Ocean Wind
An Ørsted Initiative

Appendix Q – Coastal Zone Consistency Assessment

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 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 appendix 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	
7:7-9.7	Navigation Channels		X	

CZM Rule		Potentially Applicable		Not Applicable
		Federal Jurisdiction[1]	State Jurisdiction[2]	
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
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	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	X	
7:7-12.22	Artificial Reefs			X
7:7-12.23	Living Shorelines			X
7:7-12.24	Miscellaneous Uses			X

CZM Rule		Potentially Applicable		Not Applicable
		Federal Jurisdiction[1]	State Jurisdiction[2]	
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 cores, and CAFRA nodes; Non-mainland Coastal Centers			X
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

CZM Rule		Potentially Applicable		Not Applicable
		Federal Jurisdiction[1]	State Jurisdiction[2]	
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
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	
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	

CZM Rule		Potentially Applicable		Not Applicable
		Federal Jurisdiction[1]	State Jurisdiction[2]	
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.

Barnegat Bay contains shellfish habitat areas as defined by N.J.A.C. 7:7-9.2(a)1 through 3 above. Portions of the Bay were mapped as moderate hard clam commercial value based on available USDOI 1963 resources. 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 via use of trenchless technology to the greatest extent practicable. However, it does not avoid some 1986 and 1963 mapped moderate habitat. Small areas south of the proposed offshore export cable corridors are mapped as shellfish aquaculture leases and would be avoided by the proposed offshore export cable corridors.

As per N.J.A.C. 7:7-9.2(e), new dredging within shellfish habitat is prohibited. Defined at N.J.A.C. 7:7-12.7, new dredging includes the temporary or permanent displacement or removal of sediment for the purpose of installing submerged pipelines and cables. 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, the Project’s electrical transmission cable installation is not regulated as New Dredging under N.J.A.C. 7:7-12.7, and the Project is consistent with this policy. Furthermore, any adverse impacts from cable burial to shellfish habitat will be minimized through the use of jetting technology and trenchless technology (such as HDD or direct pipe), where practicable, at landfall locations. Jetting technology does not remove sediments from the trench, but rather, temporarily disturbs them as they are fluidized.

During routing and siting, Ocean Wind reviewed a number of crossing methods including water-to-water HDD to cross Barnegat Bay. However, due to the challenges involved with this method, including construction of multiple temporary islands, cofferdams and length limitations, water-to-water HDD was not a viable crossing method.

The proposed method for cable installation in Barnegat Bay for the Ocean Wind Project is post-lay burial using a typical tracked, self-propelled jetting tool (**Figure 1**) where practicable. 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.

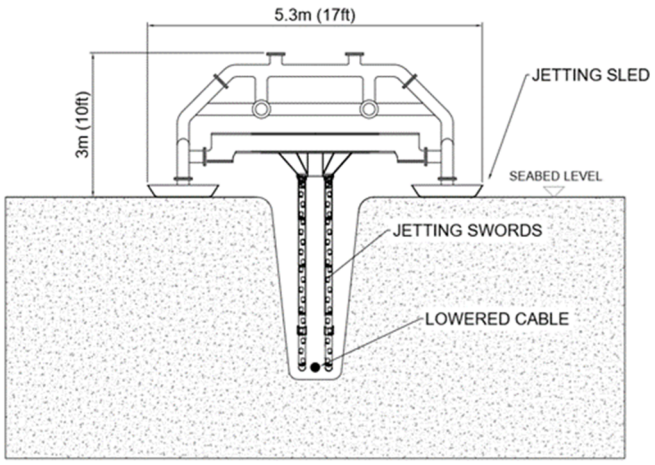

Figure 1 - Jetting technology example, front elevation.

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 most recently in Delaware Bay for the Silver Run Project as approved by the NJDEP under Permit No. 1712-07-0002.3 WFD/CSW180001.

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 jetting activities is likely. However, many benthic invertebrate species are capable of recolonizing from surrounding benthic communities (Rhoads et al. 1978, Schaffner 2010). 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.

Ocean Wind believes the proposed cable installation method is consistent within the guidelines of the current regulations. In addition, NJDEP has initiated a major targeted regulatory reform effort, entitled New Jersey Protecting Against Climate Threats (NJPACT), which will modernize NJDEP rules to account for climate change threats, which is anticipated to include changes to the CZM Rules.

7:7-9.3 Surf Clam Areas.

