



Agenda Date: 6/30/26
Agenda Item: 8G

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CLEAN ENERGY

IN THE MATTER OF THE VERIFIED PETITION OF)
OCEAN VIEW SOLAR FARM, LLC FOR A WAIVER OF)
THE CSI SITING PROHIBITIONS AT N.J.A.C. 14:8-12.3)
TO ALLOW FOR PARTICIPATION IN THE)
COMPETITIVE SOLAR INCENTIVE PROGRAM)
) ORDER
) DOCKET NO. QW26040168

Parties of Record:

Steven P. Gouin, Esq., Ocean View Solar Farm, LLC

BY THE BOARD:

This Order concerns a petition filed on April 24, 2026, by the Ocean View Solar Farm, LLC (“Ocean View” or “Petitioner”). Ocean View seeks a prohibited land use eligibility waiver under the Competitive Solar Incentive (“CSI”) Program pursuant to N.J.S.A. 48:3-119(f) for a floating solar project within the preservation area of the Pinelands area, as designated at N.J.S.A. 13:18A-11(b).

BACKGROUND

The Solar Act of 2021 (“Solar Act” or “Act”) directed the Board to create two (2) solar incentive programs, one of which is a competitive solicitation process for grid supply solar facilities and net metered facilities greater than five (5) MW. The Act also directed the Board, in consultation with the New Jersey Department of Environmental Protection (“NJDEP”) and the Secretary of the New Jersey Department of Agriculture (“Secretary of Agriculture”), to establish solar siting rules that will apply to all grid supply solar facilities and net metered solar facilities greater than five (5) MW in size.¹

In connection with the establishment of siting criteria, the Act lists a series of land uses that are not authorized for solar project siting unless the applicant, in accordance with the waiver

¹ N.J.S.A. 48:3-119(b).

provisions specified in the Act,² files a waiver petition with the Board and receives approval from it to proceed.³ Among the land use areas that require a waiver before a solar project siting is permitted are forested lands and the preservation area of the pinelands area. N.J.S.A. 48:3-119(c). The Act requires that the “petition shall set out the unique factors that make the project consistent with the character of the specific parcel.”⁴ In such cases, the Board is required to consult with the NJDEP or Secretary of Agriculture, as appropriate, and “may [...] grant a waiver if it determines that a project is in the public interest.”⁵

By Board Order dated December 7, 2022, the Board approved the establishment of the CSI Program.⁶ The CSI Program is open to qualifying grid supply solar projects (i.e., those selling into the wholesale markets) and net metered non-residential projects greater than five (5) MW in size.

On September 18, 2023, the proposed CSI Siting Rules were published, with non-substantial changes, in the New Jersey Register at 55 N.J.R. 2015(a) (“CSI Siting Rules”). The CSI Siting Rules include a mechanism to allow siting of CSI-eligible facilities on otherwise restricted land uses if the developer seeks and receives a waiver of the siting prohibition. The CSI Siting Rules also provide for an administrative waiver in appropriate circumstances. An administrative waiver may be obtained for projects that would be constructed on prohibited land but are proposed to be located exclusively on the built environment. Such projects are deemed to be presumptively in the public interest, and the Board has designated the approval of such applications to Board Staff (“Staff”) or the program administrator.

In compliance with the Act, the CSI Siting Rules at N.J.A.C. 14:8-12.6(a) require any petitioner to include documentation of “sufficient facts and circumstances” to demonstrate why siting a CSI-eligible project on a prohibited land use is in the public interest. In such cases, the Board requires consultation with other State agencies, as appropriate, to determine if a project is in the public interest. N.J.A.C. 14:8-12.6(a)(1). The Board, or its designee, may request additional evidence prior to approving or denying a request for any waiver requested, pursuant to this section. N.J.A.C. 14:8-12.6(c).

On January 20, 2026, Governor Mikie Sherill signed Executive Order (“EO”) 2,⁷ directing the BPU to initiate a solicitation for qualifying solar facilities or solar facilities in combination with storage under the CSI Program within forty-five (45) days. By Order dated March 4, 2026, the Board set the pre-qualification window for the fourth CSI Program solicitation to open on March 11, 2026, and close to bids on April 24, 2026, at 11:59:59 PM EST, with anticipated Board awards in June 2026.⁸

² N.J.S.A. 48:3-119(f).

