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Submitted Electronically

New Jersey Department of Environmental Protection
Division of Land Resource Protection
P.O. Box 420, Code 501-02A
Trenton, New Jersey 08625
Attn: Janet Stewart, Section Chief

**RE: Empire Wind Project (EW1 & EW2) Federal Consistency Certification for Review,
Renewable Energy Lease Area OCS-A 0512**

Dear Section Chief Stewart,

Clean Ocean Action (COA) is a regional, broad-based coalition of conservation, environmental, fishing, boating, diving, student, surfing, women's, business, civic and community groups with a mission to improve the water quality of the marine waters off the New Jersey/New York coast. We submit the following comments regarding the Federal Consistency Certification submitted by Equinor for the review and concurrence by the New Jersey Department of Environmental Protection ("NJDEP") for the Empire Wind Offshore Wind Farm within Bureau of Ocean Energy Management Lease Area (OCS-A 0512).

COA reviewed the New Jersey Coastal Zone Management Consistency Statement For the Empire Offshore Wind: Empire Wind Project (EW1 and EW2) prepared for Empire Offshore Wind, LLC ("Empire") and its fossil fuel affiliate, Equinor, (hereafter, "the applicant") and respectfully submits that the Project **has not demonstrated** that it is consistent with enforceable policies of the State of New Jersey.

From the outset, COA finds that the applicant has created confusion with a vexing, distorted, and fractional representation of the proposed Empire Wind project for NJ's consistency review. In section A.3, the applicant states:

For the purposes of this New Jersey State Coastal Management Program Federal Consistency Certification Review, the following Project components have been assessed for consistency with the enforceable policies:

EW 1: Submarine export cables in federal waters. Temporary anchoring activities within New Jersey State waters associated with the installation of the submarine export cable that will be located within New York State waters.

EW 2: Submarine export cables in federal waters.

WFDA (Wind Farm Development area): Foundations, wind turbines, offshore substations, interarray cables.¹

When the above is compared to Empire Wind’s proposal submitted to BOEM, there is substantial differences. The consistency review application is fragmented from the overarching proposal. In addition, COA notes that the applicant’s consideration of the Windfarm Development Area (“WFDA”) appears to be an afterthought. To be clear, Empire proposes the development of 174 offshore wind turbines—which represents a significant and unprecedented industrialization of the ocean off the coast of New Jersey and New York. And yet, the WFDA is not mentioned in the title of Empire’s review document, and its proffered consistency analysis of the WFDA is weak. As noted below, Empire pins nearly all of its argument on the WFDA being located in federal waters, as if that provides immunity from a meaningful consistency analysis. The CZMA and NJ’s Coastal Zone Management Rules require far more because New Jersey resources, including marine mammals and finfish that neither recognize nor are restricted by political boundaries, will certainly be impacted by all components of the project.

The fractional presentation of the project described in the consistency review is rendered even more confounding and confusing. Equinor directs reviewers to the Empire Wind Construction and Operations Plans submitted to the Bureau of Ocean Energy Management, in which EW1, EW2, and the WFDA are different.

This consistency application should review the entire project, and as the table on page 2 of these comments illustrates, it is confusing as to what is in the scope of this consistency review. According to Empire Wind’s Construction and Operations Plan (COP), the WFDA is defined as “a subset of the Lease Area.” Further,

the area within which structures can be built within the Lease Area...is equal to 63,559 acres...or approximately 80 percent of the total Lease Area. This does not include sub-seabed structures such as submarine export cables and interarray cables, which may still be installed within the Lease Area, WFDA and easements.²

¹ NJ Coastal Zone Management Consistency Statement For the Empire Offshore Wind: Empire Wind Project (EW1 and EW2), Prepared by Tetra Tech, June 2021, <https://www.nj.gov/dep/offshorewind/docs/njdep-empire.pdf>

² Empire Offshore Wind: Empire Wind Project (EW1 and EW2) Construction and Operations Plan, “Project Description,” page 3-1, <https://www.boem.gov/sites/default/files/documents/renewable-energy/Public-EOW-COP-Volume%201.pdf>

Table 3.1-1 OCS A-0512

OCS A-0512 Lease Area	79,350 ac (32,112 ha)
Wind Farm Development Area (total)	65,458 ac (26,490 ha)
EW 1	27,095 ac (10,965 ha)
EW 2	38,363 ac (15,525 ha)
Water Depths (total range)	75 ft to 135 ft (23 m to 41 m)
EW 1	76 ft to 118 ft (23 m to 36 m)
EW 2	108 ft to 135 ft (33 m to 41 m)

Table 3.1-1³

As shown in Table 3.1-1, Empire Wind’s COP suggests a discrepancy in the total areas of the WFDA and lease area and leads to the confusion of what areas are included in this consistency review application. Isn’t the WFDA the same as EW1 and EW2? Why is the WFDA (65,458 acres) separated from EW1 and EW2 in the consistency application? Why isn’t the entire lease area (79,350 acres), which will be the location for the project’s construction, operation, and maintenance activities, be included in the consistency review application?