Federal and State Jurisdiction

Surf clam areas are 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 these surf clam areas. While the Project crosses areas suitable for surf clams, it would not result in the destruction, condemnation, or contamination of 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) and Best Management Practices (BMPs) will be implemented to reduce

temporary effects of increased turbidity associated with construction (COP Volume I, Table 1.1-2). The offshore export cable will be buried at a target depth of at least 4 feet (1.2 meters) in surf clam areas. Where it is demonstrated that achieving the depth of 4 feet (1.2 meters) is not practicable, the cable will be buried as close as practicable to the target depth. As discussed in Section 2.3.4 of Volume II of the COP (Commercial Fisheries), 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 (NEFSC 2016). Along the offshore export cable corridors, bottom habitat will be restored to pre-existing contours after cable burial allowing for quick recolonization by surf clams from the surrounding area that may be impacted. 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). Ocean Wind is coordinating with fishing stakeholders to minimize impacts. 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, which may include seabed leveling, 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. The Project will not change bathymetry to a degree that would reduce the high fishery productivity of these areas. 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. 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. Trenchless technology methods within back bay landings in areas of submerged aquatic vegetation (SAV) will be used to the extent practicable to minimize the impact area. Based on data to be collected during geotechnical and geophysical surveys, it may not be feasible to use trenchless technology options under all of the areas covered by NJDEP's historical SAV maps in Barnegat Bay. In these areas, BMPs such as seasonal work windows will be implemented to minimize impacts upon coordination with NJDEP during the acquisition of State permits. Furthermore, jetting technology

will minimize impacts to the seabed and limit resuspension and dispersal of sediments to surrounding SAV beds. Ocean Wind would restore disturbed areas to pre-existing contours and conditions, to the extent practicable, and SAV would become reestablished once construction activities are completed. If the SAV has not recolonized the disturbed area within three years, monitoring and replanting of the disturbed area may be necessary in accordance with N.J.A.C. 7:7-17.9 and could potentially be included as future permit conditions by the state and federal agencies. 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). The export cable will be buried under the navigation channel 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. Export cable burial 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. Temporary navigation restrictions may be imposed by the USCG during the short term. Project construction to allow for export cable installation to occur and minimize conflicts with other vessels. No permanent structures or vessels will be within the navigation channel during construction. The area that crosses the navigation channel will be small in size (likely less than 1 acre) and all in-water operations associated with the installation will be conducted by qualified and certified vessel and equipment operators. Additional information on channel crossings will be provided as part of the state and federal permit applications. Ocean Wind has coordinated this crossing with USACE. 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. Therefore, this policy is not applicable.

7:7-9.9 Inlets.

This policy prohibits filling and discourages submerged infrastructure in coastal inlets. Barnegat Inlet, Absecon Inlet, and Great Egg Harbor Inlet are inlets as defined by NJDEP; however, to avoid exposure or breakage of submerged infrastructure (i.e., export cables) from currents that could cause turbidity and cable abrasion over time, the Project will not use these 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. Port locations for the Project are still being determined. Ocean Wind would use existing port and onshore office, warehouse and workshop facilities to the extent practicable. The use of the ports would not be impacted, and activities would be 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 will be conducted so that no threats to existing infrastructure will result from export cable burial or maintenance activities. Ocean Wind will develop crossing agreements with utility owners prior to utility crossings. In addition, Ocean Wind will site and design the Project to minimize the potential for damage to this submerged infrastructure. 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. A geophysical survey is being conducted to identify potentially unmapped shipwrecks and artificial reef habitats and the proposed cable routes would avoid these areas. Furthermore, known shipwrecks and artificial reef habitats have been mapped and will be avoided. 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). The Project may cross intertidal and subtidal shallows (ISS) areas. Trenchless technology options will be used to the extent practicable to avoid ISS areas. If trenchless technology options are not feasible, jetting technology or other technology will be used to bury cable. The export cable will be buried at target depths that would prevent exposure or pose a hazard risk, to the extent practicable. Where target cable burial depths are not achieved, additional armoring or other cable protection methods may be used to prevent exposure and minimize hazard risk. Jetting technology will allow pre-construction depths and benthic contours to remain and minimize any impacts to the benthic habitat within ISS areas related to sediment disturbance and resuspension. 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. The export cables will pass under dunes via trenchless technology methods to the extent practicable, at a depth where the cables will not be exposed. In the event trenchless technology options are not feasible, trenching equipment may be used. The trenching equipment would only be used in areas of the cable route where there is pre-existing dune disturbance (e.g., beach vehicle access area) and there is no practicable or feasible alternative of installing the export cable in an area other than a dune. The export cable will remain buried, and the cable route and any operations and maintenance access (such as a manhole) would be located in previously disturbed areas. Therefore, installation and maintenance would not cause adverse long-term impacts on the natural functioning of the beach and dune system. 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 will coordinate with NJDEP's coastal engineering group 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 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. The portions of the Project that may fall within the barrier island corridor include the underground cables and their associated components. However, there would be no permanent impacts to vegetation and impervious surfaces as construction will take place within roadway ROWs, where practicable and impacted areas of vegetation would be replanted and restored. The Project would not alter the existing character of New Jersey's developed barrier islands and will not add appreciably to the public service costs or emergency evacuation (in time of hurricanes) problems 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. In the event trenchless technology methods are not feasible, trenching equipment may be used. The trenching equipment would only be used in areas of the cable route where there is pre-existing disturbance (e.g., beach vehicle access area) and there was no practicable or feasible alternative. The export cable will remain buried, and the cable route and any operations and maintenance access (such as a manhole) would be located in previously disturbed areas. 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 the cable route and any operation and maintenance points (such as a manhole) 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) authorized under this rule. Therefore, the Project is consistent with this policy.

