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January 12, 2023

Program Chief  
Office of Renewable Energy Programs  
Bureau of Ocean Energy Management  
45600 Woodland Road  
Sterling, VA 20166

Via the Federal eRulemaking Portal

**Re: Empire Wind COP DEIS (Docket ID BOEM-2022-0053)**

To Whom It May Concern:

The New York Offshore Wind Alliance (“NYOWA”) respectfully submits the following comments concerning the Draft Environmental Impact Statement (“DEIS”) for the proposed Empire Wind offshore wind project. NYOWA is a unique coalition of offshore wind developers, environmental not-for-profits, labor organizations and a variety of businesses all dedicated to promoting the responsible development of offshore wind in federal waters off New York’s coastline. Equinor, the project applicant along with bp, is a NYOWA member.

Moving forward on this path setting project is important not only for New York, but for states up and down the eastern seaboard and the nation. It is critical on many levels: in the fight against climate change, in the national effort to reduce criteria pollutants, to improve public health, to create family-wage jobs, to revitalize and modernize its infrastructure including ports and harbors, to enhance the reliability and resiliency of our electric delivery system, to build a dynamic U.S.-based supply chain, and to redress longstanding environmental injustice.

As many of the commenters in your public meetings noted, Long Island and New York City's five boroughs are uniquely threatened by climate change wrought by greenhouse gas emissions. The Intergovernmental Panel on Climate Change Fifth Assessment Report noted that coasts will increasingly experience adverse impacts such as submergence, flooding, and coastal erosion due to sea level rise caused by climate change.<sup>1</sup> Memories of Superstorm Sandy have not yet faded and stand as a potent reminder of the risks of society's collective failure to reduce greenhouse gas pollutants.

Importantly, the DEIS anchors its analysis in state and federal goals to address climate change. In its seminal Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*, the Biden Administration has committed to a whole of government effort that "reduces climate pollution in every sector of the economy; increases resilience to the impacts of climate change; protects public health; conserves our lands, waters, and biodiversity; delivers environmental justice; and spurs well-paying union jobs and economic growth, especially through innovation, commercialization, and deployment of clean energy technologies and infrastructure."<sup>2</sup>

In order to effectuate these ambitions, the Biden Administration has established an offshore wind deployment target of 30 GW of offshore wind by 2030.<sup>3</sup> The combined 2,076 MW capacity of the Empire Wind I and II projects, constitutes a significant down payment towards this federal goal.

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<sup>1</sup> Climate Change 2014: Impacts, Adaptation, and Vulnerability. Part A Global and Sectoral Aspects. Contribution of Working Group II to the Fifth Assessment Report.

<sup>2</sup> DEIS at S-1.

<sup>3</sup> DEIS at S-1, citing Executive Order on [Tackling the Climate Crisis at Home and Abroad](#), January 27, 2021.

At the state level, the Empire Wind project is an essential step toward achieving New York's nation-leading Climate Leadership and Community Protection Act ("CLCPA") which requires that a minimum of 70% of statewide electric generation be supplied by renewable energy by 2030, and that 100% be derived from zero emission sources by 2040.<sup>4</sup> The CLCPA requires the development of 9,000 MW of offshore wind electricity generation by 2035.<sup>5</sup> Currently, New York gets about 27 percent of its total electricity from renewable sources<sup>6</sup>, and the vast majority of this (about 80 percent) comes from large legacy hydropower facilities owned and operated by the New York Power Authority. It is clear from the large gap between the current level of renewable electricity generation and the standards set in the CLCPA that New York cannot meet the law's mandates without a massive and rapid development of offshore wind. According to a 2020 study prepared for the New York Independent System Operator, New York will need approximately 21 gigawatts (GW) of offshore wind capacity by 2040 in order to meet the requirements of the CLCPA.<sup>7</sup>

Apart from these climate benefits, it is important to recognize the significant economic benefits of the project to the communities, including environmental justice communities, within which the project will operate. Among the project's defining achievements will be the "green reindustrialization" of the South Brooklyn Marine Terminal, reinvigorating this once

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<sup>4</sup> NY Pub. Serv. Law 66-p(2), (b).

<sup>5</sup> *Id.* Sec. 66-p (5).

<sup>6</sup> NY Executive Law, Sec. 94 (c).

<sup>7</sup> Paul J. Hibbard et al., *Climate Change Impact Phase II: An Assessment of Climate Change Impacts on Power System Reliability in New York State* (Analysis Group, September 2020), p. 9. <https://www.nyiso.com/documents/20142/15125528/02%20Climate%20Change%20Impact%20and%20Resilience%20Study%20Phase%202.pdf/89647ae3-6005-70f5-03c0-d4ed33623ce4>; *See also* Draft Scoping Plan, New York Climate Action Council at p. 74 (showing approximately 20 GW needed by 2050 to meet CLCPA targets under all scenarios) < <https://climate.ny.gov/Our-Climate-Act/Draft-Scoping-Plan>>.

vibrant waterfront as one of the East Coast’s preeminent ports for the pre-assembly and staging of offshore wind components before being transited out to sea. SBMT will also host the Empire Wind operations and maintenance function. To support these activities, Empire Wind is investing millions of dollars in workforce development and community benefit initiatives. The recently announced Ecosystem Fund will support sustainable growth, empowerment of underserved areas, and climate justice in the offshore wind ecosystem in New York City. All together, these investments will create a significant new economic opportunity for Sunset Park, Brooklyn and pay dividends for New York at large.

By contrast, the DEIS classifies the majority of the anticipated impacts from the project as either minor or moderate and notes that where higher rated impacts occur, they can be mitigated.<sup>8</sup> For example, Equinor is promoting a deeper understanding of the ocean environment in which Empire Wind I and II will operate. The company has committed \$5,000/MW allocated to support regional monitoring of key regional commercial fish stocks to better understand how offshore wind energy developing is potentially altering the biomass and/or distribution of these fish stocks. Similarly, the company is dedicating a like amount to support the regional monitoring of wildlife, including partnering with Woods Hole Oceanographic Institute and the Wildlife Conservation Society to provide cutting-edge, real-time monitoring of the critically endangered North Atlantic Right Whale in the project area.

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<sup>8</sup> NYOWA wishes to note that No Action Alternative has comparable impacts due to climate change: coastal habitat and fauna (2-44); long-term disruption to commercial fishing (2-45); impacts to finfish, invertebrates, and Essential Fish Habitat (2-49); gradual warming of ocean waters, ocean acidification, and changes to ocean circulation patterns leading to impact benthic community (3.6-6); shifting species composition (3.9-44); among other effects.

Lastly, NYOWA reserves judgment at this time on the alternatives to the proposed action presented in the DEIS. BOEM rightly acknowledges the contractual commitments Equinor has made to the State of New York regarding the project's generation capacity and production. We urge the agency to be extremely judicious in delineating areas within which turbine positions will not be allowed, and to be mindful of the opportunity cost of foregone carbon-free electric generation. BOEM should take a conservative approach to allow for the potential loss of additional positions due to unforeseen circumstances.

In short, the DEIS supports BOEM's approval of the Construction and Operation Plan (COP) for the proposed project. NYOWA urges BOEM to finalize the DEIS and issue a timely Record of Decision approving the project later this year.

Sincerely,

A handwritten signature in black ink, appearing to read "Fred Zalcman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Fred Zalcman  
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