

Bureau of Ocean Energy Management New York Renewable Energy Task Force

April 28, 2016

Meeting Summary

U.S. Department of Interior
Bureau of Ocean Energy Management
Prepared: May 2016

I. Introduction

The Bureau of Ocean Energy Management (BOEM) convened the fourth in-person meeting of the New York Renewable Energy Task Force at the Garden City Hotel in Garden City, New York, on April 28, 2016. The purpose of the meeting was to provide updates on BOEM and New York State's offshore renewable energy activities and obtain input from the Task Force.

The meeting included several presentations, each followed by discussion with Task Force members. These presentations included the following:

- Opening remarks by Janice M. Schneider, Assistant Secretary for Land and Minerals Management, U.S. Department of the Interior; Abigail Ross Hopper, Director, BOEM; and Sandra Allen, Deputy Secretary of State for Planning and Development, New York Department of State
- Discussion of meeting objectives and a BOEM Atlantic update by James F. Bennett, Program Manager, BOEM Office of Renewable Energy Programs (OREP)
- Update on New York State energy initiatives by Tina Palmero, Deputy Director, Office of Clean Energy, New York Department of Public Service
- Overview of leasing milestones and discussion of draft Proposed Sale Notice (PSN) by Erin Trager, New York Project Coordinator, BOEM OREP
- Discussion of New York auction format and fiscal terms by Bill Anderson, Economics Division, Office of Strategic Resources, BOEM, and Wright Frank, BOEM Liaison to the Assistant Secretary for Land and Minerals Management (ASLM)
- Overview and discussion of BOEM's environmental review process for New York by Isis Johnson, New York Environmental Review Lead, BOEM OREP
- A meeting wrap-up and discussion of next steps by Erin Trager, BOEM, and Bennett Brooks, CBI
- Closing remarks by Janice M. Schneider, U.S. Assistant Secretary for Land and Minerals Management; Abigail Ross Hopper, Director of BOEM; and Sandra Allen, New York Deputy Secretary of State for Planning and Development

The meeting included two question and answer sessions open to the general public, one immediately before lunch and one after the conclusion of the Task Force meeting.

II. Meeting Participants

The following is a list of attendees from the New York Renewable Energy Task Force meeting.

Federal, State, Local, NGO and Tribal Participants

1. Sandra Allen, New York Department of State
2. Bill Anderson, Bureau of Ocean Energy Management
3. James Bennett, Bureau of Ocean Energy Management
4. Greg Capobianco, New York Department of State
5. Karen Chytalo, New York Department of Environmental Conservation
6. Brandi Colander, Deputy Assistant Secretary for Land and Minerals Management, Department of the Interior
7. Celina Cunningham, Advisor to the Director, Bureau of Ocean Energy Management
8. Michele DesAutels, United States Coast Guard, First District
9. Andrew Davis, New York Department of Public Service
10. Wright Frank, Bureau of Ocean Energy Management
11. Karen Gaidasz, New York Department of Environmental Conservation
12. Bill Grossman, United State Coast Guard, Sector New York
13. Naomi Handell, United States Army Corps of Engineers, New York District
14. Abigail Hopper, Bureau of Ocean Energy Management
15. Cheri Hunter, Bureau of Safety and Environmental Enforcement
16. Paul Higgins, Port Authority of New York and New Jersey
17. Wilhelmina Innes, New York Department of State, Ocean and Great Lakes Program
18. Isis Johnson, Bureau of Ocean Energy Management
19. Joshua Kaplowitz, Department of the Interior, Solicitor's Office
20. Brian Krevor, Bureau of Ocean Energy Management
21. Nilda Mesa, New York City Mayor's Office of Sustainability
22. Ryan McTiernan, City of Long Beach
23. Tracey Moriarty, Bureau of Ocean Energy Management
24. Tina Palmero, New York Department of Public Service
25. Janice Schneider, Assistant Secretary for Land and Minerals Management, Department of the Interior
26. Marguerite Smith, Shinnecock Indian Nation
27. Michael Snyder, New York Department of State Ocean and Great Lakes Program
28. Erin Trager, Bureau of Ocean Energy Management
29. Sue Tuxbury, National Oceanic and Atmospheric Administration
30. Patrick Wycko, United States Coast Guard