7:7-9.23 Filled Water's Edge.

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. This Project is located within a regulated Flood Hazard Area according to FEMA Flood Insurance Rate Maps. However, the Project would avoid and minimize impacts to floodplains. Within the tidal flood hazard area below the mean high water (MHW) line, this policy only applies to development of habitable buildings and construction of railroads, roadways, bridges and/or culverts. Therefore, this policy is not applicable as there are no aboveground structures proposed within the portion of the Project Area below MHW. The Project will comply with design and construction standards in N.J.A.C. 7:7-9.25 (f). The Project will comply with the impervious cover and vegetative cover requirements of N.J.A.C. 7:13 Flood Hazard Control Act Rules. Construction activities within the 100-year floodplain will meet the requirements of the Flood Hazard Area Control Act, N.J.S.A. 58:16A and the N.J.A.C. 7:13. In addition, no long term impacts to threatened and endangered species are anticipated as a result of the Project, as described under policy 7:7-9.36 in this Section. 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 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 or by crossing the regulated water with a utility bridge (see policy N.J.A.C. 7:7-12.14). Should these areas be impacted by entry/exit pits, utility bridges or other activities, Ocean Wind 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.

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 meets the definition of a water dependent activity as it requires water access within the Atlantic Ocean and inland bays for cable crossings and is an offshore wind farm.

Wetlands are present adjacent to or within the proposed landfalls along the western landing on Barnegat Bay. The routes were selected to avoid and minimize impacts to wetlands and other resources to the maximum extent possible while also incorporating engineering feasibility. In addition, trenchless technology options and/or BMPs will be used to further minimize impacts to NJDEP-regulated resources, including wetlands. Site-specific wetland surveys are being conducted to inform the design and exact location of the placement of infrastructure to limit footprint of impacts to wetlands to the maximum extent practicable.

The Project route would 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. Following site-specific wetland surveys, Ocean Wind will coordinate with NJDEP and USACE to verify the size and location of wetlands. Ocean Wind will avoid impacting tidal hydrology and wetlands to the maximum extent practicable. Where impacts are unavoidable, Ocean Wind will obtain applicable permits in accordance with N.J.A.C. 7:7. Mitigation, in accordance with N.J.A.C. 7:7-17, may be necessary and will be reviewed and approved by the appropriate agencies. Therefore, the Project is 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 would occur in upland buffers or areas adjacent to wetlands, as well as wetland areas where there is no feasible alternative. However, the Project would 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 roadway rights-of-way and other paved areas such as parking lots or trails to the maximum extent practicable. Additionally, the Project will implement APMs and BMPs for erosion and sediment control and will maintain natural surface drainage features. Ocean Wind will conduct site-specific wetland surveys and coordinate 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, applicable permits will be

obtained 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 would occur in upland buffers or areas adjacent to wetlands where there may be intermittent stream corridors. Ocean Wind will conduct site-specific wetland and watercourse delineations and coordinate with NJDEP and USACE during Project permitting and will accordingly comply with the rules set forth at N.J.A.C. 7:7-9.27, N.J.A.C. 7:13, N.J.A.C. 7:7A. Therefore, the Project is consistent with this policy.

7:7-9.31 Farmland Conservation Areas.