³ N.J.S.A. 48:3-119(c).

⁴ N.J.S.A. 48:3-119(f).

⁵ Id.

⁶ In re Competitive Solar Incentive (“CSI”) Program Pursuant to P.L. 2021, c.169, Order Launching the CSI Program, BPU Docket No. QO21101186, Order dated December 7, 2022. (“CSI Program Order”).

⁷ Exec. Order No. 2 (Jan. 20, 2026), 51 NJR 1041(a), available at <https://nj.gov/infobank/eo/057sherill/pdf/EO-2.pdf>.

⁸ In re Competitive Solar Incentive (“CSI”) Program Pursuant to P.L. 2021, c.169, Establishing the Fourth Solicitation of the CSI Program, BPU Docket No. QO21101186, Order dated March 4, 2026 (“March 4, 2026 Order”).

Ocean View submitted a prequalification application in the fourth solicitation of the CSI Program on March 27, 2026 in Tranche 2. On April 10, 2026, Board Staff sent a letter to Ocean View advising that the Facility would require a waiver from the CSI siting rules at N.J.A.C. 14:8-12.3 because the Property is located within the Pinelands Preservation Area. On April 22, 2026, Staff notified all prospective applicants that pre-qualification includes an evaluation of all proposed project sites to confirm whether any projects are located on land uses prohibited in the Solar Act and that projects seeking to site on prohibited land use types would require a waiver issued by the Board pursuant to the CSI Siting Rules at N.J.A.C. 14:8-12. Furthermore, prospective applicants were notified that in order to be considered in the fourth CSI Program solicitation, applicants in need of a land use waiver must submit a petition to the Board prior to the close of the solicitation on April 24, 2026.

Petition

On April 24, 2026, Ocean View filed a petition with the Board seeking either: (1) a determination that the proposed solar facility satisfies the applicable CSI Program siting requirements pursuant to N.J.A.C. 14:8-12.3; or, in the alternative, (2) a waiver of the applicable CSI siting prohibitions pursuant to N.J.A.C. 14:8-12.6 to permit participation in the Competitive Solar Incentive (“CSI”) Program. The petition concerns an approximately 24.516 megawatt direct current (“MWdc”) solar facility (“Facility”) proposed to be located on property identified as Lots 2.08, 2.10, and 2.12 in Lacey Township, Ocean County, New Jersey (“Property”).

Ocean View stated that the Property is located within the Preservation Area of the New Jersey Pinelands and is therefore subject to the jurisdiction of the New Jersey Pinelands Commission. The Property consists of a former resource extraction and sand mining site containing dredge ponds created through prior mining activities and the site has been utilized for sand mining operations at least the 1970s. According to Ocean View, the Property comprises several hundred acres, approximately half of which has already been mined and converted into water bodies associated with prior extraction activities.

The Facility is proposed as a “100% floating solar installation” located entirely within the dredge ponds associated with the former mining operation. Ocean View asserted that the Facility will not require the clearing of forested land or disturbance of undisturbed upland areas within the Pinelands Preservation Area. Ocean View stated that that the siting of solar facilities on parcels of resource extraction operations, specifically with previously mined sites is expressly permitted under the Pinelands Comprehensive Management Plan (“CMP”) pursuant to N.J.A.C. 7:50-5.36(b)(1)(iii). Ocean View asserted that the Facility has been specifically designed to comply with those requirements.

Ocean View represented that it has received correspondence from the Pinelands Commission confirming that the proposed Facility is consistent with the land use framework of the CMP because the Facility is limited to previously disturbed mining areas. Ocean View additionally stated that it previously participated in a pre-application conference with Pinelands Commission Staff during which Commission Staff confirmed that the Facility, as proposed, is permitted under the CMP.

Ocean View also stated that the Facility has also been the subject of multiple prior proceedings before the Board, including a prior application for incentive eligibility as an innovative technology project that ultimately did not receive an award. Ocean View explained that, despite not receiving incentives under prior programs, the Facility has continued to advance through development

milestones and has progressed through Decision Point I in the PJM Interconnection, LLC (“PJM”) interconnection process while continuing through the PJM study process. Ocean View asserted that these milestones demonstrate the viability of the Facility and its readiness to move toward construction upon receipt of the necessary approvals.