Public Observers

1. Katie Almeida, Town Dock
2. Tim Axelsson, Fishermen's Energy
3. Conor Bambrick, Environmental Advocates of New York
4. Ron Benenati, Sustainable Business
5. John Catuogno, Con Edison
6. Jordan Christensen, Citizens Campaign for the Environment

7. Michael Deering, Long Island Power Authority
8. Tom DeJesu, New York Power Authority
9. Adrienne Esposito, Citizens Campaign for the Environment
10. Lyndie Hice-Dunton, American Littoral Society
11. David Frulla, Kelley Drye Fisheries Survival Fund
12. Ross Gould, Workforce Development Institute NY
13. Philip Karmel, Bryan Cave LLP
14. Kit Kennedy, Natural Resources Defense Council
15. Dmitriy Kiselev, Con Edison
16. Jim Lanard, Magellan Wind
17. Meghan Lapp, Seafreeze Ltd.
18. Grace Magee, New York Public Interest Research Group
19. Mack Malone, New York Power Authority
20. Lisa Marshall, Mothers Out Front
21. Greg Matzat, New York State Energy Research and Development Authority
22. Ahsanul Mojumder, New York Public Interest Research Group
23. Kris Ohleth, Ecology & Environment, Inc
24. M. Olsen, Statoil
25. Doug Pfeister, Renewables Consulting Group
26. Clinton Plummer, Deepwater Wind
27. Karen Raaberg, Renewable Consulting Group
28. Nikita Scott, Surfrider Foundation
29. Dan Sherrell, Sierra Club
30. John Sprance, Siemens
31. Curt Thalken, Normandeau Associates
32. Michael Thompson, Northland Iowa
33. Ross Tyler, Business Network for Offshore Wind
34. Robin Shanen, New York Power Authority
35. Julieanne Sullivan, New York Power Authority

Facilitation Team

1. Bennett Brooks, Consensus Building Institute
2. Toby Berkman, Consensus Building Institute
3. Ronee Penoi, Consensus Building Institute

Media

1. Mark Harrington, Newsday
2. Joe Ryan, Bloomberg

III. Key Themes

Overall, the meeting focused on providing Task Force members with an update on BOEM's activities in New York and details on the key steps moving forward. The meeting took place at a moment when BOEM is shifting its focus from identifying New York's wind energy area to a process that will result, eventually, in the issuance of a lease to a developer for site assessment work. The presenters outlined key next steps in this leasing process, including the upcoming

publication of BOEM's draft environmental assessment and draft proposed sale notice for the wind energy area, a leasing auction, the awarding of the lease, and eventually site assessment and construction and operations.

A number of themes emerged from the presentations and discussion sessions, including the following:

- In delineating the Wind Energy Area for New York, BOEM looked closely at all the information it had received to date in response to various notices and through stakeholder engagement, including information on navigational, fishing, and visual impacts.
- Task Force members are interested in understanding more about how BOEM accounted for navigational and fishing impacts, and how it will consider these impacts in future phases.
- There will be additional opportunities for stakeholder input in future stages. When a developer makes a specific proposal for the siting of turbines, BOEM will again be looking closely at navigational, fishing, and visual impacts.
- There are a number of complementary efforts to develop offshore wind in New York at the state level, and state and federal actors will try to ensure their actions are complementary moving forward.
- Task Force members are interested in understanding the specifics of the leasing process, and had a number of questions and perspectives on key details such as the impact of non-price factors in the proposed auction and the need for developers to respond to a new Request for Interest (RFI).
- There is interest in ensuring that BOEM uses an efficient NEPA process and takes advantage of lessons learned from other locales, including Europe.
- The development of wind energy offshore New York will impact stakeholders outside the state, so it is important to involve these stakeholders and solicit their input.

IV. Summary of Presentations and Discussion Points

A) Opening Remarks

Mr. Bennett Brooks, facilitator from the Consensus Building Institute, opened the meeting by reviewing the agenda and meeting protocols. He noted that, until recently, BOEM had focused on identifying New York's WEA. Now BOEM is entering a different phase, focused on leasing. Accordingly, meeting presentations and discussions are focused on providing Task Force members with an overview of the steps in the leasing phase, as well as opportunities for public input during this next stage.

