

# **Ocean Wind Offshore Wind Farm**

**Green Acres Diversion Application**

**Section 6**

**List of Federal, State, County or Local Approvals or  
Permits for BL England Point of Interconnection**

**Table 7.1. List of Federal, State, County or Local Approval or Permits for BL England Onshore Export Cable Route and Onshore Substation.**

Agency	Applicable Permit or Approval	Statutory Basis	Regulation	Anticipated Application Submittal Date or Consultation Status
<b>Federal</b>				
BOEM	Construction and Operations Plan (COP) Approval/NEPA	Energy Policy Act of 2005	30 CFR Part 585 - Renewable Energy and Alternate Uses of Existing Facilities on the Outer Continental Shelf (contents of COP - 30 CFR §585.626 and §585.627)  43 CFR Part 46 - Department of Interior NEPA regulations	Draft Environmental Impact Statement (DEIS) anticipated published Q2 2022
		NEPA, 42 U.S.C. §§ 4321 <i>et seq.</i>		Final EIS anticipated published Q1 2023  Record of Decision anticipated Q2 2023
New Jersey Historic Preservation Office (NJHPO), Tribes	National Historic Preservation Act (NHPA) Section 106 Consultation (completed by BOEM as part of the COP review and approval process)	NHPA, 54 U.S.C. § 300101	36 CFR Part 60 - National Register of Historic Places	In conjunction with BOEM COP review  PDEIS provided by BOEM Feb 11, 2022
		(New Jersey Register of Historic Places Act N.J.S.A 13:1B)	36 CFR Part 800 - Protection of Historic Properties	In conjunction with BOEM COP review  PDEIS provided by BOEM Feb 11, 2022
National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS)	Endangered Species Act (ESA) Section 7 Consultation (completed by BOEM as part of the COP review and approval process)	ESA 16 U.S.C. §§ 1531-1544	50 CFR Part 17 and Part 402	In conjunction with BOEM COP review  PDEIS provided by BOEM Feb 11, 2022

Agency	Applicable Permit or Approval	Statutory Basis	Regulation	Anticipated Application Submittal Date or Consultation Status
NMFS	Magnuson-Stevens Fishery Conservation and Management Act Consultation (completed by BOEM as part of the COP review and approval process)	Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801	50 CFR Part 600	In conjunction with BOEM COP review PDEIS provided by BOEM Feb 11, 2022
NMFS	Incidental Harassment Authorization (IHA)/ Letter of Authorization (LOA)	Marine Mammal Protection Act, 16 U.S.C. 1361 <i>et seq.</i>	50 CFR Part 216	Submitted October 1, 2021 Deemed complete for review February 11, 2022
U.S. Fish and Wildlife Service (USFWS)	ESA Section 7 Consultation (completed by BOEM as part of the COP review and approval process)	ESA, 16 U.S.C. §§ 1531-1544	50 CFR Part 17 and Part 402	In conjunction with BOEM COP review PDEIS provided by BOEM Feb 11, 2022
U.S. Environmental Protection Agency (USEPA) <sup>1</sup>	Air Permit for OCS Sources	Clean Air Act Section 328	40 CFR §55.6.	Submitted March 29, 2022
U.S. Army Corps of Engineers (USACE)	Individual and Nationwide Permits	Sections 10 and 408 of Rivers and Harbors Act (33 U.S.C. 403 and 408); Section 404 of Clean Water Act (33 U.S.C. 1344)	33 CFR Parts 320 through 332.	Submitted on April 27, 2022
Federal Aviation Administration (FAA)	FAA Form 7460-1, Notice of Proposed Construction or Alteration (for Hazard to Air Navigation Determination)	49 U.S.C. §1301 <i>et. seq.</i>	14 CFR Part 77.	Submittal anticipated Q3 2022

Agency	Applicable Permit or Approval	Statutory Basis	Regulation	Anticipated Application Submittal Date or Consultation Status
U.S. Coast Guard (USCG)	Private Aid to Navigation (PATON) authorization	Ports and Waterways Safety Act, 33 U.S.C. 1221 <i>et seq.</i>	33 CFR §66.	Submittal anticipated Q3 2022
USCG	Local Notice to Mariners	Ports and Waterways Safety Act, 33 U.S.C. 1221 <i>et seq.</i>	33 CFR §72.01-5	Complete February 7, 2019
<b>New Jersey - State Permits/Authorizations</b>				
NJDEP, Division of Land Resource Protection (DLRP)	Individual Waterfront Development Permit and Coastal Consistency Determination	Waterfront Development Act New Jersey Statutes Annotated (N.J.S.A.) 12:5-3;  Coastal Zone Management Act 16 U.S.C. §1456	Coastal Zone Management Rules New Jersey Administrative Codes (N.J.A.C.) N.J.A.C. 7:7	Submittal anticipated Q3 2022
NJDEP, DLRP	Individual Coastal Areas Facility Review Act Permit and Coastal Consistency Determination	Coastal Areas Facility Review Act, N.J.S.A. 13:19;  Coastal Zone Management Act 16 U.S.C. §1456	Coastal Zone Management Rules N.J.A.C. 7:7	Submittal anticipated Q3 2022
NJDEP, DLRP	Individual Coastal Wetlands Permit	Wetlands Act of 1970, N.J.S.A. 13:9A	Coastal Zone Management Rules N.J.A.C. 7:7	Submittal anticipated Q3 2022
NJDEP, DLRP	Individual Flood Hazard Area Permit (obtained as part of CAFRA/WFD permit)	Flood Hazard Area Control Act N.J.S.A. 58:16A	Flood Hazard Area Control Act Rules N.J.A.C. 7:13	Submittal anticipated Q3 2022
NJDEP, DLRP	Individual Freshwater Wetlands Permit	Freshwater Wetlands Protection Act N.J.S.A. 13:9B	Freshwater Wetlands Protection Act Rules N.J.A.C. 7:7A	Submittal anticipated Q3 2022
NJDEP, DLRP	Section 401 Water Quality Certification	Section 401 of Clean Water Act (33 U.S.C. § 1341)	Coastal Zone Management Rules N.J.A.C. 7:7	Submittal anticipated Q3 2022

