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Carmen D. Diaz
Acting Secretary of the Board
New Jersey Board of Public Utilities
44 South Clinton Ave., 1st Floor
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RE: Request for Information in the Matter of the Opening of NJ's Third Solicitation for Offshore Wind Renewable Energy Certificates (OREC), Docket No. QO22080481

Dear Acting Secretary Diaz:

Clean Ocean Action ("COA") thanks the New Jersey Board of Public Utilities ("NJBPUB") for the opportunity to provide comments on the "Request for Information in the Matter of the Opening of NJ's Third Solicitation for Offshore Wind Renewable Energy Certificates (OREC)." COA is committed to ensuring offshore wind energy is developed in the most environmentally responsible manner possible and understands the importance that the solicitation guidance document ("SGD") plays in the future of offshore wind energy development in the New York/New Jersey region.

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. COA has been actively following offshore wind developments in the New York/ New Jersey Bight for over the past decade. Over the past several years, COA has engaged with NJBPUB, the New Jersey Department of Environmental Protection ("NJDEP"), and other state and federal agencies regarding offshore wind development. COA's involvement includes serving as a stakeholder on the NJDEP Offshore Wind Environmental Resources Working Group.

COA supports the environmentally responsible development of offshore wind energy, and advocates for a balanced approach that recognizes the urgency of developing affordable and reliable renewable energy in the context of the numerous potential negative impacts of offshore wind development. COA believes offshore wind projects must address the potential impacts by stipulating policies to avoid and reduce negative impacts and ensure appropriate and meaningful mitigation of the unavoidable impacts.

Regarding the Third Solicitation for offshore wind, COA urges NJBPU to include the requirements outlined in the forthcoming comments in the draft solicitation guidance document (SGD) to further ensure that the development of offshore wind does not come at the expense of New Jersey’s marine and coastal ecosystems.

Prematurity and Timing of Third Solicitation

According to the BPU notice about the forthcoming Third Solicitation,

As set forth in the SAA Decision, the Board directed Board Staff to require the “Prebuild” in the Third Solicitation. The Prebuild would require a single offshore wind developer to construct the necessary transmission infrastructure (“Prebuild Infrastructure”), which includes duct banks and access cable vaults, for its own project as well as the additional project(s) (up to four total cables) needed to fully utilize the SAA capability made available as a result of the Larrabee Tri-Collector Solution.”¹

Building infrastructure for additional offshore wind projects in the region beyond that for an individual project assumes the offshore wind projects and technologies are successful and will have no adverse impacts, whether intentional or unintentional. “Pre-build” is also assuming the technology of the “pre-build” will be relevant and economically and environmentally viable when, and if, future offshore wind projects are solicited, approved, permitted, and successfully built. There have been two solicitations for offshore wind projects in New Jersey, yet no pilot project to inform the building and viability of future projects. Building for additional capacity at this time with no data on the environmental and economic impacts of offshore wind projects off New Jersey is premature.

Furthermore, this third solicitation is underway during the time the Bureau of Ocean Energy Management (“BOEM”) is evaluating the information required in Construction and Operation Plans for offshore wind projects. Each of these processes can be impacted by each other, but yet they are happening simultaneously. Clean Ocean Action maintains the third solicitation and specifically the “prebuild infrastructure,” is premature and assumes future viability.

Efficiency & Reliability

The NJBPU should require project developers to guarantee a minimum percentage for the efficiency of an offshore wind project of 75%. Moreover, the NJBPU must require wind turbines not lose efficiency on an annual basis. Also, prospective offshore wind developers must provide to NJBPU robust, meaningful mandates to establish that the applicants’ prospective projects do not cause harm to either the marine and coastal habitats and ecosystems, or the commercial and recreational fishing industries.