Clearly, Equinor’s representation is unacceptably confusing, and the consistency review should be rescinded and re-submitted.

That said, and in consideration of this recommendation being ignored, COA provides additional concerns and issues.

With this confounding project description, Equinor proceeds to review NJ’s enforceable policies from the narrow description in Section A.3 as noted above and fails to review the totality of the project’s impact to NJ’s resources. As a result, for the near entirety of the project review, the applicant makes repeated claims with the following general refrain for every enforceable policy: *This policy does not directly apply because the project is located in federal waters, outside of the coastal area, and therefore does not include major actions that would significantly impact New Jersey coastal resources.* This repeated claim directly contradicts the purpose of state consistency policies and review. While some activities may not appear to be applicable, these activities are essential to the development of offshore wind, which is the end goal of the proposed and associated activity and must be considered in state consistency review.

The applicant provides little to no meaningful assessments of impacts to NJ resources. The applicant does not provide proof that enforceable consistency policies do not apply.

It is clear that this proposed project is located in one of the most inappropriate areas due to migratory pathways for marine life and close proximity to or overlapping with fishing grounds. It is also proposed in the highest use areas for navigation for waterborne and air commerce. All are ecologically and economically essential resources for the State of New Jersey.

³ See *id.*

Equinor uses a narrow lens to evaluate its project and ignores evaluating coastal effects as defined by National Oceanic & Atmospheric Administration's (NOAA) regulatory requirements under the Coastal Zone Management Act. Based on these, NJ's consistency rules state:

A federal action is subject to CZMA federal consistency requirements if the action will affect a coastal use or resource, in accordance with NOAA's regulations. Coastal effects are defined under NOAA's regulations as any reasonably foreseeable effect on any coastal use or resource resulting from a Federal agency activity or Federal license or permit activity. Effects are not just environmental effects, but also include effects on coastal uses. Effects include both direct effects which result from the activity and occur at the same time and place as the activity, and indirect (cumulative and secondary) effects which result from the activity and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects are effects resulting from the incremental impact of the Federal action when added to other past, present, and reasonably foreseeable actions, regardless of what person(s) undertake(s) such actions. Effects can be both positive and negative.

The effects test applies to activities and uses or resources that occur outside a State's coastal zone, so long as the uses or resources impacted are uses or resources of a State's coastal zone. The burden for determining or demonstrating effects is greater the farther an activity takes place outside of a State's coastal zone. The test is whether it is reasonably foreseeable that impacts that occur outside of the coastal zone will affect uses and resources of the coastal zone. Merely showing impacts from an activity outside of the coastal zone is not sufficient by itself to demonstrate that reasonably foreseeable effects extend to uses or resources of the coastal zone.⁴

Further, it is unclear how the activities identified in federal waters by the applicant will not have impacts and trigger state consistency concerns, while in many of those sections it states, "the WFDA complies with this policy to the extent applicable." This is contradictory.

Importantly, consistency reviews must not be considered in a vacuum. There are multiple offshore wind projects in various stages of development off the NY/NJ coast. The cumulative impacts are unknown, and the consistency policies require cumulative impacts and impacts outside the federal water areas to be considered.

Accordingly, NJDEP should not grant its concurrence with the Consistency Certification submitted by Equinor at this time. Equinor's compliance with New Jersey coastal zone management rules for the Empire Wind 1 & 2 offshore wind projects is significantly lacking, as described below.

⁴ State of New Jersey, NJ Department of Environmental Protection, "Federal Consistency in New Jersey." September 8, 2010, https://www.nj.gov/dep/cmp/fc_guidance.pdf

Premature Public Comment Period

COA submits that the request for public comments on consistency at this stage is premature, as NJDEP has stated their intention to make a decision in January of 2023. If the NJDEP believes it unable to make a determination until 2023, why should the public be required to review and comment at this time? Why should the public have less information than what NJDEP hopes to possess before making its determination? In the name of transparency and good governance, NJ citizens must be afforded an additional opportunity to submit comments when the full environmental impacts are better understood. While NJDEP also has stated verbally that comments will be welcome AFTER the comment period, these are legally apart of the record, and therefore more formal, legally accountable opportunities must be afforded to the public.