Ocean View additionally asserted that the Facility satisfies the CSI Program’s “built environment” presumption because the Facility is proposed to be sited entirely on dredge ponds created through prior mining activities, which Ocean View characterized as longstanding man-made and previously disturbed surfaces that have existed for over three years. Ocean View contended that the Facility is therefore properly characterized as being located exclusively on the “built environment,” as contemplated by the CSI regulations, and is presumptively deemed to be in the public interest under the CSI waiver framework.

Ocean View further argued that granting the requested relief is in the public interest because the Facility would provide renewable energy generation while utilizing a previously disturbed resource extraction site and avoiding impacts to intact Pinelands ecosystems and undisturbed lands. Ocean View asserted that denying relief would not preserve meaningful environmental resources because the Facility is located entirely within previously mined dredge ponds and does not disturb undisturbed lands. Ocean View further contended that the Facility aligns with both State energy policy and Pinelands land use policy by promoting the reuse of disturbed lands for renewable energy generation.

On May 11, 2026, Staff reached out to counsel for Ocean View to request, by close of business on May 13, 2026, additional information confirming the precise extent and configuration of the proposed facilities as entirely within existing dredge ponds, documentation of any seasonal or annual changes in the boundaries of these dredge ponds, and whether any portion of the proposed projects would involve terrestrial siting or disturbance. Staff also requested any documentation, correspondence, or other evidence demonstrating that the siting of the proposed facilities, including any terrestrial components, had been reviewed with the New Jersey Pinelands Commission. Staff has not received a response from Ocean View as of this date.

Consultation with State Agencies

Pursuant to the Act and the CSI Siting Rules for siting on prohibited land uses at N.J.A.C. 14:8-12.6, Staff consulted with the Pinelands Commission (“Commission”) and NJDEP.

By advisory memorandum dated May 7, 2026, the Commission provided the Board with information on its review and approval process for the Facility that is proposed within the Pinelands Preservation Area District (“PAD”) on May 7, 2026.⁹ The Commission reviewed site plans of the Facility, dated March 10, 2025, and petition, dated April 24, 2026. The Commission found that the Facility was within the PAD and is currently the site of an active resource extraction operation. The Commission confirmed that the CMP permits solar facilities within the PAD, and stated that “the CMP limits siting of solar facilities to previously mined areas that are not subject to a restoration obligation pursuant to N.J.A.C. 7:50-6, Part VI.” The Commission noted that the active resource extraction operation is subject to a restoration obligation, but the existing water bodies (dredge ponds) on the site are not. Accordingly, the Commission emphasized that, while the Petitioner indicated that the proposed solar facility is “100% floating solar” located on dredge ponds, the Petitioner does not accurately interpret the CMP’s standards, which limit siting to

⁹ May 7, 2026, Pinelands Commission letter; Attachment A.

previously mined areas that are not subject to a restoration obligation pursuant to N.J.A.C. 7:50-6, Part VI and N.J.A.C. 7:50-5.36(b)(1)(iii).¹⁰ The Commission stated that it has not made a determination on whether the March 10, 2025 site plan submitted for the CSI Program is consistent with the CMP, and noted that the site plan depicts arrays on surface water that are anticipated to exist following completion of permitted mining activities, including areas that do not currently appear to be surface waters based on aerial imagery. Moreover, based on provided aerial imagery, the Commission commented that significant portions of the site plan are still forested and not yet mined. The Commission indicated that the site plan may need to be revised depending on site conditions at the conclusion of mining activities to ensure that the facility is located entirely within existing dredge ponds.

The Commission further commented that a 1998 deed restriction prohibits the siting of a solar energy facility on Block 3500, Lot 2.12, but it noted that the site plans received by Staff depicted the Facility only on Block 3500, Lot 2.08, so this restriction is respected by the proposed project.