Requirement for a Cumulative Environmental Impact Assessment

COA urges NJBPU to include an explicit requirement for applicants to address the cumulative impacts to both the environment and the commercial and recreational fishing industries. Offshore wind development is not occurring in a vacuum and the applicants must address not only the

¹ NJBPU, Request for Information in the Matter of the Opening of New Jersey’s Third Solicitation for Offshore Wind Renewable Energy Certificates (OREC), Docket No. QO22080481, October 28, 2022.

impacts from their proposal, but from their proposal in combination with existing offshore development, and reasonably foreseeable and anticipated developments. It is not enough for the applicant to simply address the prospective environmental impacts from their project alone. As the State of New Jersey moves to meet the goal of 11,000 MW of offshore wind capacity by 2040, potential offshore wind projects must be understood in context of this larger goal. This includes understanding the impacts of the specific project in relation to already permitted projects, as well as areas for prospective development. Therefore, NJBPU must require the applicant to develop a plan for a cumulative impact assessment which will focus on the environmental impacts from the applicant's proposed project in relation to future offshore wind developments in the New York/ New Jersey Bight including: (1) existing offshore wind farms, and (2) future offshore wind developments indicated by areas that have been leased or finalized as Wind Energy Areas by the Bureau of Ocean Energy Management ("BOEM").

COA understands and appreciates the challenge that a cumulative impact analysis of this scope and magnitude requires. However, the necessary information to effectively undergo this evolution is readily available and others have already begun providing cumulative analyses elsewhere in the U.S. for offshore wind development. Furthermore, the recent publication of the Supplemental Environmental Impact Statement ("SEIS") for the Vineyard Wind Project in Massachusetts illustrates that cumulative impact assessments for offshore wind can and must be performed. In July of 2020, the Bureau of Ocean Energy Management ("BOEM") published the SEIS, which exclusively focused on cumulative impacts from the project in relation to others in the same geographical area. The SEIS analyzed "reasonably foreseeable effects from an expanded cumulative activities scenario for offshore wind development."² The results of the SEIS detailed the importance of early planning and a robust cumulative impact analysis. The SEIS concluded that the proposed action, as well as all six alternatives, would result in "major impacts" to both commercial and recreational fishing as well as navigation.³ The previous project-specific Environmental Impact Statement found that, individually, Vineyard Wind would only result in "minor" to "moderate" impacts to these industries.⁴ The SEIS and cumulative impact analysis illustrates how the impacts change when viewed in relation to the surrounding developments and outlined why it is essential that regulators engage in cumulative impact analyses that focus on the development of the offshore wind industry holistically, as well as on an individual project-by-project basis.

For these reasons, COA urges NJBPU to mandate as part of the SGD that applicants provide a detailed plan describing how they will evaluate, analyze, and plan for cumulative impacts in light of reasonably foreseeable offshore wind projects in the New York/New Jersey Bight. If the State of New Jersey is truly committed to the environmentally responsible development of offshore wind, cumulative impacts must be addressed.

Requirement for Applicant to Address Impacts to Navigation and Transit

Additionally, COA recommends NJBPU require that the applicant address the impacts and threats to navigation and transit routes. The development of offshore wind resources will

² Bureau of Ocean Energy Management, Vineyard Wind – Supplemental Environmental Impact Statement, Docket No. BOEM 2020-025, at 1-1. (Hereinafter "SEIS").

³ SEIS, at ES-5.

⁴ Bureau of Ocean Energy Management, Vineyard Wind – Draft Environmental Impact Statement, Docket No. BOEM 2018-060, at ES-8.

undoubtedly have impacts on navigation and transit in the New York/ New Jersey Bight. New Jersey is a hub for marine commerce with several ports of significance, including the Port of New York and New Jersey (“Port of NY/NJ”). There is concern that offshore wind development will displace traditional navigation and transit routes, resulting in increased vessel density – the amount of ships operating within the same sea space, within a now narrower corridor. The displacement would create a funneling effect, constricting traffic between turbine arrays and thereby increasing the number of ships operating in other transit lanes. The impacts from this are threefold.