Mr. Brooks requested that Task Force members participate actively and keep their comments focused. He then led a round of introductions for Task Force members around the table.

Ms. Janice M. Schneider, Assistant Secretary for Land and Minerals Management, U.S. Department of the Interior, also offered opening remarks. She thanked Task Force members, representatives from BOEM's state partners, and the public for their attendance. Ms. Schneider emphasized the importance of offshore wind in providing an abundant source of domestic energy, reducing greenhouse gas emissions, and helping achieve the targets laid out in President

Obama's climate action plan. BOEM has made meaningful progress towards developing wind energy off the coasts of various states, including through establishing 13 renewable energy task forces. In New York, BOEM has worked closely with state partners to identify a wind energy area that is larger than 85,000 acres and can support a large-scale commercial wind project. New York is a key state for BOEM, and it is critical that BOEM learn from stakeholder voices as it moves forward with the leasing process.

Abigail Ross Hopper, Director of BOEM, spoke next. She emphasized that New York is a priority for BOEM because of the strength of the wind resource offshore the state, the large demand for energy in the New York area, and the presence of smart, visionary, and progressive leaders in the state who are committed to making offshore wind a reality. Ms. Hopper also provided some historical context, highlighting key events such as the formation of the New York Intergovernmental Renewable Energy Task Force in 2010; BOEM's receipt of an application for wind energy development from the New York Power Authority (NYPA), Long Island Power Authority (LIPA), and Consolidated Edison (ConEd) in 2011; and other actions leading to the identification of the WEA. She noted that while BOEM has finished identifying the WEA as of March 2016, it understands that stakeholder concerns continue to exist, and it will continue to incorporate stakeholder concerns into its decision-making as it moves forward with the leasing process.

The next speaker, Sandra Allen, Deputy Secretary of State for Planning and Development, New York Department of State, noted that her office has been working with BOEM around siting offshore wind in New York for over five years. Together with BOEM, they are committed to minimizing potential negative impacts and figuring out how offshore wind can coexist with other resources and uses.

B) Meeting Objectives and BOEM Atlantic Update

James F. Bennett, Program Manager for the BOEM Office of Renewable Energy Programs (OREP) provided an overview of BOEM's process for managing offshore wind development, and its ongoing efforts in New York. BOEM's overall process involves four phases:

1. Planning and analysis to identify the WEA;
2. Leasing;
3. Site assessment, which can last up to five years, as specified in a site assessment plan (SAP); and
4. Operations, which lasts approximately 25 years, as specified in a construction and operation plan (COP).

In New York, BOEM has completed the first of these steps and is entering the leasing phase.

Mr. Bennett also reviewed BOEM's activities over the past ten years on the Atlantic Outer Continental Shelf, including details on offshore wind development in various states. Key dates in the New York process include May 28, 2014, when BOEM published a Call for Information and Nominations (Call) and a Notice of Intent to Prepare an Environmental Assessment (EA), and March 15, 2016, when BOEM identified the New York WEA.

C) Update on New York State Energy Initiatives

Tina Palmero, Deputy Director of the Office of Clean Energy at New York's Department of Public Service, highlighted key renewable energy initiatives in New York and discussed how offshore wind fits into New York's broader energy strategy. Major initiatives include the following:

- Reforming the Energy Vision (REV), Governor Cuomo's strategy for reforming how energy is reduced, supplied, and distributed throughout New York;
- The New York State Energy Plan, which includes ambitious goals to reduce greenhouse gases, increase renewable energy, and decrease energy consumption;
- A \$5 billion, ten-year Clean Energy Fund for the state;
- New York's Clean Energy Standard, which mandates that, by 2030, 50 percent of all electricity consumed in New York come from clean and renewable energy sources

As part of these efforts, the New York State Energy Research and Development Authority (NYSERDA) and other state agencies are engaged in a variety of programs to support energy efficiency and drive regional renewable energy markets to scale. NYSERDA is leading an effort to develop a state master plan for offshore wind. The plan will include a comprehensive roadmap for advancing offshore wind in a manner that is cost effective and sensitive to environmental and social issues.

