Public facilities include a broad range of public works for production, transfer, transmission, and recovery of water, sewerage, and other utilities. The presence of adequate infrastructure makes possible future development and responds to the needs created by present development."
>
> Infrastructure facilities (other than solid waste or wastewater treatment facilities) are conditionally acceptable provided:
>
> "1. The Public Facility would serve a demonstrated need that cannot be met by an existing public facility at the site or region.
>
> 2. Alternate Technologies, including conservation, are an impractical or infeasible approach to meeting all or part of the need for the public facility.
>
> 3. The public facility would not generate significant secondary impacts inconsistent with the chapter."

The proposed Project would serve a demonstrated need that cannot be met by an existing public facility at the site or region. The purpose of the Project is to develop an offshore wind generation project within the BOEM Lease Area OCS-A 0498, that meets the need to deliver competitively priced renewable energy and additional capacity in accordance with State and regional renewable energy demands and goals. On June 21, 2019, the NJBPU selected the Ocean Wind 1 Project to develop the offshore wind farm proposed in this application. The project will help New Jersey achieve its renewable energy generation goals as outlined in the Draft 2019 New Jersey Energy Master Plan, Policy Vision to 20501, released in June 2019. Construction is expected to commence in 2023, and the Project is scheduled to have first power in 2024.

Implementing the No Action alternative would not support an increase in New Jersey renewable energy use and access to New Jersey renewable energy generation, to meet the demand outlined by the Renewable Portfolio Standard.

It is possible that the development and implementation of additional conservation measures could have an effect on the demand for energy. However, it is expected that the capacity saved would result in reductions in other non-renewable energy generation in an effort to meet Assembly Bill 3723, which passed in the State Senate on May 23, 2018, and set goals that 35 percent of kilowatt hours sold by each electric power supplier and each basic generation service provider be from renewable energy in New Jersey by 2025, 50 percent by 2030, and 100 percent by 2050.

Potential alternative energy sources include natural gas, coal, oil, nuclear energy, and other renewable energy sources such as solar, onshore wind, and geothermal energy. New Jersey's energy goals include reduction of non-renewable energy generation in New Jersey; therefore, these fossil fuel generation processes are not consistent with New Jersey's goals. Nuclear power supplied the majority of generation in New Jersey until 2015, when natural gas-fired generation overtook nuclear generation (EIA 2022). In 2017, the Oyster Creek single reactor nuclear power plant closed, reducing nuclear generation in New Jersey. While other renewable energy generation is New Jersey is expected to expand, New Jersey mandated 3,500 MW of offshore wind capacity by 2030 and raised the goal to 7,500 MW by 2035. In September 2022, Governor Murphy signed Executive Order 307, increasing New Jersey's offshore wind energy goal to 11,000 MW by 2040.

The proposed Project is not expected to generate additional development. Secondary impacts may include an increase in employment opportunities in the Project Area and a temporary stimulating effect on the local

[1] Available at https://nj.gov/emp/pdf/Draft%202019%20EMP%20Final.pdf.

economy due to increased demand for goods and services. Ocean Wind 1 would hire local workers to the extent practical. Any non-local workers would would use temporary housing accommodations that are readily available in the study area., resulting in a beneficial economic impact in the vicinity of the Project.

The Project would serve a demonstrated need that cannot be met by an existing public facility at the site or region; alternate technologies, including conservation, are an impractical approach to meeting all or part of the need for the public facility; and the Project would not generate significant secondary impacts inconsistent with this chapter. Therefore, the Project is consistent with this policy.

7:7-15.7 Industry.

Federal and State Jurisdiction

These rules set standards for industrial uses in the coastal area. The Project would require the construction of electric generating facilities offshore on the OCS and transmission facilities from the OCS to the onshore interconnection to the electric grid. These facilities would comply with all applicable location and resource rules, including N.J.A.C. 7:7-9.16 and 9.30, which reserve the water's edge for water dependent uses; N.J.A.C. 7:7-16.11, which requires that the use be compatible with existing uses in the area or adequate buffering be provided; N.J.A.C. 7:7-9.48, the lands and waters subject to public trust rights rule; and the public access rule, N.J.A.C. 7:7-16.9. Furthermore, the onshore substation facilities will be located at existing utility or industrial sites. Therefore, the Project is consistent with this policy.

7:7-15.8 Mining.

These rules set standards for mining in the coastal area. The Project does not involve mining operations. Therefore, this policy is not applicable.

7:7-15.9 Port.

These rules set standards for port uses and port-related development in the coastal area. The standards are designed to ensure that port facilities retain their economic vitality. The Project will involve temporary construction laydown areas and construction ports in New Jersey and elsewhere. The Project's use would benefit, and activities will be consistent with port operations. Therefore, the Project is consistent with this policy this policy.