This policy seeks to preserve large parcels of land used for farming. The Project Area does not contain farmland conservation areas. 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 is it proposed 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 and archaeological resources and may result in a need for cultural resource surveys and other protective measures. The Project Area has a high potential for historical and archeological resources. The Project may affect submerged cultural resources within the offshore and nearshore marine environments. A geophysical survey is being conducted to identify potentially submerged cultural resources and the proposed cable route would avoid these areas. Furthermore, cables and infrastructure on land may potentially affect cultural resources within the onshore environment. Ocean Wind has been conducting Phase 1a and Phase 1b archaeological and architectural surveys in order to identify and avoid historic and archeological resources within the onshore environment. Ocean Wind will coordinate with the relevant State historic and archeological agencies. 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. Prior to any tree clearing, a tree survey will be conducted to ensure any potential specimen trees will remain undisturbed as a result of this Project. However, because the majority of this Project will be located within existing disturbed areas, it is unlikely that the Project Area contains specimen trees. Therefore, the Project is consistent with this.

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 will be completed with USFWS, NJDEP Natural Heritage Program (NHP) and 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**. Where appropriate, Ocean Wind will conduct onshore habitat assessments to determine whether appropriate habitat for threatened and endangered species is present, site facilities to avoid habitat for threatened and endangered species to the extent practicable, design facilities and installation to minimize impacts where avoidance is not possible, and coordinate with relevant agencies to develop BMPs and time of year restrictions where needed to demonstrate compliance with this rule. The assessment will be informed by coordination with relevant agencies. In addition, Ocean Wind will implement offshore and nearshore marine waters monitoring by approved protected species observers (PSO) to prevent adverse impacts to marine mammals. 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

Common Name	Scientific Name	Status
Shortnose Sturgeon	*Acipenser brevirostrum*	FE, SE
Oceanic whitetip shark	*Caracharinus longimanus*	FT
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 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
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	-

Common Name	Scientific Name	NJ Status*	Federal Status*
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	BCC
Eastern Black Rail	*Laterallus jamaicensis*	-	PT - Proposed Threatened
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
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

Common Name	Scientific Name	NJ Status*	Federal Status*
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
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 Name	Scientific Name	NJ Status*	Federal Status*
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**

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. In addition, Ocean Wind will 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 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 resources will be avoided to the maximum extent possible through siting to avoid sensitive areas, trenchless technology options or other BMPs. Within Island Beach State Park, 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. Should trenchless technologies not be feasible, construction will be conducted so as to remain consistent with the character and purpose of Island Beach State Park. Ocean Wind will coordinate with the State for approvals for the use of State lands and construction will be scheduled outside of the high tourism season. In portions of the Project that may impact Green Acres Program parcels, the appropriate approvals will be received prior to construction. 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. Segments of Special Use Airspace overlie the Project's offshore environment where turbines would be installed and operated. The Project would not include

residential and labor-intensive economic development within the special hazard area and all development would 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.

Federal lands are beyond the jurisdiction of the New Jersey Coastal Zone in accordance with Section 304 of the CZMA. New Jersey has the authority to review activities on Federal lands, if there may be spillover impacts on New Jersey's Coastal Zone. 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 including Forest Areas, Rural Development Areas and Regional Growth Areas. The power produced as a result of this Project will bring renewable energy to 500,000 homes in the Pinelands and the rest of the state. Ocean Wind 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 or 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. A portion of the Project, 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 2**). 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 would 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 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.

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 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 and, therefore, this policy is not applicable. Moreover, because this Project does not concern the development of casinos, commercial piers, residential housing, boardwalks, or street-rights of way, this policy is not applicable.