Location of Empire Wind 1 & 2

COA is specifically concerned about the location and expanse of Empire Wind's projects, as well as the widespread and largely unknown significant environmental impacts as identified by marine scientists, and the unknown cumulative impacts of the numerous large offshore wind projects in various stages of development in the NY/NJ Bight. The majority of known effects associated with constructing wind turbine generators and foundations are most severe during the construction and surveying periods of a project's lifecycle. However, there are also operational concerns, such as noise and vibrations, that may seriously impact marine mammals that navigate and communicate by sonar. Moreover, there is uncertainty regarding the long-term and onshore impacts associated with this unprecedented scale of offshore development.

Lack of Baseline Data Available

Based on recent public workshops and forums, NY and NJ state agencies charged with protection of marine resources have ***little to no*** baseline information to understand the scope and magnitude of the impacts from Empire Wind 1 and 2, much less the cumulative impacts from all the projects proposed in the waters off NY and NJ. How can NJDEP even contemplate the consistency of such significant development in the ocean without the completion of an Environmental Assessment or Environmental Impact Statement?

Overall, COA has concerns about the scope and magnitude of the totality of projects and proposals currently moving rapidly forward in the NY/NJ Bight, especially with the dearth of science available about the impacts to the physical environment, benthos, fisheries, mammals, bird, and bats. BOEM's process is woefully inadequate and fails to fully recognize the massive impact of all this industrialization in the Atlantic Ocean. The ecosystem is interconnected and fluid and all projects in the Atlantic from the North to the South Atlantic Planning Areas will impact marine life and waters that are shared within the ecosystem.

Indeed, recent studies and agency letters underscore that BOEM has not conducted the biological and ecological assessments needed to determine the effects and impacts of the extensive development. As such, agencies will be unable to appropriately evaluate the individual projects much less the cumulative effects or harm. This is also true in individual planning areas. For example:

- New York State Environmental and Technical Working Group recently released a report that is the culmination of over 200 scientists considering the state of

science in seven areas (environmental change, fisheries and mobile invertebrates, bats, birds, sea turtles, marine mammals, and benthos). These impressive assessments make clear that there is a lack of comprehensive science to determine the effects and impacts. Thus, it is premature for EIS' for individual projects, including Empire Wind 1 & 2. The result will be the damage will be done too late to avoid, reduce or mitigate the harm.⁵

- The National Oceanic and Atmospheric Administration (NOAA) and National Marine Fisheries Service (NMFS) are charged under the Magnuson-Stevens Fishery Conservation and Management Act to protect important habitats of federally managed marine and anadromous fish species, including by protecting Essential Fish Habitat. It appears the repeated requests by this federal agency have been ignored or not fully complied with as evidenced in a NOAA/NMFS March 29, 2021⁶ letter:

*“As we discussed in our May 27, 2020, letter to you, we have found that the existing Bureau of Ocean Energy Management (BOEM) benthic survey guidelines for collecting acoustic and benthic data across a lease area **have not been applied consistently and are inadequate** to ensure the collection of sufficient site-specific baseline data for our consultations. While your guidelines state that consultation with our agency is recommended prior to conducting these surveys, applicants have not consistently done so and, as a result, **our recommendations have not been incorporated consistently across all projects**. We hope that these recommendations will help to alleviate that inconsistency.*

*The attached updated document provides additional information for each step in the mapping process, includes details on sampling frequency, and incorporates recommendations for mapping inshore habitats, such as submerged aquatic vegetation. In addition, as we have discussed with your staff, we understand that in many cases, benthic sampling is conducted concurrently with the collection of acoustic data. However, **this method is not consistent with standards for habitat mapping**. We strongly recommend that you work with the developers to ensure that they use the 2 acoustic data to focus and refine additional, targeted benthic sampling to characterize habitat delineations. Incorporating these recommendations will provide the level of accurate and precise baseline habitat data necessary for an efficient and effective consultation process.”⁷*

⁵ State of the Science Workgroups, State of the Science Workshop on Wildlife and Offshore Wind Energy 2020: Cumulative Impacts, [2020 State of the Science Workshop Work Groups | ETWG \(nyetwg.com\)](https://www.etwg.com/).