By advisory memorandum dated May 21, 2026, the NJDEP's Office of Permitting and Project Navigation supported the Commission's recommendation, deferring to the Commission's expertise whether the project should be granted a waiver to participate in the CSI solicitation.¹¹ NJDEP noted that the site is located outside of the Coastal Area Facility Review Act jurisdiction and is not a regulated flood hazard area and that the Pinelands would have primary jurisdiction over any wetlands permitting. NJDEP stated that the site contains segments of the Factory Branch Tributary, according to the New Jersey Surface Water Quality Standards.¹² NJDEP has stated that the site contains rank 4 habitat for a variety of State Threatened and Endangered Species, according to the Landscapes Project (v3.4).¹³ If the waiver should be granted, NJDEP recommended coordination with New Jersey Fish and Wildlife to establish timing restrictions and best management practices for construction and impacts to Threatened and Endangered species.

DISCUSSION AND FINDINGS

The Board recognizes the significant benefits associated with the expansion of local, distributed, renewable, non-polluting sources of energy. The Board's design for the CSI Program implements the directive of the Solar Act to target grid supply solar "toward marginal land and the built environment and away from open space, flood zones, and other areas especially vulnerable to climate change" and to create a land use policy for grid supply siting "to affordably expand New Jersey's commitment to renewable energy while not compromising the State's commitment to preserving and protecting open space and farmland."¹⁴ Floating solar generation represents a potentially positive development in renewable energy technology. By the March 4, 2026 Order, the Board confirmed that floating solar projects may compete in Tranche 2 of the CSI Program, competing on a cost basis with projects on the built environment, those on extractive mining sites,

¹⁰ Previously, the Petitioner submitted plans of a 7.2 acre facility on Lot 2.08 to the Commission that was inconsistent with the CMP standards because portions of the Facility were sited on land subject to a restoration obligation, which warranted the Commission to issue an Inconsistent Certificate of Filing on October 19, 2023.

¹¹ May 21, 2026 NJDEP's Office of Permitting and Project Navigation letter; Attachment B.

¹² <https://dep.nj.gov/wms/bears/surface-water-quality-standards-swqs/>

¹³ <https://dep.nj.gov/njfw/conservation/new-jerseys-landscape-project/>

¹⁴ N.J.S.A. 48:3-114(c).

and projects sited on land classified as industrial and commercial complexes.

The Board has effectuated siting policy priority through the CSI Siting Rules in cooperation with the NJDEP, the Department of Agriculture, and the State Agriculture Development Committee. In addition to implementing the statutory protections on prohibited land-use types, CSI Siting Rules require that when the Board considers a petition seeking to waive the prohibitions for good cause shown, the Board may make a positive finding with regard to any such petition only after: (1) consultation with other state agencies, as appropriate; (2) determination that a petitioner has documented sufficient facts and circumstances establishing the public's specific interest in siting the CSI-eligible facility on or within a specific prohibited land use; and (3) a finding that the waiver is in the public interest, wherein the specific project being allowed outweighs the presumptive greater public interest in preserving the land. The waiver framework established by the Board contemplates a site-specific review that places the onus on the petitioner to demonstrate the unique circumstances that would support a Board finding that a proposed project remains in the public interest and consistent with the character of the parcel.

Ocean View asserted that the Facility proposed to be located on approximately 120 acres of the Pinelands Preservation Area, Block 3500, Lots 2.08, 2.10, and 2.12,¹⁵ Forked River, Lacey Township, Ocean County, New Jersey is sited exclusively on dredge ponds at a former extraction site. Ocean View asserted that the Facility satisfied the standard to be considered located exclusively on the "built environment" as the dredge ponds constitute man-made, previously disturbed surface that has existed in excess of three years. However, the definition for "built environment" provided at N.J.A.C. 14:8-1.2 means "the surface of one or more existing, serviceable structures or serviceable, improved, and impervious roadways built for a substantial purpose other than to facilitate solar development." While the Board agrees that the dredge ponds serve a substantial purpose other than the facilitation of solar development, the lack of serviceable structures or impervious roadways proposed for solar development at the site mean it does not fit the definition. The Board **FINDS** that the Facility does not qualify as being sited on the built environment and thus is not entitled to the presumption of a finding that a waiver is in the public interest pursuant to N.J.A.C. 14:8-12.6(b). However, the Board **CONFIRMS** that floating solar projects, if deemed eligible, may compete in Tranche 2 of the fourth CSI Program solicitation.