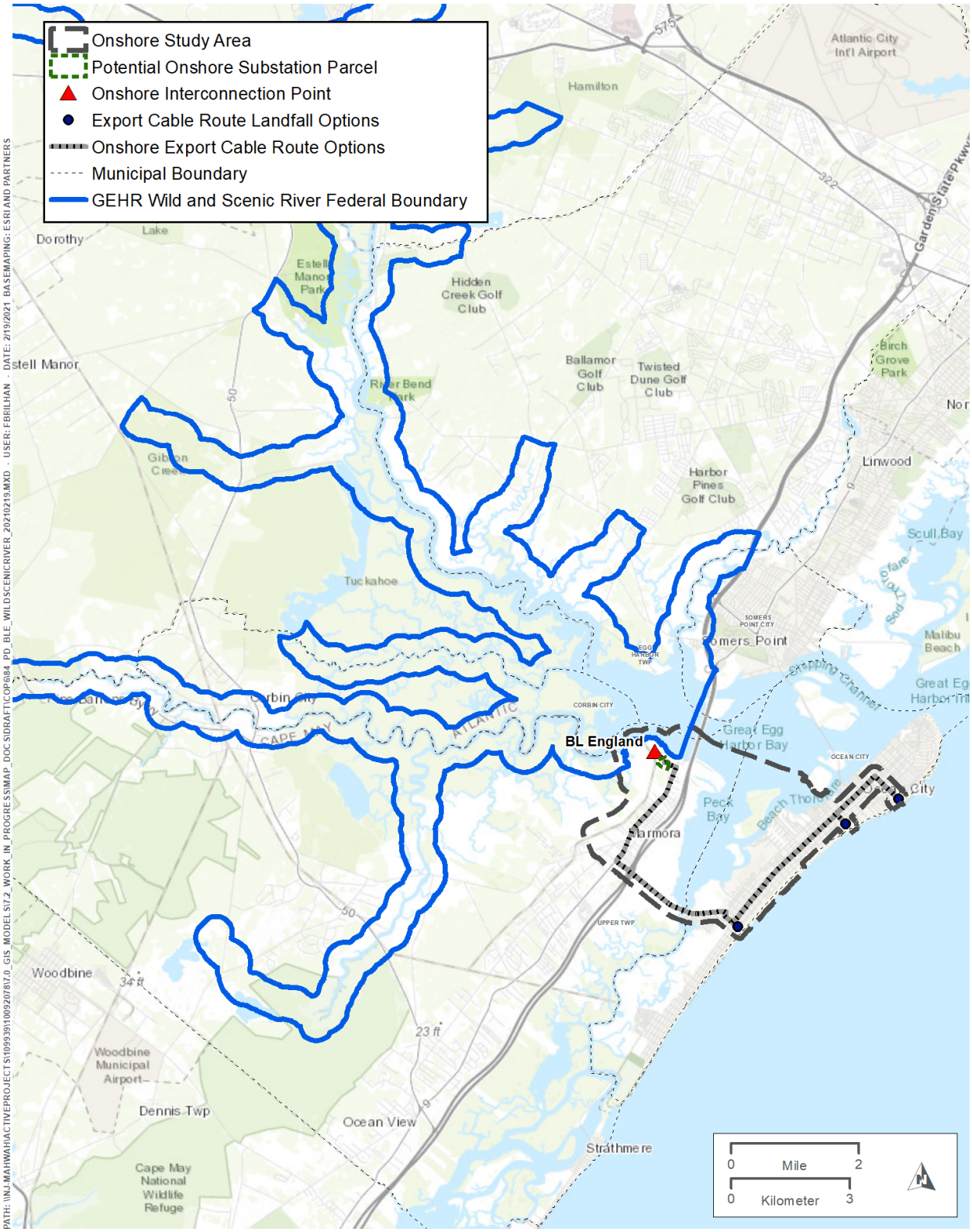

Figure 2 – Great Egg Harbor River Wild and Scenic River Federal Boundary.

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 pass physically and visually 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 of the Project Area 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. The Project Area is part of a working waterfront; 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, including barrier free access to tidal waterways and their shores where feasible and warranted by the character of the site. 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, shore protection and coastal dredging projects throughout the State. The Project would use trenchless technology methods HDD to the extent practicable to avoid and minimize impacts to beaches. Ocean Wind would coordinate with NJDEP's coastal engineering group and USACE to avoid impacts to beach maintenance activities or post-storm beach restoration efforts. The Project does not involve construction of boardwalks. 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 will coordinate with the NJDEP and USFWS and conduct onshore habitat assessments to determine whether appropriate habitat for threatened and endangered species is present and if species-specific surveys are required. Project habitat assessments would comply with N.J.A.C. 7:7-9.36. Project habitat evaluations for each wildlife species identified as endangered or threatened will use scientific methodology appropriate for each species/group, will examine specific attributes that may limit or eliminate its suitability as habitat (i.e., vegetative analysis), and will include an assessment of the area surrounding the site with photographs and/or cover maps. 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 will implement offshore and nearshore marine waters monitoring by approved PSO to prevent adverse impacts to marine mammals. 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. Lease areas for shellfish aquaculture occur in the vicinity of the Project; however, the Project would not impact the aquaculture 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.