7:7-15.10 Commercial Facility.

These rules set standards for commercial facilities (e.g., hotels, casinos, retail trade, convention centers) in the coastal area. The Project does not involve construction of such facilities. Therefore, this policy is not applicable.

7:7-15.11 Coastal Engineering.

These rules set standards for non-structural, hybrid, and structural protection and storm damage reduction measures for the protection of shorelines, the maintenance of dunes, and provides for beach nourishment. The NJDEP Division of Coastal Engineering is responsible for administering beach nourishment, shore protection and coastal dredging projects throughout the State. Ocean Wind 1 will coordinate with NJDEP's Coastal Engineering group to avoid impacts to State-administered beach nourishment, shore protection structures, coastal dredging, aids to navigation, and bayshore floodgate facilities. The Project will avoid wet borrow pits. The Project does not include dry borrow pits nor does Ocean Wind 1 propose to use or fill dry borrow pits. Therefore, the Project is consistent with this policy.

7:7-15.12 Dredged Material Placement on Land.

These rules set standards for disposal and beneficial use of dredged materials. Dredging is expected to occur within a small portion of a channel in Barnegat Bay and at HDD exit pits below MLW and as part of cable installation within parts of the Project Area where cable burial via jetting technology is not feasible. In addition, dredging may be required within the federal channel in Barnegat Bay.

Disposal of dredged material on land will comply with State and Federal regulations. Pre-dredged sediment sampling and analysis has been conducted, It is anticipated that material will be excavated, stockpiled, dewatered and transported to an approved facility. However, based on the pre-dredging sediment analysis, Ocean Wind 1 is evaluating potential upland placement and/or beneficial use of the dredged material as it is encouraged under the CZM regulations. Therefore, the Project is consistent with this policy.

7:7-15.13 National Defense Facilities.

These rules set standards for location of defense facilities in the coastal zone. The Project will not include the construction of any new defense facilities or the expansion of existing facilities. Therefore, this policy is not applicable.

7:7-15.14 High Rise Structures.

These rules set standards for high-rise structures in the coastal zone. The high-rise structure rule does not apply to utility structures with a demonstrated need or wind turbines. The Project does not include construction of high-rise structures in the coastal zone. Therefore, this policy is not applicable.

2.8 Subchapter 16 – Resource rules

7:7-16.2 Marine Fish and Fisheries.

Federal and State Jurisdiction

This rule sets standards of acceptability to cause minimal interference with the reproductive and migratory patterns of estuarine and marine species of finfish and shellfish, including the catching, taking, or harvesting of marine fish. Construction of submerged cables and pipelines are conditionally acceptable provided that the activity complies with the General Water Area rules at N.J.A.C. 7:7-12. Per Section 2.4 above, the Project will comply with the rules set forth in N.J.A.C. 7:7-12. During construction, there may be short term temporary impacts to water quality and noise, as well as collision risks associated with vessel strikes, but APMs and BMPs will be employed to minimize turbidity and fish will be expected to avoid the area during construction(Volume II Table 1.1-2). Seabed disturbance including suspended sediment/sedimentation and direct mortality of sessile or slow-moving organisms could occur. Additionally, SAV surveys have been completed (COP Appendix E) to further delineate SAV beds. Another survey will occur six months prior to construction to characterize SAV beds potentially impacted by the Project and post construction surveys to document impacts and monitor recovery will occur.

SAV seasonal work restriction windows and mitigation measures may be implemented upon coordination with the NJDEP and NMFS during permit review. The proposed cable route will avoid and minimize impacts to moderate to high density shellfish habitat, as defined in 7:7-9.2, within Barnegat Bay. Mitigation, in accordance with N.J.A.C. 7:7-17.9, may be necessary. In addition, APMs and BMPs will be implemented to reduce turbidity and the Project is sited and designed to avoid, minimize, and mitigate potential impacts (Volume II Table 1.1-2). Therefore, the Project is consistent with this policy.

7:7-16.3 Water Quality.

Federal and State Jurisdiction

This rule sets standards for coastal development to limit effects on water quality. Construction of the Project could temporarily increase suspended sediments and turbidity within the water column. Compliance with NJDEP water quality standards will be coordinated with NJDEP Division of Water Quality and Office of Sediment Dredging and Technology through permit conditions. A water quality monitoring plan will be developed in coordination with State and Federal agencies and consistent with monitoring plans developed for other submarine cable projects prior to the start of construction.

Project construction will be limited in area and temporary in nature, and APMs and BMPs will be used. Therefore, the Project is consistent with this policy.

7:7-16.4 Surface Water Use.

Federal and State Jurisdiction

This rule sets standards for coastal development to limit demands on surface water. The Project will not increase demands on surface water. Therefore, this policy does not apply.

