



**US Army Corps
of Engineers**
Philadelphia District

Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390
ATTN: CENAP-OPR

Public Notice

Public Notice No. NAP-2017-00135-84	Date June 17, 2022
Application No. NAP-2017-00135-84	File No. NAP-2017-00135-84

In Reply Refer to:
REGULATORY BRANCH

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

The purpose of this notice is to solicit comments and recommendations from the public concerning issuance of a Department of the Army permit for the work described below.

APPLICANT: Ocean Wind LLC

AGENT: HDR Engineering Inc.

WATERWAYS: Atlantic Ocean, Barnegat Bay, Oyster Creek, Crook Horn Creek

ACTIVITY: The applicant proposes to install and maintain an offshore wind energy facility and the required supporting infrastructure. The project includes up to 98 wind turbine generators (WTGs), up to three offshore alternating current (AC) substations, array cables linking the individual turbines to the offshore substation(s), one substation interconnector cable linking two offshore substations to each other, offshore export cables, an onshore export cable system which includes underground cables, two onshore substations, and connections to the existing electrical grid in New Jersey.

LOCATION: The WTGs, offshore substations, array cables, and a substation interconnector cable will be located in federal waters approximately 13 nautical miles southeast of Atlantic City. The offshore export cables will be buried below the seabed surface within federal and state waters. The onshore export cables, substations, and grid connections will be located in Ocean and Cape May Counties, New Jersey.

PURPOSE: The purpose of the Project is to develop a wind driven energy generation facility within the Bureau of Ocean Energy Management (BOEM) Lease Area (OCS-A 0498) that meets the need for competitively priced renewable energy and additional capacity in accordance with state and regional renewable energy demands and goals.

BOEM is the lead federal agency for this project, responsible for coordinating review in accordance with the National Environmental Policy Act. Pursuant to 40 CFR 1501.8, the United States Army Corps of Engineers Philadelphia District (Corps of Engineers) is acting as a cooperating agency with BOEM to prepare an Environmental Impact Statement (EIS). A draft of

this document has been published in the federal register and can be viewed at <https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/OceanWind1-DEIS.pdf>. Comments on the draft EIS may be submitted directly to BOEM at <https://www.regulations.gov/search/docket?filter=ocean%20wind>. The EIS will be used to support BOEM's decision whether to approve a Construction and Operations Plan (available at <https://www.boem.gov/renewable-energy/state-activities/ocean-wind-1>) as well as the permit decision by the Corps of Engineers.

The decision whether to issue a permit will be based on an evaluation of the activity's probable impact including its cumulative impacts on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and welfare of the people. A Department of the Army permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the proposed work should be submitted, in writing, within 30 days to the District Engineer, U.S. Army Corps of Engineers, Philadelphia District, Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania 19107-3390 or via email to napregulatory@usace.army.mil with "Ocean Wind LLC" in the subject line.

The Corps of Engineers Cultural Resource Specialist is currently reviewing the proposed permit action for potential impacts to Historic Properties eligible for or listed on the National Register of Historic Places. A determination of effects will be coordinated with the State Historic Preservation Office, the Tribes and other consulting parties. The permit area is likely to yield resources eligible for inclusion in the National Register of Historic Places (NRHP). An investigation for the presence of potentially eligible historic properties is required and will be included in the EIS prepared by BOEM.

A preliminary review of this application indicates that species listed under the Endangered Species Act or their critical habitat pursuant to Section 7 of the ESA as amended, may be present in the action area. The Corps of Engineers will forward this Public Notice to the United States Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS). BOEM

will evaluate the potential effects of the proposed actions on ESA listed species or their critical habitat and will consult with USFWS and NMFS as appropriate. ESA Section 7 consultation will be concluded prior to the final decision on this permit application.

The Magnuson-Stevens Fishery Conservation and Management Act requires all federal agencies to consult with the NMFS all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). A preliminary review of this application indicates that EFH is present within the project area. BOEM will evaluate the potential effects of the proposed actions on EFH and will consult with NMFS as appropriate. Consultation will be concluded prior to the final decision on this permit application.