During the discussion period following Ms. Palmero's presentation, Task Force members asked clarifying questions about efforts at the state level and how the state will coordinate these efforts with BOEM at the federal level. Task Force members asked the following specific questions. *Ms. Palmero's responses are in italics:*

- Can you say more about the master plan for offshore wind? *NYSERDA will be coming to the Department of Public Service very soon with an outline of what the plan will provide. Facets of the plan are likely to include predevelopment studies that may be helpful for developers interested in sites, and some in-field work.*
- Will you be releasing the roadmap to Task Force members for review? *Yes, it will be a public document so that we can get the feedback we need to build out the master plan.*
- How will the development of this master plan impact the BOEM process, and what will happen if the BOEM process moves ahead while the state plan is still under development? *The plan will be complementary to the BOEM process. As the BOEM leasing process goes forward, the state will make sure that any studies and predevelopment work it conducts in the areas under consideration for development will complement BOEM's efforts.*
- Will the state plan identify future areas for possible wind energy consideration? *Yes, it will identify possible future areas — looking not just at what is under consideration now but more broadly.*

D) Overview of Leasing Milestones and Discussion of Draft Proposed Sale Notice (PSN)

Erin Trager, New York Project Coordinator at OREP, provided information on key milestones in the New York leasing process and background information on the contents of BOEM's Proposed Sale Notice (PSN). Details on each of these issues are contained in the presentation slides,

available on the BOEM website. Ms. Trager emphasized that, moving forward, BOEM would be receiving stakeholder input during future stages of the leasing and permitting process.

Ms. Trager noted that BOEM is considering a second Request for Interest (RFI) in conjunction with the PSN, and explained the rationale. BOEM felt it was important to reaffirm developer interest in the WEA before deciding to move forward with leasing. This means that even developers who previously expressed interest in the WEA would need to respond to the RFI if they want to continue in the leasing process.

Ms. Trager asked Task Force members to comment on the draft PSN and the draft Environmental Assessment (EA) by May 5, 2016. She also highlighted a number of key issues on which BOEM is especially interested in stakeholder input, including whether the lease operational term of 25 years is appropriate for New York and whether there are any modifications needed to the survey plan stipulations.

During the discussion period, Task Force members made comments and asked questions focused on clarifying the scope and process for reviewing and refining BOEM's leasing documents. Task Force member comments included the following statements and questions. *Responses from Ms. Trager and other BOEM representatives are in italics:*

- Sue Tuxbury, NOAA Fisheries: As part of the EA, will BOEM be evaluating commercial fishing, navigational, and visual impacts, and will there be modifications to the WEA? *The EA will look at lease issuance and survey activities, and some meteorological site assessment activities. There is always the potential for refining the WEA, but we believe that the area is appropriate for moving forward to the leasing phase. BOEM has described the concerns around commercial fishing, navigational, and visual impacts in the PSN.* Michele DesAutels, U.S. Coast Guard: Can you distribute slides after the meeting, not just on online? *Yes.*
- Michele DesAutels, U.S. Coast Guard: It will be challenging to provide comments on both the PSN and the EA by May 5th. Should we prioritize one over the other? *The EA will be issued for public comment, so if you need to focus on one it should be the draft PSN. It will be helpful for the Coast Guard to provide comments on the draft PSN.*
- Michele DesAutels, U.S. Coast Guard: We recommend incorporating language on mitigation measures for navigational safety similar to the language already incorporated for potential fishing and visual impacts and will provide specific comments to that effect.
- Michael Snyder, New York Department of State: At this point, what is the level of review for the commercial lease document, and where does it go from here? When and how does the commercial lease document potentially get modified to integrate mitigation or other measures to address the outcome of the NEPA review and the COP process? *Right now we are interested in comments from Task Force members on any red flags or areas of concern in the draft lease. Once it is released, there will be a period for public comment. In terms of modifying the lease after the NEPA and COP processes, we do not amend the lease at that stage, but we can add separate conditions of approval, which are housed in a separate document.*
- Karen Chytalo, New York Department of Environmental Conservation: Is site assessment the best time to have discussions on technical questions and recommend modeling or

monitoring activities? What is the best stage to develop that kind of information to inform the process, for example through activities like tagging fisheries? *We would encourage lessees to engage with fishing communities as early as possible, and we have issued guidance to lessees on how to engage with fishing communities. We are always taking feedback on programs like our environmental studies program and potential studies that should be undertaken in the area.*