⁶ March 29, 2021 Letter from Louis A. Chiarella, Assistant Regional Administrator for Habitat Conservation, National Oceanic and Atmospheric Administration, National Marine Fisheries Service to Michelle Morin, Chief, Environmental Branch, Office of Renewable Energy Programs, Bureau of Ocean Energy Programs, RE: “Updated Recommendations for Mapping Fish Habitat,” available at [Mappings Recs FINAL \(squarespace.com\)](https://www.squarespace.com/).

⁷ March 29, 2021, Letter from Louis A. Chiarella, Assistant Regional Administrator, NMFS to Michelle Morin, Environmental Branch Chief, BOEM, at 1-2 (emphasis added).

The letter also states: “*We encourage BOEM and developers to meet with us early in the process, prior to developing benthic survey plans, to facilitate an understanding of our resource concerns and information needs for the consultation process.*”⁸

Enclosed in the letter is NMFS’ “Recommendations for Mapping Fish Habitat” document. The fact that the agency must make repeated efforts to obtain cooperation and compliance by applicants and even BOEM is unacceptable.

Also of note is that NJDEP’s studies on offshore wind were completed in July 2010 – over 11 years ago. These studies are dated and possibly outdated. It is also unlikely that they would meet NMFS’s Recommendations for Fish Habitat assessments.

It is clear the state of knowledge and science on the impacts to the marine ecosystem from one project, much less numerous OSW projects, is extremely limited to non-existent. Federal and state resource agencies are not embraced and even ignored. Thus, decisions made will not allow effects and impacts to be avoided, reduced or mitigated. Indeed, how do you protect or mitigate that which has failed to be measured? How can NJDEP determine Empire Wind is consistent with the state’s enforceable policies if impacts, including cumulative, are not yet known?

Specific Environmental Concerns

The potential risks and foreseeable impacts from constructing 174 offshore wind turbines and related infrastructure represent an immense challenge to the NJDEP’s environmental assessment and mitigation capabilities. The Coastal Zone Management Program for New Jersey sets clear standards for coastal development projects. Yet, Empire has not incorporated extensive analyses of both the individual and comprehensive effects of the entire project into its Coastal Zone Consistency Assessment. From the turbines themselves to transmission facilities, there are numerous reasonably foreseeable coastal effects and environmental risks posed by the project.

Among other impacts, large-scale construction of wind farm areas could intensify navigational dangers in the throughways between wind energy project areas, including collisions and allisions with both ships and marine life, causing ecological and economic harm. Scouring and physical displacement from the placement of the turbines could disturb habitats and seafloor conditions. Further, there could be critical, cumulative impacts to water quality, ocean noise, and vulnerable species. As shown in the subsections below, Empire has failed to demonstrate that its project will not violate the New Jersey Coastal Management Program (CMP) rules and will not have a significant effect on marine life, water quality, and sensitive habitat in the cabling, interconnection, and wind farm project areas.⁹

Overall, while the applicant refers to the Construction and Operations Plan (COP) for Empire Wind throughout the NJ’s Federal Consistency Application, the purpose of the COP is not to prove consistency with NJ’s enforceable policies. The burden is on the applicant in the

⁸ See *id.*, at 2.

⁹ However, Clean Ocean Action does acknowledge that the project has willingly submitted their consistency assessment to the New Jersey Department of Environmental Protection and the primary footprint of the project lies outside of the New Jersey coastal management zone.

Application to prove that Empire Wind 1 & 2 is consistent. This failure is a fatal flaw of the application.

Below we review numerous Coastal Zone Management rules for special areas, all of which would be compromised by this Project.

a. N.J.A.C. 7:7-9.2 Shellfish Habitat:

Shellfish are important natural resources in terms of preserving and improving water quality. Shellfish remove pollutants, particularly turbidity and nutrients, from the water column. For these and other reasons, Shellfish Habitat is designated as a special area. New dredging within shellfish habitat is prohibited.¹⁰

Empire concedes that anchoring of project vessels could damage shellfish habitat for several years but neglects to address the impacts of turbidity and sediment disposition in New Jersey waters. Empire states that the project is outside of New Jersey waters, but the fact is that the path of the cables is directly proximate to the boundaries of New Jersey waters and any sediments stirred upon in those areas will foreseeably deposit on the New Jersey sea floor.

