



119 Washington Avenue, Suite 103
Albany, NY 12210
518.482.1405
info@aceny.org | www.aceny.org

August 26, 2022

Bureau of Ocean Energy Management
Chief, Division of Environmental Assessment
Office of Environmental Programs
45600 Woodland Road VAM-OEP
Sterling, VA 20166

*RE: Docket No. BOEM-2022-0034
Submitted Electronically via regulations.gov*

To Whom It May Concern:

Please accept the following comments of the New York Offshore Wind Alliance (“NYOWA”) on the Bureau of Ocean Energy Management’s (“BOEM”) Notice of Intent (“NOI”) to prepare a Programmatic Environmental Impact Statement (“PEIS”) concerning offshore wind development within the leaseholds recently established by the agency for the New York Bight (“NY Bight”). NYOWA is a coalition of the world’s leading developers of offshore wind, national environmental non-governmental organizations, labor, and academia established to support the timely and responsible development of offshore wind off New York’s Atlantic coast.

The development of offshore wind is a critical strategy embraced at the state and federal levels to combat the significant environmental, economic, and social dislocation associated with the continued reliance on fossil fuel-fired generation. New York State’s landmark climate legislation, the Climate Leadership and Community Protection Act (“CLCPA”) , calls for a decarbonized grid by 2040, and among other things, sets the development of a nation-leading target of 9,000 MW of offshore wind by 2035, as a key component in achieving this target.¹ The recently released Draft Climate Action Plan provides a roadmap for achievement of the CLCPA targets and envisions at least 20 GW of offshore wind development will be needed to meet New York State’s longer-term, economy-wide, zero carbon mandate.²

Similarly, the Biden Administration has announced an aggregated, nation-wide target of 30 GW by 2030, and has set out an aggressive and transparent schedule for the leasing and permitting of offshore wind development areas within the Outer Continental Shelf. The six new lease areas delineated by BOEM, and the subject of the instant PEIS, represent a major opportunity for offshore wind development in furtherance of these targets and their underlying objectives, including but not limited to: reductions in greenhouse gas emissions,

¹ Chapter 106 of the laws of 2019.

² New York State Climate Action Council, Draft Scoping Plan, December 30, 2021, < <https://climate.ny.gov/Our-Climate-Act/Draft-Scoping-Plan>>.

the creation of a robust domestic offshore wind manufacturing sector, a just transition fostering thousands of family sustaining jobs, and reducing the environmental and public health burden of fossil generation on America's frontline communities.

At the same time, the development of offshore wind within the New York Bight and other areas of interest must be done in a way that is protective of the existing and future uses of the ocean and coastal environments by both humankind and native species, including but not limited to: the protection of marine mammals (including the critically endangered North Atlantic Right Whale) and avian species; safeguarding the abundance and diversity of the area's rich fisheries and their habitats; sensitivity to historic and cultural heritage of the Northeast's Native American tribal communities; and compatibility with the nation's national security interests.

NYOWA supports BOEM's undertaking of the PEIS as an opportunity to assess the scope and significance of the economic, environmental, and social impacts of reasonably foreseeable development of offshore wind projects within the NY Bight. The PEIS will enable a comprehensive analysis of the impact areas, including those enumerated above, and to assess the cumulative and synergistic impacts of multiple projects being developed in parallel. Moreover, the PEIS could serve as a basis for broadly applicable avoidance, minimization, and mitigation measures ("AMMMs"), while still incorporating the flexibility to account for any site- or project-specific factors within the individual project Construction and Operation Plan ("COP") reviews.

NYOWA is similarly encouraged by the potential administrative efficiencies that a two-stage environmental review process – involving a PEIS and tiered project EIS's – could achieve. In order to capture these efficiencies, BOEM should adhere to certain principles of environmental review expressed in the NOI. These include:

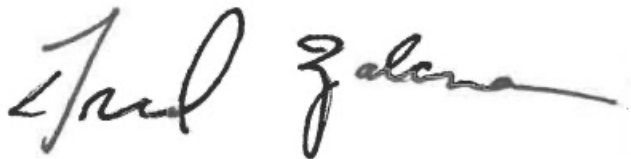
- Improved efficiency and quality of the impact analysis by avoiding repeated analyses of environmental, social, and economic issues for individual projects when those issues are likely to cut across multiple lease areas;
- Use of the PEIS as a means of establishing a significance hierarchy that acknowledges the need for thorough review of impacts at the project-specific level but urges greater review of impacts identified as moderate or major at the project-specific or regional level, if any; and
- Adoption of programmatic AMMM's that are suitable for application across leaseholds, while building in the necessary flexibility to accommodate unique aspects of the site area or project development where such generally applicable AMMM's may not be needed, or where alternative AMMMs may be superior.

One challenge acknowledged by BOEM in the NOI is that the PEIS will necessarily occur at an early stage of project definition. BOEM must therefore apply a broad "envelope" approach to environmental impact review that considers likely impacts based on prototypical windfarms, taking into account various project development scenarios, and future technological trends. It will be imperative for BOEM to consult with the leaseholders,

equipment manufacturers and the broader offshore wind stakeholder ecosystem to accurately bound the potential impacts, and state-of-the-art in mitigation strategies. BOEM should also be focused on the ultimate results expected to be achieved by adopted AMMM's and avoid inadvertently locking developers into technology choices based on the AMMM's devised. As the industry continues to mature and evolve, it must have the latitude for innovation and continual improvement while being mindful of the desired end state.

Thank you for your consideration of the points made herein. NYOWA looks forward to working with BOEM and interested and affected stakeholders, and offering our multi-dimensional perspective, throughout the environmental review process.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Fred Zalcman". The signature is fluid and cursive, with the first name "Fred" being more prominent and the last name "Zalcman" following in a similar style.

Fred Zalcman
Director, New York Offshore Wind Alliance

Fred Zalcman
Director
New York Offshore Wind Alliance
119 Washington Street, Suite 103
Albany, NY 12210
(475) 204-4762 (mobile)
(518) 432-1405 (office)
fzalcman@aceny.org