7:7-12.6 Maintenance Dredging

This policy sets the rules for maintenance dredging. Maintenance dredging may be required in Barnegat Bay state or federal channels to facilitate construction vessel access into the Project Area. Should maintenance dredging be required, the dredging will be conducted in accordance with N.J.A.C. 7:7 Appendix G. The proposed maintenance dredging would be in accordance with previously authorized depths, lengths, widths, and channel slope morphology. All dredged materials would be disposed of at the appropriate facilities and water quality will be monitored and maintained during construction. All activities related to maintenance dredging will be permitted with the state and federal agencies. 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 burial conducted as part of the Project would not be considered new dredging it will be performed with methods that do not remove or displace sediment as 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). Nonetheless, for areas that may 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. Should any part of this Project require dredging, 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. 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 may be required in select areas. The dredged material disposal in the Project Area will be 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. 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 turbine foundations and scour protection within the Wind Farm Area will constitute filling as defined under this rule. However, this Project meets the definition of a water dependent activity, provides a critical function that cannot be satisfied by existing facilities, limits the fill within tidal waters to the minimal necessary, and minimizes interference with special areas defined at N.J.A.C. 7:7-9. Floating structures are not feasible for the design of this Project. The export cable will be buried at target burial depths that would prevent exposure or pose a hazard risk, to the extent practicable. Where target cable burial depths are not achieved, additional

armoring or other cable protection methods may be used to prevent exposure and minimize hazard risk. The filling associated with the Project would not be deposited with the intent of raising water bottom elevations to create land areas, nor would it be deposited in lakes, ponds, reservoirs, and open bays at greater than 18 feet as defined at N.J.A.C. 7:7-12.1, or in man-made lagoons. Filling would be placed in the minimum practicable area, would minimize adverse environmental impacts, and would have minimal feasible interference to special use areas, as defined at N.J.A.C. 7:7-9. Mitigation, in accordance with N.J.A.C. 7:7-17, may be necessary and will be reviewed and approved by the appropriate agencies. Therefore, the Project is consistent with this policy.

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 would be temporarily moored for construction of the Project. Within the Project Area, impacts to special hazard areas would be minimized and moorings would not present a hazard to navigation. 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. A utility bridge may be utilized to cross the Oyster Creek Channel, a manmade, tidal waterbody approximately 175 wide. The waterbody has a surface water classification of freshwater/saline estuarine, and non-trout (FW2-NT/SE1). Utility bridges are structures constructed exclusively for utilities to cross over highways and waterways used as an alternative to underground or aerial crossings. This utility bridge would avoid the need for overhead lines to cross Oyster Creek

The design of these structures will conform to structural and safety standards and pertinent state and local laws and regulations. The design envelope of the proposed utility bridge is 10’ or less in height and width, and 200’ or less in length. The utility bridge would match or exceed the clearance above water as the existing road and pedestrian bridges that cross Oyster Creek. Therefore, the Project is consistent with this policy.

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. Outfalls or intakes may be applicable to the Project as part of onshore substation construction. Any outfalls would be installed and operated in accordance with applicable state permits. Adequate measures would 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.

As defined by N.J.A.C. 7:7-12.21, submerged cables are defined as telecommunications cables and their associated structures such as repeaters. However, the Project will include submerged electric transmission export cables, so these are not considered “submerged cables” under the CZM Rules.

Nevertheless, the Project does comply with the substantive requirements of N.J.A.C. 7:7-12.21. The inshore export cable, or portions thereof that are located in the back bays, will only be sited within special areas when

no prudent and feasible alternate route exists. Trenchless technology methods within back bay landings will be used to the extent practicable to minimize the impacts to beaches, dunes, and shallow water areas. However, if trenchless technology methods are not feasible, jetting techniques may be used. The trench will be restored to preconstruction depth with naturally occurring sediment. The export cable route within inshore waters will minimize areas where anchors are likely to foul the export cable