The Board **FINDS** that, as required by the Act and codified at N.J.A.C. 14:8-12.6(a), Staff accurately pursued the framework for waiver contemplation, consulting with the NJDEP and with the Commission as the State agency with regulatory authority over the site.

The Commission advised the Board that pursuant to the CMP, solar generation facilities in the PAD may only be sited on previously mined areas that are not subject to a restoration obligation, and that the active resource extraction operation on Block 3500, Lots 2.08, 2.10, and 2.12 carries such an obligation. However, the Commission advised that if the proposed Facility is located entirely on the open water areas of the dredge ponds associated with the mining operation, as indicated by the Petitioner, the proposed solar energy facility may be permissible. The Board **FINDS** that the Commission has provided conditions that the Petitioner must satisfy to move forward with a solar generation facility on the proposed site. Specifically, the floating solar Facility must comply with all Pinelands regulations, permitting and procedures, including the minimum environmental standards of the CMP (N.J.A.C. 7:50-6), and not be sited in any area subject to a restoration obligation (N.J.A.C. 7:50-6, Part VI).

¹⁵ The prequalification application only listed Lots 2.08 and 2.10.

NJDEP provided the Board with an advisory memorandum laying out their support for the Commission's guidance, along with additional recommendations and advisements, if the Board were to grant the Petitioner a waiver of the land use restrictions for the site. The Board **FINDS** that the NJDEP supports the guidance of the Commission and has provided regulatory requirements and recommendations based on facts and circumstances specific to the site.

Based on the information contained in the prequalification application, the petition, the recommendations made by the Commission, and NJDEP's support of the Commission's recommendation, the Board **FINDS** that granting the waiver of the Board's CSI Siting Rules pursuant to N.J.S.A. 48:3-119(f) and N.J.A.C. 14:8-12.3 is in the public interest, as using the prohibited land type for renewable energy generation outweighs the public interest in preserving land in its current condition, and **APPROVES** the waiver under the condition that the Facility satisfies all requirements of the Commission and NJDEP under their respective permitting and/or approval authorities.

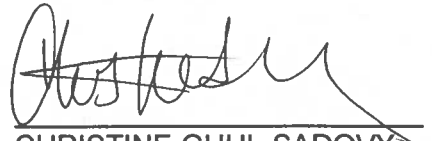
The Board **FINDS** that the Facility must follow all permitting and approval requirements established by the Commission and the NJDEP under their respective permitting and/or approval authorities; the waiver granted pursuant to N.J.S.A. 48:3-119 does not waive any of these requirements. More specifically, the Petitioner must receive all approvals and permitting from the NJDEP and the Commission prior to issuance of a post-construction certification. Such approvals and permits may include but are not limited to those specifically mentioned in the NJDEP advisory memo. The Board **DIRECTS** that the Petitioner provide documentation, to accompany the quarterly milestone reporting form, that provides evidence of compliance with the Pinelands CMP including the project application approval from the Pinelands Commission and updated site maps (Concept Plan) reviewed and approved by Pinelands that demonstrate that the project is sited exclusively on dredge ponds.

After careful consideration of the information provided by the Petitioner in the petition and in materials submitted to the CSI Program as a part of prequalification application, the Board **FINDS** that, upon the receipt of the land use waiver, the Petitioner has provided sufficient evidence of meeting CSI Program prequalification requirements set forth in the Board's rules at N.J.A.C. 14:8-11.10(d). The Board therefore **DIRECTS** that the Petitioner's bid shall be considered for an SREC-II award in Tranche 2 in the fourth CSI Program solicitation. Should the Facility not be awarded in the fourth CSI Program solicitation, the waiver granted herein will still apply if the applicant chooses to submit in a subsequent CSI Program solicitation.

The effective date of this Order is June 30, 2026, effective immediately.

DATED: June 30, 2026

BOARD OF PUBLIC UTILITIES
BY:


CHRISTINE GUHL-SADOVY
PRESIDENT

ABSTAINED


DR. ZENON CHRISTODOLOU
COMMISSIONER


MICHAEL BANGE
COMMISSIONER


EMMA REBHORN
COMMISSIONER


JOSEPH COVIELLO
COMMISSIONER

ATTEST: 
SHERRIL L. LEWIS
BOARD SECRETARY

I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public Utilities.