b. N.J.A.C. 7:7-9.3 Surf Clam Areas:

Surf clams are vital to the health of New Jersey near-shore ecosystems and are one of New Jersey's most valuable fisheries. Over 80 percent of the total Mid-Atlantic and New England area catch of surf clams are landed in New Jersey, per the annual NJDEP inventory.¹¹ Empire concedes that anchoring of project vessels could damage surf clam areas for several years but neglects to address the impacts of turbidity and sediment disposition in New Jersey waters. Empire states that the project is outside of New Jersey waters, but the fact is that the path of the cables is directly proximate to the boundaries of New Jersey waters and any sediments stirred upon in those areas will foreseeably deposit on the New Jersey sea floor.

c. N.J.A.C. 7:7-9.4 Prime Fishing Areas:

New Jersey boasts bountiful harvests of four of the five most important recreational fish species (summer flounder, bluefish, seabass, and tautog), as well as for striped bass.¹² According to NJDEP, the recreational¹³ fishery industry is worth \$ 1.5 billion annually to the economy of New Jersey. NJDEP further reports that in 2011, New Jersey's commercial fisheries had a dockside value of more than \$ 220 million and an overall economic impact of \$1.3 billion to the State's economy.¹⁴ In its Coastal Zone Management rules, Prime Fishing Areas are designated as a special area to protect this valuable resource.¹⁵

Empire recognizes this portion of the project will impact both commercial and recreational fishing but makes no attempt to qualify the extent of those impacts. Public outreach

¹⁰ See N.J.A.C. 7:7-9.2(e).

¹¹ Fisheries of the United States Report 2019, National Marine Fisheries Service Office of Science and Technology available at <https://media.fisheries.noaa.gov/2021-05/FUS2019-FINAL-webready-2.3.pdf?null=>

¹² N.J.A.C. 7:7-9.4(c).

¹³ See id.

¹⁴ See id.

¹⁵ N.J.A.C. 7:7-9.4.

and a Fisheries Communication Plan, the only mitigation measure mentioned by Empire, are not sufficient to abate the impact of construction activities. The project constitutes a “prohibited use” of prime fishing habitat that is inconsistent with the Prime Fishing Area rule.”¹⁶ Further, Empire does not address “disposal of domestic or industrial wastes” in its discussion of impacts to fishing areas.

Moreover, it must be noted, scallops in the project area are of enormous ecological and economic value. Scallops are one of New Jersey’s prime commercial fisheries; also, their habitat also serve as habitat for other important commercial species, the hake fishes. The construction of the wind turbines will grossly affect scallop habitat and the applicant fails to address these issues.

Empire Wind will have an enormous impact on prime fishing areas as the project is located in heavily fished areas. Empire claims that increased vessel traffic during construction “should not” significantly impact existing traffic patterns but does not attempt to qualify the volume of traffic the construction will generate. The public should not be left to guess at the amount of traffic the construction will create, nor have to blindly take Empire’s word for the lack of conflicts it will undoubtedly create for commercial and recreational fishing vessels.

d. N.J.A.C. 7:7-9.5 Finfish Migratory Pathways:

NJDEP is aware that other wind farm developers have, unlike Empire, acknowledged that such development “would create physical barriers to migratory fish.” While the cables for the project will be buried, New Jersey law additionally requires that “development which lowers water quality to such an extent as to interfere with the movement of fish along finfish migratory pathways or to violate State and Delaware River Basin Commission water quality standards **is prohibited.**”¹⁷ It is clear from that there will be turbidity impacts to water quality in New Jersey waters. As a result, the Project does not comply with NJDEP requirements in its current form. In addition, the industrial sound and electromagnetic fields generated by the facility will travel far distances and will have impacts to state fisheries resources including within state waters.

e. N.J.A.C. 7:7-9.13 Shipwrecks and Artificial Reef Habitats:

The NY/NJ Bight is home to numerous shipwrecks and artificial reefs that produce shelter for numerous marine species and serve as productive fishing grounds. Empire acknowledges the existence of these special areas but takes the position that if they are not directly within the footprint of development, they cannot possibly be impacted by the proposed construction and wind farm operations. COA firmly disagrees. Turbidity and noise are just two factors that may drastically impact these areas from Empire’s industrial facility. Empire has not taken a hard look at the impacts its project will have on these special areas that have value to both fishermen and marine life.

f. N.J.A.C. 7:7-16.3 Water Quality:

Despite the creation and operation of a major industrial facility, and the trenching of lengthy cables, Empire claims there will no water quality impacts other than “small localized and temporary increase in suspended sediments” from temporary anchorage. There is no discussion

¹⁶ N.J.A.C. 7:7E-3.4 Prime fishing areas.

