



Ocean Wind 2 Offshore Wind Farm

**OREC Application
Attachments to Section 13**

December 2020



Attachment 13.1 – Permitting Matrix

Attachment 13.1 – Potential regulatory requirements for the Project

Agency	Applicable Permit or Approval	Statutory Basis	Regulation
Federal			
BOEM	COP Approval	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)
		NEPA, 42 U.S.C. §§ 4321 <i>et seq.</i>	43 CFR Part 46 - Department of Interior NEPA regulations
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
		(New Jersey Register of Historic Places Act N.J.S.A 13:1B)	36 CFR Part 800 - Protection of Historic Properties
	Coordination with Tribes during development of HRG&G survey plans		
NOAA, 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
	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
	Marine Mammal Protection Act Incidental Harassment Authorization or Letter of Authorization	Marine Mammal Protection Act, 16 U.S.C. 1361 <i>et seq.</i>	50 CFR Part 216
	Federal Consistency Review ¹	Coastal Zone Management Act §307 (16 U.S.C. §1456)	15 CFR part 930
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
USEPA	Air Permit for Outer Continental Shelf Sources	Clean Air Act Section 328	40 CFR §55.6

¹ The Applicant will coordinate with Federal and State agencies based on project design and State Geographic Location Descriptions for Consistency.

Agency	Applicable Permit or Approval	Statutory Basis	Regulation
USACE	Individual and Nationwide Permits	Section 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
FAA	FAA Form 7460-1, Notice of Proposed Construction or Alteration (for Hazard to Air Navigation Determination)	49 U.S.C. §1301 et. seq.	14 CFR Part 77
USCG	Private Aid to Navigation (PATON) Authorization	Ports and Waterways Safety Act, 33 U.S.C. 1221 et seq.	33 CFR §66
USCG	Local Notice to Mariners Coordination	Ports and Waterways Safety Act, 33 U.S.C. 1221 et seq.	33 CFR § 72.01-5
New Jersey - State Permits/Authorizations			
NJDEP, DLUR	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.) 7:N.J.A.C. 7:7
NJDEP, DLUR	Coastal Areas Facility Review Act Permit and Coastal Consistency Determination ²	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
NJDEP, DLUR	Coastal Wetlands Permit	Wetlands Act of 1970, N.J.S.A. 13:9A	Coastal Zone Management Rules N.J.A.C. 7:7
NJDEP, DLUR	Flood Hazard Area Permit	Flood Hazard Area Control Act N.J.S.A. 58:16A	Flood Hazard Area Control Act Rules N.J.A.C. 7:13
NJDEP, DLUR	Freshwater Wetlands Permit	Freshwater Wetlands Protection Act N.J.S.A. 13:9B	Freshwater Wetlands Protection Act Rules N.J.A.C. 7:7A
NJDEP, DLUR	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
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

² This potential permit/authorization would only apply if cable landfall was located south of Cheesequake Creek, New Jersey.

Agency	Applicable Permit or Approval	Statutory Basis	Regulation
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
NJDEP, Bureau of Tidelands Management	Tidelands License	Tidelands Act, N.J.S.A. 12:3	
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
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	
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; NHPA, 54 U.S.C. § 300101	36 CFR Part 60 - National Register of Historic Places; 36 CFR Part 800 - Protection of Historic Properties
NJDEP, Site Remediation and Waste Management Program	Linear Construction Project Notification	N.J.S.A. 13:1D-1 <i>et seq.</i> , 13:1K-6, 58:10-23.11 <i>et seq.</i> , 58:10A-1 <i>et seq.</i> , 58:10A-21 <i>et seq.</i> , 58:10B-1 <i>et seq.</i> , and 58:10C-1 <i>et seq.</i>	Administrative Requirements for the Remediation of Contaminated Sites N.J.A.C. 7:26C
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)
NJDOT	Highway Occupancy Permit	Highways N.J.S.A 27:1A-5 through 7	Highway Occupancy Permits N.J.A.C 16:41
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
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Agency	Applicable Permit or Approval	Statutory Basis	Regulation
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

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

⁵ 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.