IN THE MATTER OF THE VERIFIED PETITION OF OCEAN VIEW SOLAR FARM, LLC FOR A WAIVER OF THE
CSI SITING PROHIBITIONS AT N.J.A.C. 14:8-12.3 TO ALLOW FOR PARTICIPATION IN THE COMPETITIVE
SOLAR INCENTIVE PROGRAM
DOCKET NO. QW26040168

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LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

MEMORANDUM

To: Sherri Golden, Secretary of the Board, NJ Board of Public Utilities

From: Susan R. Grogan 
Executive Director

Subject: Ocean View Solar Farm project site

Date: May 7, 2026

This memorandum responds to Board staff's April 24, 2026 request for a summary of the Ocean View Solar Farm project site as it relates to the Pinelands Comprehensive Management Plan (CMP), to support the New Jersey Board of Public Utilities (NJBP) in its consideration of a land use waiver petition submitted by Ocean View Solar Farm, LLC.

Commission staff have reviewed the Ocean View Solar Phase 2 Electrical Site Plan, last revised March 10, 2025, as well as the associated land use waiver petition, both of which were transmitted by the NJBP. The project site is located on Block 3500, Lots 2.08, 2.10, and 2.12, in Lacey Township. It lies within the Pinelands Preservation Area District (PAD) and is currently the site of an active resource extraction operation.

The Pinelands Comprehensive Management Plan (CMP) permits solar energy facilities within the PAD under limited circumstances. The CMP establishes standards for solar energy facilities applicable throughout the Pinelands Area (N.J.A.C. 7:50-5.36(a)), as well as additional standards specific to the PAD (N.J.A.C. 7:50-5.36(b)). With respect to resource extraction operations in the PAD, the CMP limits the siting of solar facilities to previously mined areas that are not subject to a restoration obligation pursuant to N.J.A.C. 7:50-6, Part VI. Any proposed solar energy facility must also comply with the CMP's minimum environmental standards (N.J.A.C. 7:50-6).

On October 19, 2023, the Pinelands Commission issued a Certificate of Filing to Ocean View Solar, LLC following the submission of a complete application for the development of a 7.2-acre floating solar energy facility on Block 3500, Lot 2.08. The Certificate of Filing states that the submitted plan is inconsistent with CMP standards because portions of the proposed solar energy facility are located on lands that are subject to a restoration obligation. It notes, however, that this inconsistency can be resolved through a revised proposal locating the solar facility entirely on the open water of the site, which does not have a restoration obligation.

The submitted petition indicates that the proposed solar energy facility would consist of a 100% floating solar installation located on dredge ponds associated with the prior mining use. However, the petition does not accurately interpret CMP standards for solar energy facilities in the PAD. As noted above, the CMP limits the siting of solar facilities to previously mined areas that are not subject to a restoration obligation pursuant to N.J.A.C. 7:50-6, Part VI. With the exception of dredge ponds resulting from permitted mining activities, the remainder of the site remains subject to a restoration obligation, and solar energy facilities would not be permitted in those areas. Additionally, while the site plan transmitted by the BPU depicts proposed solar facilities only on Block 3500, Lot 2.08, we wish to emphasize that a 1998 deed restriction prohibits the siting of a solar energy facility on Block 3500, Lot 2.12.

Commission staff have not made a determination as to whether the Electrical Site Plan, last updated March 10, 2025, is consistent with CMP standards. Said plan shows a significantly larger facility than the 7.2-acre facility subject of the Certificate of Filing and depicts arrays on areas that do not currently appear to be surface waters. As a result, the ultimate footprint of the proposed solar energy facility may need to be revised depending on site conditions at the conclusion of mining activities to ensure that the facility is located entirely within existing dredge ponds.

Please feel free to contact me if you have any questions or require additional information.