The offshore export cable, or portions thereof, which are sited in the Atlantic Ocean within surf clam areas, N.J.A.C. 7:7-9.3, or sited within areas where marine fish, as defined at N.J.A.C. 7:7-16.2, are commercially harvested using mobile bottom-tending gear, will follow the shortest route to waters beyond these waters. The current offshore export cable corridor has been sited to avoid most known prime fishing areas (N.J.A.C. 7:7-19.4) to the extent practicable, as well as shipwreck and artificial reef habitats (N.J.A.C. 7:7-9.13) and historic and archaeological resources (N.J.A.C. 7:7-9.34). Furthermore, Ocean Wind is conducting high resolution geotechnical surveys to identify and minimize impacts to sensitive areas not previously documented. The export cable will be buried at a target depth of at least 1.2 meters both in surf clam areas and in areas where marine fish are commercially harvested using mobile bottom-tending gear to prevent exposure or pose a hazard risk, to the extent practicable. Where target cable burial depths are not achieved, additional armoring or other cable protection methods may be used to prevent exposure and minimize hazard risk. Where the export cable will cross an existing in-service cable either within surf clam areas or where marine fish are commercially harvested using mobile bottom-tending gear, Ocean Wind will bury the cable at the target depth or as close thereto as practicable at the crossing. Additionally, Ocean Wind will minimize the number of crossings, consult with fishing interest groups (N.J.A.C. 7:7-24.3(f)) to determine the location of the cable route and reduce the impact of cable crossings on commercial fishing, and share information/cooperate with those responsible for any cables being crossed and with installers of subsequent cables crossing the export cable, to the maximum extent practicable. This will minimize the impact of cable crossings on commercial fishing and minimize the risks to the proposed and existing cables. Where the export cable will cross an existing out-of-service cable within surf clam areas or within areas where marine fish are commercially harvested using mobile bottom-tending gear, Ocean Wind will minimize the impact of cable crossings per N.J.A.C. 7:7-12.21(c)4. The export cable route within the Atlantic Ocean will minimize areas where anchors are likely to foul the export cable.

Impacts to resources will be avoided to the maximum extent possible through APMs and BMPs. Prior to installation of the export cable, Ocean Wind will provide a letter of credit, surety bond, or a financial assurance in an amount sufficient for the NJDEP to hire an independent contractor to remove the inactive cable should Ocean Wind fail to do so. Ocean Wind will coordinate with NJDEP on a long-term inspection and maintenance plan, N.J.A.C. 7:7-12.21(c)8, to be implemented after export cable installation both within surf clam areas and within areas where marine fish are commercially harvested using mobile bottom-tending gear to ensure that the cable remains at the authorized target depth and location and will submit inspection and maintenance reports to NJDEP, as applicable. Therefore, the Project is consistent with this policy.

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. While the wind turbine foundations will act as artificial reefs, their sole purpose is not fish habitat. 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. Living shorelines will not be established as part of this Project. Therefore, this policy is not applicable.

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, this policy is not applicable; nonetheless, based upon the analysis and minimization of impacts, 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. The onshore portions of the Project will be located within existing rights-of-way and previously disturbed habitat wherever possible to avoid and minimize impacts to sensitive resources; mitigation may be required where not possible. The offshore portions of the Project will be sited and designed to avoid and minimize impacts to sensitive resources. 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. The electric transmission cable installation and alignment complies with the CZM location rules for determining the most acceptable route. 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. The Project will require the construction of substations near interconnection points, using parcels that have been previously developed, maintained, or disturbed to minimize potential impacts. The substations are electric facilities that will receive renewable wind energy from offshore turbines and will not detract from scenic or recreational values in the area. Where possible, site disturbance will be sited at least 50 feet inland of the MHW line of tidal waters within the Project Area. The wind turbine generators will be located on the offshore Outer Continental Shelf (OCS) and Ocean Wind is conducting an assessment of potential visual impacts associated with the Project. In order to minimize adverse effects of wind energy facilities on birds, bats, and marine organisms in tidal water areas, Ocean Wind will comply with N.J.A.C. 7:7-15.4(r)1viii. 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; however, the Project will require construction of permanent access roads at each substation (and depending on route selected, potentially at transition joint bays) 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. 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. The Project does not involve construction of a public facility. Therefore, this policy is not applicable.

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 or adjacent to 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 would 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 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 would 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 is it proposed to use or fill dry borrow pits. Therefore, this policy is not applicable.

7:7-15.12 Dredged Material Placement on Land.