First, it may result in increased vessel collisions either with turbines or other vessels. As more vessels operate within the same space, the risk of accidents from collisions will increase. The risk of collision creates an increased risk of spillage, which is extremely troublesome considering the materials handled in the Port of NY/NJ. The Port of NY/NJ is the largest petroleum products port in the nation, and deals with chemicals, plastics, and pharmaceuticals which would be devastating if spilled into the marine environment from marine traffic related incidents.

Second, increased vessel density, as well as the overall increase in transit from construction and operation of wind farms in the region, may increase the risk of collisions with marine mammals, such as the critically endangered North-Atlantic Right Whale. The North Atlantic Right Whale has an estimated global population of just over 300 individual animals. Given the whales’ endangered status, and the known impacts that collisions cause, including injury and mortality to the species, additional precautionary measures are necessary for their protection. These additional protective measures include an evaluation of impacts to navigation from offshore wind development. As more vessels are funneled into a smaller space, there is potential for increased collisions with wildlife, including the North Atlantic right whale.

Third, the changes in navigation patterns may disrupt commercial fishing activities by blocking existing transit routes, thereby creating barriers to historical fishing grounds. Moreover, even if access is still available, increases in transit time to and from fishing areas will impact the commercial and recreational fishing industries.

The solicitation guidance document must include a requirement to address impacts to navigation and transit to ensure that the full scope of impacts from the development, including that for “prebuild infrastructure” are documented, and ultimately avoided or mitigated.

Requirement that Baseline and Monitoring Data be Publicly Available

COA also urges NJBPU to require that the monitoring data the applicant collects pursuant to N.J.A.C. 14:8-6.5(a)(16) be made publicly available. The environmentally responsible and successful development of offshore wind requires an essential commitment of transparency from both the State and offshore wind developers. Transparency is the gateway to meaningful and considered public involvement, which is critical for the success of the offshore wind industry in New Jersey.

Currently, the offshore wind industry is in its infancy in the United States. Therefore, the full range of environmental impacts associated with the development of offshore wind energy from construction through decommissioning are not fully understood. The initial offshore wind projects will be vital to closing data gaps, identifying trends associated with marine life, and

documenting potential negative impacts. As such, this information must be used to inform and strengthen all future solicitations and developments. Therefore, the monitoring data related to impacts to the marine environment must be made publicly available so elected officials, commercial and recreational fishermen, environmentalists, and academics can utilize their specific expertise and ensure environmental protections throughout the process of the development and decommissioning of offshore wind facilities in the New Jersey area.

Economic Costs

In addition to the costs of the projects that may result from a third solicitation, the BPU is now adding “prebuild infrastructure” costs that must be adequately considered and shared with the public. Further, the entire economic costs of offshore wind projects, including prebuild infrastructure, construction, maintenance, operating, transmission, and decommission costs, must be publicly disclosed to ensure transparency about the economic viability of offshore wind energy.

Offshore wind is more costly than onshore wind, and costs of materials and resources are quickly increasing⁵. With this context, will BPU require offshore wind project developers to provide assurance to ratepayers that they will not be held accountable to increased rates? For example, in Virginia, a cap on cost overruns that would be passed-on to consumers regarding the Dominion Energy offshore wind project has recently been agreed upon after a performance standard was tabled⁶. Costs are especially important in the context of inflation, supply chain issues, storms and other delays in construction, and other challenges. Further, several offshore wind developers and manufacturers are already requesting delays of projects due to viability, and major offshore wind manufacturers are seeing major losses in a time when major gains were expected.⁷ There is widespread concern about the increased prices associated with the development of offshore wind, and now these same companies must build and pay for additional infrastructure for future capacity.

As a coastal state with the highest population density in the United States, there is significant concern about the level of coastal development necessary to support the emerging offshore wind industry and supply chain and how these coastally dependent developments will impact the marine and coastal environment. COA supports a requirement that applicants address the ability to use wind infrastructure already planned for New Jersey. However, COA urges NJBPU to be more forceful. Specifically, BPU should require applicants to demonstrate, to the extent technologically and economically feasible, a commitment to utilizing the New Jersey Wind Port and/or Port of Paulsboro for project manufacturing, marshalling, and assembly. This requirement will not only have economic benefits for the state but will also ensure that the industrial components of offshore wind development are centralized in strategic locations, and not sprawled throughout the state.