Enclosure:

1. Certificate of Filing issued October 19, 2023

cc: Diane Watson, Research Scientist, NJBPU
Katherine Nolan, NJDEP
David Pepe, NJDEP



State of New Jersey

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Application Specific Information: AppInfo@pinelands.nj.gov

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

October 19, 2023

Gary Cicero (via email)
Ocean View Solar, LLC
125 Half Mile Road, Suite 300
Red Bank NJ 07701

Re: Application # 1980-0008.009
Block 3500, Lot 2.08
Lacey Township

Dear Mr. Cicero:

Pursuant to N.J.A.C. 7:50-4.34 of the Pinelands Comprehensive Management Plan, the completion of this application has resulted in the issuance of the enclosed *Inconsistent Certificate of Filing*. The reason(s) for the inconsistency is explained on Page 3 and must be resolved.

The Inconsistent Certificate of Filing is not an approval. It is the document necessary to allow any municipal or county agency to review and act on the proposed development application. All municipal and county permits and approvals granted for the proposed development are subject to review by the Pinelands Commission. **No permit or approval shall take effect and no development may occur until the Commission issues a letter indicating that the municipal or county permit or approval may take effect.**

Upon receipt of any municipal or county permit or approval, please submit a copy to the Commission's office with the additional items listed on the enclosed *Local Agency Approval Submission Checklist*.

If you have any questions, please contact Ernest M. Deman of our staff.

Sincerely,

for Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Inconsistent Certificate of Filing
[Local Agency Approval Submission Checklist](#)
(Above form(s) may be found at nj.gov/pinelands/appli/tools/.)

c: Secretary, Lacey Township Planning Board (via email)
Lacey Township Construction Code Official (via email)
Lacey Township Environmental Commission (via email)

Secretary, Ocean County Planning Board (via email)
Steven P. Gouin, Esq. (via email)



Philip D. Murphy
Governor

Tahesha L. Way
Lt. Governor

New Jersey Pinelands Commission
PO Box 359
New Lisbon, NJ 08064
(609) 894-7300



Laura E. Matos
Chair

Susan R. Grogan
Executive Director

Inconsistent
CERTIFICATE OF FILING

INCONSISTENT

Application #: 1980-0008.009
Applicant: Ocean View Solar, LLC
Municipality: Lacey Township
Block 3500, Lot 2.08
Preservation Area District, PA Zoning District: 768.47 acres

Proposed Development

Construction of a 7.2 acre floating solar energy facility

Plan(s) Subject of Certificate of Filing

Site Plan, consisting of 1 sheet, prepared by Colliers Engineering & Design, dated 1/19/2021 and last revised 10/4/2023.

for **Charles M. Horner, P.P.**
Director of Regulatory Programs

October 19, 2023

Date

BACKGROUND

Existing development:

- ♦ Resource extraction operation

Relevant Information:

- ♦ There are wetlands located on the parcel.
- ♦ The parcel is located in the Pinelands Preservation Area District. In the Preservation Area District, principal use solar energy facilities that are not proposed as part of a comprehensive application for landfill closure or site remediation require the acquisition and redemption of 0.25 Pinelands Development Credit (PDC) for every four acres of land occupied by the solar energy facility. The proposed 7.2 acre solar energy facility requires the acquisition and redemption of 0.50 PDCs.

CONDITIONS

1. Prior to Commission issuance of a letter advising that any submitted municipal construction permit may take effect, the Commission must receive documentation from the Pinelands Development Credit (PDC) Bank that the requisite 0.50 PDCs have been acquired and submitted to the PDC Bank for redemption.
2. All development, including clearing and land disturbance, shall be located at least 300 feet from wetlands.
3. The solar energy facility shall be decommissioned within 12 months of the cessation of its utilization.
4. Item(s) on the attached *inconsistencies* document must be resolved prior to Commission issuance of a letter indicating that any approvals or permits can take effect.

NEXT STEPS

- ♦ This Certificate of Filing is not an approval.
- ♦ Submit a copy of this Certificate of Filing to all county and municipal agencies that are required to review and act on your application (municipal planning board, building department, county health department, etc.).
- ♦ Send a copy of all approvals/permits that are issued by the county or municipality to the Pinelands Commission for review. Please use the attached *Local Agency Approval Submission Checklist* to make sure you are submitting all required documentation related to the approval/permit.
- ♦ No local approval/permit takes effect and no development can occur until the Pinelands Commission has reviewed the approval. When we complete our review, we will issue you a letter stating that the approval/permit can take effect.