These rules set standards for disposal and beneficial use of dredged materials. Dredging may occur as part of cable installation within parts of the Project Area where cable burial via jetting technology is not feasible. Disposal of dredged material on land will be in compliance with State and Federal regulations. The material will be excavated, stockpiled, dewatered and transported to an approved facility. 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 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. 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 would be employed to minimize turbidity and fish would be expected to avoid the area during construction. Seabed disturbance including suspended sediment/sedimentation and direct mortality of sessile or slow-moving organisms could occur. Additionally, SAV surveys will be completed prior to construction activities. SAV seasonal work restriction windows and mitigation measures may be implemented in accordance with N.J.A.C. 7:7-17.9. The proposed cable route will avoid and minimize 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 will be sited and designed to avoid, minimize, and mitigate potential impacts. 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 could temporarily increase suspended sediments and turbidity within the water column. 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. Cable installation may cause bottom scour and the addition of a rock berm over cables would alter the seabed from a rippled, low relief surface to a higher relief, armored surface in some cable placement areas where additional protection was required; however, all reasonable measures will be taken to reduce scouring, including routine inspections. Additionally, potential contamination may be introduced from construction-related activity by liquid wastes that are discharged to surface waters from equipment vessels, such as sewage, solid waste or chemicals, solvents, oils, and greases. These potential impacts will be minimized by implementing APMs including an approved oil spill response plan and by requiring vessel operators used for construction to have a vessel-specific spill response plan in the event of an accidental release. Therefore, the Project is consistent with this policy.

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'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, will not degrade groundwater quality, will not significantly lower the water table or piezometric surface, or significantly decrease the base flow of adjacent water sources. 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 does meet 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 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 may require clearing and grading, which could result in temporary or permanent impacts to vegetation; however, disturbed areas would be restored to pre-existing contours and vegetation would become reestablished via natural succession or replanting with native species, to the extent practicable, once construction activities are completed. 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, air quality may be affected. Equipment would be operated in accordance with applicable air quality standards. Ocean Wind is working with the USEPA, which will designate a Corresponding Onshore Area (COA); however, until the designation, the State of New Jersey air regulations will be applied to the Project. The air emissions from the Project will be offset by the Project's displacement of fossil fuel-generated electricity on the regional power grid. 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. The Project Area is part of a working waterfront. 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. 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 would involve new coastal development at export cable landing sites and for onshore substations and export cable installation; however, export cables would be located underground where possible to minimize visual impacts. The Project also will use existing rights-of-way and industrial zoned areas, wherever possible. Therefore, the Project will be consistent with this policy.

Additionally, the wind turbines will be located on the offshore OCS and Ocean Wind is conducting 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 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. Cable installation within the roadway will result in temporary traffic impacts; however, an Onshore Maintenance of Traffic Plan would be developed and implemented to minimize vehicular traffic impacts. Additionally, Ocean Wind would designate and utilize construction onshore vehicle traffic routes, construction parking areas, and carpool/bus plans to minimize potential impacts. Ocean Wind will conduct 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. 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 will prepare waste management plans and hazardous materials plans as appropriate for the facility and will collect and properly dispose of all construction debris, both from marine and onshore environments. Therefore, the Project would be consistent with this policy.

2.9. Subchapter 17 – Mitigation

State Jurisdiction

This subchapter defines requirements for the mitigation type, location, and amount for resources lost or impacted. The Project as proposed could potentially impact shellfish habitats, SAV habitat, ISS and tidal waters, and wetlands. Subsection 7:7-17.9 details requirements for impacts to shellfish habitat; subsection 7:7-17.10 details requirements for impacts to SAV; subsection 7:7-17.11 details requirements for impacts to ISS and tidal waters; subsection 7:7-17.12 details requirements for impacts to the riparian zone; and subsection 7:7-17.13 details requirements for impacts to wetlands. The Project has been planned to minimize and offset unavoidable impacts through its design.

At this time, footprint of impacts to NJDEP regulated wetlands, wetland transition areas, State open waters, tidal water, SAV, shellfish beds, ISS, and riparian zones are not final. However, mitigation will be addressed with mitigation plans during the permitting phase of the Project in accordance with N.J.A.C. 7:7-17. Impacts to regulated areas will be minimized through implementation of BMPs, such as locating export cable corridors and landfalls within existing rights-of-way or previously disturbed/developed lands to the extent practicable, avoiding areas that would require extensive seabed or onshore alterations, use of appropriate technology (e.g., trenchless technology to the extent practicable) to minimize disturbance to seabed and sensitive habitat, avoiding anchoring on sensitive habitat, and/or implementing turbidity reduction measures to the extent practicable, and restoring impacted areas to pre-construction conditions wherever possible. If NJDEP determines that credit purchase is the appropriate mitigation alternative, Ocean Wind will meet all requirements for credit purchase from an approved mitigation bank as outlined at subsection N.J.A.C. 7:7-17.15. If NJDEP determines that in-lieu fee payment is the appropriate mitigation alternative, Ocean Wind will follow the terms of the State-approved in-lieu fee program instrument per subsection N.J.A.C. 7:7-17.16.

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 is that the proposed Project complies with and will be conducted in a manner consistent with the New Jersey CZMP.

3. References

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