7:7-16.5 Groundwater Use.

This rule sets standards for coastal development so as to limit effects on groundwater supplies. The Project will not use or impact groundwater supplies.

The Project will, however, likely involve dewatering during construction. The appropriate permits will be acquired from the NJDEP Division of Water Supply and Geoscience and NJDEP Division of Water Quality prior to construction. Any dewatering will be localized to the area of active construction, affecting only a small area, and will have minimal localized impact to groundwater. The discharge from dewatering will be monitored during construction to ensure the water does not pool on the ground surface. The Project's anticipated groundwater withdrawal demand, alone and in conjunction with other groundwater diversions proposed or existing in the region, will not cause salinity intrusions into the groundwaters of the zone, degrade groundwater quality, significantly lower the water table or piezometric surface, or significantly decrease the base flow of adjacent water sources. While the Project crosses WHPAs for non-public water supply wells, the project will be located within the ROW of existing public roads and paved parking lots at the crossings. The cable will be buried to a target depth of 4 ft and APMs (including implementation of approved SWPPP and a SPCC plan) will be followed to minimize impacts.

Groundwater withdrawals shall not exceed the aquifer's safe yield. All appropriate approvals regarding construction dewatering will be obtained from state and federal agencies as appropriate prior to commencement of construction activities. Therefore, the Project is consistent with this policy.

7:7-16.6 Stormwater Management.

State Jurisdiction

This rule sets standards for coastal development to limit effects of stormwater runoff. The Project meets the definition of "major development" at N.J.A.C. 7:8-1.2 and will comply with the Stormwater Management rules at N.J.A.C. 7:8. To protect environmentally sensitive water and land areas within the coastal zone, Ocean Wind 1

will comply with the Stormwater Management Rules' standards and obtain all appropriate stormwater approvals from the Department prior to construction. Therefore, the Project is consistent with this policy.

7:7-16.7 Vegetation.

State Jurisdiction

This rule sets standards for coastal development to protect vegetation. The Project will require clearing and grading at the maintenance area at IBSP, at the Holtec Property along the Oyster Creek onshore export cable route, and at both the BL England and Oyster Creek proposed substations, which could result in temporary or permanent impacts to vegetation. Temporarily disturbed areas will be restored to pre-existing contours and vegetation will become reestablished via natural succession or by replanting with native species, to the extent practicable, once construction activities are completed. A replanting plan will be developed in coordination with the NJDEP and consistent with Federal mitigation/restoration requirements and submitted to NJDEP for approval prior to construction. Therefore, the Project is consistent with this policy.

7:7-16.8 Air Quality.

Federal and State Jurisdiction

This rule sets standards for coastal development with requirements that projects meet applicable air quality standards. During construction, operation, maintenance, and decommissioning activities associated with the Project, air quality may be affected. Equipment would be operated in accordance with applicable air quality standards. EPA designated New Jersey the Corresponding Onshore Area for the Project. Upon receipt of the Notice of Intent submitted per 40 CFR Part 55, EPA conducted a consistency review of regulations in the Corresponding Onshore Area and published a Final Rule to incorporate New Jersey air pollution control requirements applicable to OCS Sources as of October 6, 2021, into 40 CFR Part 55, Appendix A (87 FR 11962, March 3, 2022). The Project will comply with all applicable regulations in 40 CFR Part 55.

The air emissions from the Project will be offset by the Project's displacement of fossil fuel-generated electricity on the regional power grid. The Project will have a long-term positive impact on air quality by replacing generation that results in higher emissions, such as fossil fuels. Therefore, the Project is consistent with this policy.

7:7-16.9 Public Access.

State Jurisdiction

This rule requires that coastal development adjacent to the waterfront provide perpendicular and linear access to the waterfront to the extent practicable, including both visual and physical access. Public access during construction activities could pose the potential for both security threats and hazard conditions for members of the public and workers at the site; however, all existing public access to and along the waterfront will be maintained to the maximum extent practicable. HDD installation is proposed at the landfall locations on the waterfront, where practicable, to minimize impacts to beaches, including access.

BL England

HDD installation is proposed at the landfall locations on the waterfront to minimize impacts to beaches, including access. At BL England, HDD workspace will be within 35th Street and access to that portion of 35th Street will be temporarily restricted, but public access to the waterfront will be available from 34th Street (where a public restroom/changing building is located at the beachfront) or from 36th Street. In addition, the work at the landfall will be scheduled outside of the summer season when waterfront use is reduced to minimize impacts to

the extent practicable. During HDD activities, the beach will remain open for access as there will be no temporary workspace required on the beaches or dunes.