INCONSISTENCIES:

This application as currently proposed is inconsistent with the following standard(s) of the Lacey Township certified land use ordinance and the Pinelands Comprehensive Management Plan (CMP):

1. Solar energy facilities (N.J.A.C. 7:50-5.36(b)1.iii)

The Lacey Township land use ordinance and the CMP require that solar energy facilities proposed in the Pinelands Preservation Area District located on a parcel with a resource extraction operation, shall be limited to those portions of the parcel comprised of previously mined area that are not under an obligation to be restored in accordance with the CMP. The submitted site plan indicates that portions of the proposed solar energy facility will be located over dry land. Those areas must be restored in accordance with the CMP. This issue is potentially resolvable if the applicant provides a site plan which documents that the proposed solar energy facility will be located entirely within open water.

Commission receipt of any county or municipal approval or permit for the development as currently proposed will likely result in the scheduling of a Commission staff public hearing to review the issues raised by the above-referenced inconsistency(ies).

INCONSISTENT



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION OFFICE OF PERMITTING AND PROJECT NAVIGATION

401 East State Street
P.O. Box 420, Mail Code 401-07J
Trenton, New Jersey 08625-0420
Tel. (609) 292-3600 • Fax (609) 292-1921
www.dep.nj.gov/oppn

Ed Potosnak
Acting Commissioner

Mikie Sherrill
Governor

Dr. Dale G. Caldwell
Lt. Governor

May 21, 2026

Sherri L. Golden, Board Secretary
New Jersey Board of Public Utilities
44 South Clinton Avenue
Trenton, NJ 08625

**Subject: Ocean View Solar Farm, LLC
Waiver of the CSI Siting Prohibitions
Block: 3500, Lots 2.08, 2.10, 2.12
Lacey Township, Ocean County, New Jersey**

Dear Ms. Golden

The New Jersey Department of Environmental Protection's (NJDEP) Office of Permitting and Project Navigation (OPPN) has reviewed a request for a waiver to the siting requirements under the New Jersey Board of Public Utilities (Board) Competitive Solar Incentive Program (CSI) for the Ocean View Solar Project. According to the Solar Act of 2021 (P.L. 2021, c. 169), grid-supply solar generation facilities that are eligible for the CSI program are prohibited from siting in the Pinelands Preservation Area without a waiver granted by the Board (N.J.A.C. 14:8-12.3). The applicant proposes to develop a 24.516 MWdc floating solar facility on the previous Ocean View Acres Mining site in Lacey Township, Ocean County, New Jersey.

Based on the information reviewed, the site is located outside of the Coastal Area Facility Review Act jurisdiction and is not a regulated flood hazard area as the borrow pits do not meet the definition of a Water of the United States. The Pinelands Commission would have primary jurisdiction over any freshwater wetlands permitting, as required.

In addition, according to New Jersey Surface Water Quality Standards (SWQS), Block 3500 Lot 2.10 contains segments of the Factory Branch Tributary (PL). According to Landscapes Project (v3.4), Block 3500, Lot 2.08, 2.10, 2.12 all contain rank 4 habitat for a variety of State Threatened and Endangered Species.

The NJDEP supports the Pinelands Commissions recommendation and defers to their expertise regarding whether the project should be granted a waiver to participate in the CSI solicitation. Should the Pinelands Commission and the Board decide that a waiver be granted, NJDEP would recommend further coordination with New Jersey Fish and Wildlife to establish timing restrictions and best management practices for construction and impacts to Threatened and Endangered species.

Should circumstances or conditions become other than as set forth in the information that was provided to the NJDEP, the regulatory requirements and recommendations are subject to change and may no longer hold true. Thank you for providing the New Jersey Department of Environmental Protection the opportunity

to review the proposed Ocean View Floating Solar project. Should you have any questions or need additional information, please contact Taylor Groskorth-Flynn with the Office of Permitting and Project Navigation at Taylor.Groskorth-Flynn@dep.nj.gov.

Sincerely,



David Pepe, Director
Office of Permitting and Project Navigation