Avoidance, minimization and compensatory mitigation: To the extent practicable, appropriate installation technology will be utilized to minimize disturbance to the seabed and sensitive habitats (such as beaches and dunes, wetlands and associated buffers, streams, hard-bottom habitats, seagrass beds, and the near-shore zone); and to avoid anchoring on sensitive habitat. These unique habitats will be avoided wherever possible. Where appropriate, Horizontal Directional Drilling (HDD) will be used to install the export cables beneath overlying sediments without direct physical disturbance to aquatic resources such as open water and submerged aquatic vegetation (SAV). Open cut installation is another installation methodology proposed at Island Beach State Park (IBSP) into Barnegat Bay. Using open cut installation, which allows the two cables to be installed closer to each other, will keep the majority of the workspace in areas without SAV. This selection avoids the necessity to set up a drilling entry pit in the bay with significant additional vessel traffic to supply materials, a large coffer dam, and equipment to pump water away from the drilling equipment. Turbidity reduction measures will be implemented to minimize impacts to sensitive habitat from construction activities. Timing restrictions for in-water work will be implemented as specified by permit conditions and/or in coordination with state and federal agencies. Where avoidance is not feasible, impacts will be minimized through the use of best management practices as well as through compliance with permit conditions. The proposed project, including the Oyster Creek and BL England components, will result in a proposed permanent disturbance to 0.028 acres of tidal, emergent wetlands and 2.013 acres of non-tidal, emergent wetlands dominated by common reed and mowed turfgrass. In order to compensate for the unavoidable impacts, the applicant proposes to purchase a total of 2.05 wetland credits from the Great Bay Wetland Mitigation Bank through Evergreen Environmental, LLC, the mitigation bank sponsor.

In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a state's coastal zone must provide certification that the activity complies with the state's Coastal Zone Management Program. The applicant has stated that the proposed activity complies with and will be conducted in a manner that is consistent with the approved state Coastal Zone Management (CZM) Program. No permit will be issued until the state has concurred with the applicant's certification or has waived its right to do so. Comments concerning the impact of the proposed and/or existing activity on the state's coastal zone should be sent to this office, with a copy to the state's Office of Coastal Zone Management.

In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the state government in which the work is located. Any comments concerning the

work described above which relate to Water Quality considerations should be sent to this office with a copy to the state.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing will not be necessary, however, because BOEM has already scheduled three virtual public comment meetings, which will also serve as Corps public hearings. The three scheduled meetings are as follows:

Virtual Public Hearing - Thursday, July 14, 2022, 1:00 pm ET

Registration Link:

https://us02web.zoom.us/webinar/register/WN_wB7_b0jRQ-626rWEevC-zQ

Thursday, July 14, 2022, 1:00 pm ET

Dial-in phone number: 888-788-0099 (Toll Free)

Webinar ID: 898 2322 8905

Passcode: 37536254

Virtual Public Hearing - Wednesday, July 20, 2022, 5:00 pm ET

Registration Link:

https://us02web.zoom.us/webinar/register/WN_uiG9bdleT8KbK8dX9Y5G4g

Wednesday, July 20, 2022, 5:00 pm ET

Dial-in phone number: 888-788-0099 (Toll Free)

Webinar ID: 874 1021 5240

Passcode: 84523205

Virtual Public Hearing - Thursday, July 26, 2022, 5:00 pm ET

Registration Link:

https://us02web.zoom.us/webinar/register/WN_JyRJKtXSWaSt7Qavn1lgw

Tuesday, July 26, 2022, 5:00 pm ET

Dial-in phone number: 888-788-0099 (Toll Free)

Webinar ID: 812 1341 5060

Passcode: 72292016

Additional information concerning this permit application may be obtained by contacting Brian Anthony via email at <mailto:brian.r.anthony@usace.army.mil?subject=NAP-2017-00135-84> or writing to this office at the above address.

Todd A. Schaible
Chief, Regulatory Branch