¹⁷ N.J.A.C. 7:7-9.5 Finfish Migratory Pathways.

of the impacts from the trenching activities, which will surely be significant, and operation of 174 turbines and vessels attending to same is likely to cause discharges of lubricants and other pollutants. Therefore, Empire's analysis of water quality impacts is deficient and does not present a reasonable basis for a finding of consistency in this regard.

i. N.J.A.C. 7:7-9.36 (Endangered or Threatened Wildlife or Plant Species Habitats):

The Coastal Zone Management Rules prohibit development of endangered or threatened wildlife or plant species habitat without a demonstration, through an endangered or threatened wildlife or plant species impact assessment, that such habitat would not directly or through secondary impacts on the relevant site or in the surrounding area be adversely affected.¹⁸

Marine-based wind turbine farms can potentially impact fish, marine mammals, invertebrates, bats and birds. These negative impacts include, without limitation, collision, allision, habitat displacement and exposure to electromagnetic fields and underwater noise (particularly during pile driving). It is not clear how a development that threatens such impacts could possibly be consistent with the Endangered/Threatened Habitat rule, and Empire's assessment does not provide any clarity in this regard.

Empire recognizes that endangered and threatened species will be impacted by the proposed project, but apparently has not attempted to discern which such species its project will impact. Whereas other windfarm applicants have presented tables on multiple pages identifying marine animals, plants, mammals and birds that may be impacted by their project, Empire names not a single species. Even a superficial analysis would lead to the conclusion that numerous endangered and threatened species, such as the Kemp's Ridley turtle, Atlantic Sturgeon, and North Atlantic Right Whale (all endangered), will be impacted.

j. N.J.A.C. 7:7-9.37 (Critical Wildlife Habitats):

Here again, Empire's analysis is based upon location rather than impact to transient species. The footprint of development does not dictate a lack of impacts beyond same. COA is particularly concerned about underwater noise during construction and during operations due to potentially negative impacts on species. Empire's cursory analysis presents nothing to allay this concern.

k. N.J.A.C. 7:7-15.4 (Energy Facility):

Empire recognizes this use rule as applicable but fails to demonstrate compliance with the Coastal Zone Management rules. Subsection (b)(1) states that "Energy facilities shall not be sited in special areas as defined at N.J.A.C. 7:7-9.1 through 9.40, 9.42 and 9.44, and marine fish and fisheries defined at N.J.A.C. 7:7-16.2, unless site-specific information demonstrates that such facilities will not result in adverse impacts to these areas". In its consistency assessment, Empire acknowledges the project will adversely impact numerous special areas. While Empire attempts to downplay the impact to these numerous special areas and fisheries by focusing on the location of the facilities, there would appear to be no factual basis for Empire to assert that "[t]he WFDA complies with this policy."

¹⁸ N.J.A.C. 7:7-9.36(b).

Conclusion

First, Equinor has presented a confusing and misleading representation of Empire Wind for review.

Second, NJDEP has prematurely requested public review.

Third, the very purpose of State consistency review is to ensure that federal actions and federally permitted projects do not impact State waters and resources in ways that States do not permit. Here, Equinor proposes an ambitious industrial wind farm project – Empire Wind 1 & 2 - that will impact State waters and resources in numerous ways that are not allowed under the enforceable policies of New Jersey. In the Federal Consistency assessment, Equinor has failed to sufficiently address New Jersey’s robust coastal zone management requirements. Shellfish, surf clams, valued recreational fish, fin fish, and other marine and estuarine animals, submerged vegetative habitat, navigational channels, and water quality will all be impacted by the proposed Project.

Accordingly, Clean Ocean Action respectfully requests that NJDEP rescind the Consistency application for failure to present the project impacts, and to provide a future opportunity for review. Finally, based on the fatal flaws as well as the clear inconsistencies with NJ’s enforceable policies within this application, the NJDEP must not concur with the Federal Consistency Certification made by Equinor for its Empire Wind 1 & 2 offshore wind projects.

Sincerely,



Cindy Zipf
Executive Director
Clean Ocean Action



Kari Martin
Advocacy Campaign Manager
Clean Ocean Action