Oyster Creek

At IBSP, the HDD workspace will be within the southern auxiliary parking lot of Swimming Area #2 south of the park office. Additional parking lots immediately north of the park office and a portion of the Swimming Area #2 parking lot will remain available for access to the beach. Public access to the waterfront will remain available through other parking lots. In addition, the work at the landfall will be scheduled outside of the summer season when waterfront use is reduced and when Swimming Area #2 parking areas are closed (October 1 through early June), to minimize impacts to the extent practicable. Furthermore, during HDD activities, the beach will remain open for access as there will be no temporary workspace required on the beaches or dunes.

The Project will be installed below the beach and dunes and, therefore, will not block views or restrict access after installation.

Therefore, the Project is consistent with this policy.

7:7-16.10 Scenic Resources and Design.

Federal and State Jurisdiction

This rule sets standards for new coastal development to be visually compatible with its surroundings. The Project will involve new coastal development at export cable landfall workspace sites and other export cable installation workspace and permanent development for onshore substations; however, export cables will be located underground to minimize visual impacts. The Project also will use existing rights-of-way and industrial zoned areas, wherever possible. Each substation is sited in previously disturbed areas adjacent to a decommissioned power generation facility. The substations were designed to be compatible with the setting. Therefore, the Project will be consistent with this policy.

Additionally, the wind turbines will be located on the offshore OCS and Ocean Wind 1 conducted an assessment of potential visual impacts associated with the Project. The visual impact assessment is provided in Appendix L of the COP. Therefore, the Project will be consistent with this policy.

7:7-16.11 Buffers and Compatibility of Uses.

State Jurisdiction

This rule sets standards for adequate buffers between uses found to be incompatible. There is potential for existing land use within the vicinity of the Project to be impacted. The Project will avoid impacts or changes to land use by utilizing existing rights-of-way and industrial zoned areas, wherever possible. If necessary, Ocean Wind 1 will coordinate with State, Federal, county and municipal agencies or private groups on land use standards, guidelines, and regulations for buffers, including the standards for wetland buffers (N.J.A.C. 7:7-9.28). Therefore, the Project would be consistent with this policy.

7:7-16.12 Traffic.

Federal and State Jurisdiction

This rule sets standards for coastal development so as not to disturb traffic systems. Existing traffic patterns may be temporarily impacted during construction. Ocean Wind 1 will designate and utilize construction onshore vehicle traffic routes, construction parking areas, and carpool/bus plans to minimize potential impacts.

Ocean Wind 1 conducted studies of potential interference of proposed wind turbine generators with commercial air traffic control radar systems, national defense radar systems, and weather radar systems to identify possible

solutions. The Project would avoid unreasonable interference with major ports and USCG-designated Traffic Separation Schemes. Ocean Wind 1 revised the locations of the northernmost row of turbines to provide setback from Atlantic Shores in response to a USCG request. Traffic disturbance would be limited to specific areas and would be temporary. Therefore, the Project is consistent with this policy.

7:7-16.13 Subsurface Sewage Disposal Systems.

This rule sets standards for subsurface sewage disposal systems in the coastal zone. The Project does not involve sewage disposal. Therefore, this policy is not applicable.

7:7-16.14 Solid and Hazardous Waste.

Federal and State Jurisdiction

This rule defines solid and hazardous waste and sets standards for handling and disposal of such wastes. Ocean Wind 1 will prepare waste management plans and hazardous materials plans as appropriate for the each Project facility and will collect and properly dispose of all construction debris, both from marine and onshore environments. Therefore, the Project is consistent with this policy.

2.9 Subchapter 17 – Mitigation

Federal and State Jurisdiction

This subchapter defines requirements for the mitigation type, location, and amount for resources lost or impacted. Ocean Wind 1 will obtain the necessary permits to address potential impacts to environmental resources and establish appropriate and practicable mitigation and monitoring measures in coordination with regulatory agencies. Mitigation will be conducted in accordance with N.J.A.C. 7:7 and 7A to compensate for resources impacted and ecological loss during Project construction. The Project will require mitigation for SAV, ISS water, riparian zone and wetlands. All mitigation will consider the ecologic resource being impacted and the most appropriate and practicable means for mitigation. Ocean Wind 1 will mitigate for impacts to Federal resources in accordance with USACE-issued permit conditions. The amount of mitigation required will be evaluated pursuant to N.J.A.C. 7:7-17.4 and a mitigation proposal will be developed per N.J.A.C. 7:7-17.7.

2.10 Consistency Evaluation

This consistency evaluation has defined the pertinent NJDEP use and resource policies related to the construction and long-term operation of the proposed Project. Based on this evaluation, the judgment of Ocean Wind 1 is that the proposed Project complies with and will be conducted in a manner consistent with the New Jersey CZMP.

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