⁵ National Grid. “Onshore vs offshore wind energy: what’s the difference?” As seen, 11/14/2022, <https://www.nationalgrid.com/stories/energy-explained/onshore-vs-offshore-wind-energy>.

⁶ “Dominion, Virginia A.G. agree to cap ratepayer hit on offshore wind,” David Ress, Richmond Times-Dispatch, October 28, 2022, https://richmond.com/news/state-and-regional/govt-and-politics/dominion-virginia-a-g-agree-to-cap-ratepayer-hit-on-offshore-wind/article_86b61cd5-0a5b-5157-9cf8-3b094c029c27.html

⁷ “Renewable Power’s Big Mistake Was a Promise to Always Get Cheaper,” Bloomberg, Will Mathis, November 7, 2022, <https://www.bloomberg.com/news/articles/2022-11-07/wind-giant-rues-promise-that-renewable-power-could-be-free>.

The development needed for the new offshore wind energy industry in the NY/NJ region is coming at a time when coastal areas are under threat from climate impacts. Sea level is rising more rapidly in New Jersey than anywhere else in the U.S. According to NJDEP, sea level in New Jersey could rise 1.1 ft. by 2030, 2.1 ft. by 2050, and 6.3 ft. by 2100.⁸ These higher water levels will have significant impacts such as erosion, coastal flooding of low-lying areas, and increased salinity of estuaries and aquifers. Moreover, storms are expected to increase in both frequency and intensity. New Jersey must drastically change how it views coastal development and begin preparing for existing and anticipated climate impacts. This includes working to centralize water-dependent coastal development like offshore wind infrastructure. Therefore, requiring applicants to show a commitment to utilizing pre-established offshore wind ports will centralize development and help limited industrialization of the Jersey shore.

Additionally, COA petitions NJBPU to require the applicant to consider secondary impacts from the influx in employment in centralized areas that will follow the development of the offshore wind industry. The US offshore wind market is expected to expand rapidly, creating short-term and long-term jobs, including offshore wind-specific occupations that are not yet established in the United States. To accommodate this influx of workers, as well as the migration of intrastate workers as localized workforces are developed, significant infrastructure investments will be needed in the concentrated areas of offshore wind development, such as the New Jersey Wind Port, Port of Paulsboro, and various operation and maintenance ports. These secondary impacts must not be overlooked, and issues related to housing needs, mass transit constraints, emergency services, as well as access to sewer, water, and electricity must be evaluated. The SGD must have the applicant address and plan for these secondary impacts.

Interconnection Plan

COA urges NJBPU to include a requirement that the applicant address impacts to benthic resources from cable installation. Specifically, applicants must be required to demonstrate: (1) the ability to use minimally invasive techniques where practicable, and (2) achieving sufficient burial depths to avoid interference with fishing gear and to minimize impacts to burrowing species. Priority should be given to projects and cable access routes where the applicant can establish the ability to avoid hard bottom habitats and submerged aquatic vegetation.

Additionally, applicants must be required to address the potential for cable exposure over the lifetime of the project. The subsea terrain can shift in as little as six months and ocean currents can move sand away from the cable leaving previously buried assets exposed, increasing the risk of damage and corrosion. In the Netherlands, several case studies show that mobility of seafloor sediments and sand re-exposed previously buried cables. In response, developers created calibrated models of movement of sand waves that can be used to predict the risk at locations along the transmission route.⁹ COA recommends that all offshore wind developers assess the

⁸ Kopp, R.E., C. Andrews, A. Broccoli, A. Garner, D. Kreeger, R. Leichenko, N. Lin, C. Little, J.A. Miller, J.K. Miller, K.G. Miller, R. Moss, P. Orton, A. Parris, D. Robinson, W. Sweet, J. Walker, C.P. Weaver, K. White, M. Campo, M. Kaplan, J. Herb, and L. Auermuller. *New Jersey's Rising Seas and Changing Coastal Storms: Report of the 2019 Science and Technical Advisory Panel*. Rutgers, The State University of New Jersey. Prepared for the New Jersey Department of Environmental Protection. Trenton, New Jersey.