Agency	Applicable Permit or Approval	Statutory Basis	Regulation	Anticipated Application Submittal Date or Consultation Status
NJDEP, Division of Water Quality	Stormwater Construction General Permit (5G3)	New Jersey Water Pollution Control Act N.J.S.A 58:10A	New Jersey Pollutant Discharge Elimination Program (NJPDES) Rules N.J.A.C. 7:14A	Submittal anticipated Q4 2022
NJDEP, Division of Water Quality	Short Term De Minimis General Permit (B7)	New Jersey Water Pollution Control Act N.J.S.A 58:10A	NJPDES Rules N.J.A.C. 7:14A	Submittal anticipated Q4 2022
NJDEP, Bureau of Tidelands Management	Tidelands License	Tidelands Act, N.J.S.A. 12:3	NA	Submittal anticipated winter Q3 2022
NJDEP, Green Acres Program	Major Diversion of Parkland	New Jersey Green Acres Land Acquisition Act, N.J.S.A 13:8A	Green Acres Rules N.J.A.C. 7:36	Final Application Part 1 submittal anticipated Q2 2022 Final Application Part 2 submittal Q4 2022 State House Commission meeting Q4 2022
NJDEP, Division of Parks and Forestry, Natural Heritage Program	Threatened and Endangered Species consultation	New Jersey Endangered Species Conservation Act N.J.S.A 23:2A		Complete December 21, 2021
NJDEP, NJHPO	NHPA Section 106 Consultation (completed by BOEM as part of the COP review and approval process)	New Jersey Register of Historic Places Act N.J.S.A 13:1B	36 CFR Part 60 - National Register of Historic Places;	In conjunction with BOEM COP review PDEIS provided by BOEM Feb 11, 2022 Section 106 meetings March 8, 2022 and May 4, 2022

Agency	Applicable Permit or Approval	Statutory Basis	Regulation	Anticipated Application Submittal Date or Consultation Status
		NHPA, 54 U.S.C. § 300101	36 CFR Part 800 - Protection of Historic Properties	In conjunction with BOEM COP review PDEIS provided by BOEM Feb 11, 2022 Section 106 meetings March 8, 2022 and May 4, 2022
NJDEP, Division of Parks and Forestry	Consultations and approvals for activities on State Lands and Parks	N.J.S.A 13:1B	State Park Service Code (N.J.A.C. 7:2-2.5)	State House Commission meeting Q4 2022
New Jersey Department of Transportation (NJDOT)	Highway Occupancy Permit <sup>[2]</sup>	Highways N.J.S.A 27:1A-5 through 7	Highway Occupancy Permits N.J.A.C 16:41	Submittals anticipated Q4 2022
New Jersey Department of Community Affairs	Construction Permit	N.J.A.C. 5: 23 Uniform Construction Code	N.J.A.C. 5:23 2.1	Submittals anticipated Q4 2022
<b>County/Municipal Permits/Authorizations<sup>[3]</sup></b>				
Cape Atlantic Soil Conservation District <sup>[4]</sup>	Soil Erosion and Sediment Control Plan Certification	Soil Erosion and Sediment Control Act, N.J.S.A. 4:24	Chapter 251, P.L. 1975	Submittals anticipated Q3 2022
Municipal/ county building and zoning permits and approvals <sup>[5]</sup>	Ocean City, Cape May County	Various	Various	Submittals anticipated Q4 2022

Note: this table does not list authorizations or filings associated with the production of electricity.

<sup>[1]</sup> Pending delegation of authority to NJDEP

<sup>[2]</sup> Construction permit (all others are planning permits).

<sup>[3]</sup> Information included only for the BL England Interconnect portion of the Project (Atlantic and Cape May Counties).

<sup>[4]</sup> Cape Atlantic Soil Conservation District serves Cape May and Atlantic Counties.

<sup>[5]</sup> Each municipality and county has a unique building, site plan, and zoning approval procedure. Additional permits and approvals such as roadwork, tree removal, wetland, land disturbance, and soil erosion and sediment control plans may also be required during the site plan approval process from counties and municipalities.