⁹ See, Bureau of Ocean Energy Management, *Offshore Electrical Cable Burial for Offshore Wind Farms on the OCS*, Project No. 671. (November, 2011).

potential for cable exposure by: (1) performing bathymetric surveys to identify sand waves, (2) sampling the benthic soils to assess particle size and potential distribution, and (3) assessing seabed currents.¹⁰ Moreover, several approaches to limit potential re-exposure have been developed such as increased burial depths in areas of expected sane waves, sweeping the seabed flat prior to installation where environmentally appropriate to do so, and avoiding areas with high currents causing significant sediment movement.¹¹ Where studies indicate potential impacts from sand waves and ocean currents, these approaches must be used. COA therefore urges NJBPU to require all applicants to address the likelihood of exposure and develop plans for reburial that minimize impacts to benthic resources.

Operation and Maintenance Plan

COA urges NJBPU to require that all built infrastructure related to offshore wind development be made climate resilient to handle expected climate impacts. It must also consider priority protection and consideration of existing natural shoreline areas which currently serve as buffers. Studies have shown natural systems are better able to handle storm impacts. They are also critical for stormwater management. Onshore infrastructure, such as operation and maintenance ports, must be built and managed to withstand climate impacts. Applicants must be required to identify suitable locations for operation and maintenance ports that account for the area's exposure to climate impacts such as coastal flooding, storm surge, and sea level rise. The applicant must also address the vulnerability of the infrastructure to be developed to these impacts. Preference should be given to development plans that reduce impacts by locating assets and new port development in areas that are less exposed to climate hazards, and by making the development better able to cope with climate impacts as and when they materialize. The development of this infrastructure should also consider the impacts elsewhere, such as the potential contribution to flood risk resulting from increases in paved surfaces.

Additionally, COA urges NJBPU to explore ways to centralize operations and maintenance developments, and mandate centralization where feasible. To avoid the over-industrialization of the Jersey Shore, efforts should be made to avoid the need for project-specific operation and maintenance facilities. COA urges NJBPU to include in the solicitation guidance document a requirement that the applicant demonstrate steps to minimize the overall footprint of operation and maintenance facilities. These steps may include: (1) updating existing port facilities for offshore wind operation and maintenance readiness as opposed to new port development, (2) avoiding development on essential climate buffers and public lands, and (3) pursuing agreements with other offshore wind developers, where feasible, to share access to operation and maintenance ports to minimize the need for project specific port development.

Criteria for Evaluation

Finally, COA urges NJBPU to give more consideration to the environmental impacts of a third solicitation for offshore wind projects, as well as include consideration of the impacts to commercial and recreational fishing interests. The NJBPU must consider the impacts proposed offshore wind development will have on the commercial and recreational fishing industries to protect these pre-existing ocean uses that provide economic benefits to the state. The NJBPU must fully assess ocean environmental impacts and must add more weight to the applicant's

¹⁰ *Id.* at 72.

¹¹ *Id.* at 64.

ability to demonstrate net positive impacts to the marine ecosystem, as well as avoidance and reduction of environmental harm.

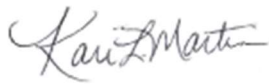
Conclusion

Clean Ocean Action’s recommendations outlined in these comments seek to strengthen the solicitation process by increasing the assurances from offshore wind developers to ensure they meet high standards of marine environmental protection. Clean Ocean Action appreciates the opportunity to submit recommendations and looks forward to reviewing the forthcoming Draft Solicitation Guidance Document for the Third Solicitation for offshore wind off the Jersey Shore.

Respectfully submitted,



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