- Andrew Davis, New York Department of Public Service: During the preliminary term of the lease what are the responsibilities of the lessee and where are those listed? *The whole lease is applicable during the preliminary term. Many of the specific responsibilities will be included in Addendum “C”. The lease applies to activities the lessee is planning to do and how it plans to do them. We also require the submission of a SAP at the end of the one-year preliminary term and a COP at the end of the subsequent five-year term.*
- Naomi Handell, U.S. Army Corps of Engineers: The Coast Guard submitted a comment recommending a two-mile setback in the navigational safety section. Why did BOEM reject this recommendation? *It was a careful decision based on a need for balance. We reviewed Environmental Impact Statement (EIS) data from 2009 to 2013 and looked at track lines. We thought it was premature to make certain decisions on navigational and commercial fishing impacts at the area identification stage. We think it is more important to look at navigational safety when we know where developers are thinking of putting turbines. The lessee will be required to submit a navigational risk assessment with its COP.*

E) Discussion of New York Auction Format and Fiscal Terms

Wright Frank, BOEM Liaison to ASLM, and Bill Anderson from the Economics Division of BOEM’s Office of Strategic Resources reviewed both BOEM’s auction process and the fiscal terms that will apply to the leaseholder. Mr. Frank began by reviewing BOEM’s auction format, which is an internet-based, ascending clock auction. BOEM is interested in feedback on various issues, such as the proposed minimum starting bid of \$2 per acre. Next, Mr. Anderson reviewed the fiscal terms of the lease, such as annual rent, annual project easement rent, and an annual operating fee. Details from both presentations are available in the presentation slides on the BOEM website.

Task Force members asked the following questions and made the following comments during the discussion period, focused on logistical and factual elements of the auction and its fiscal terms. *Responses from Mr. Wright and Mr. Anderson are in italics:*

- Nilda Mesa, New York City Mayor's Office of Sustainability: Will you be looking at other factors besides highest bid in your criteria for awarding the lease?¹ *We can incorporate both monetary and non-monetary components when awarding the lease. While the draft PSN does not include non-monetary components, we are soliciting comments on this issue. There is a limited range of factors we would consider for non-monetary credit. We want the factors to be objectively identifiable and to relate directly to the environmental viability of the project. In Massachusetts, for example, we gave a*

¹ Ms. Mease posed this question following Ms. Trager’s presentation, but it was addressed after the presentations by Mr. Frank and Mr. Anderson.

developer credit for a community benefits agreement, and we have offered credits for power purchase agreements. We are happy to provide the city with examples of sales notices that use non-monetary factors.

- Michael Snyder, New York Department of State: During the auction do bidders bid on the full lease area, or can they bid on a subset of the area? *They bid on it as one undivided lease area. We investigated other auction formats but decided in this case to make it one area.*
- Are the operating fee rate and the capacity factor constant regardless of the project? *We have flexibility on the fee rate depending on market factors, and appeals regarding the fee can be made to BOEM. The capacity factor is set for a five-year period and then revised based on actual capacity.*
- Karen Chytalo, New York Department of Environmental Conservation: Where do the fees associated with the lease go? *They go to the U.S. national treasury.*
- Did other auctions start at \$2 per acre and where did they end up? *Other auctions started at either \$1 or \$2 per acre. Each round we raise the bid by a percentage. We do not want to start too high and price people out, but if we start too low then we will need numerous rounds to determine a winner. In BOEM's previous auctions, there has been great variability in the ultimate amount of the winning bid.*
- Bennett Brooks, CBI: Right now BOEM is looking to use NYC Zone J (NYISO) electric region for the wholesale power price index. Are there other indices that BOEM should be considering? *This would be a very helpful area for public comment, because it is not an area in which BOEM has institutional expertise.*
- Marguerite Smith, Shinnecock Indian Nation: How might BOEM consider job impacts — both in the construction and the operational phases — in the leasing process? *It would be difficult to find a relevant objective factor that could affect the bidding, but job creation will be a factor in the environmental review. It is considered a socioeconomic impact.*

F) Overview and Discussion of BOEM's Environmental Review Process for New York

Isis Johnson, the New York Environmental Review Lead at BOEM OREP, offered background on BOEM's environmental review process for New York. Ms. Johnson provided details on the various steps in the NEPA process, including scoping and a notice of intent, EA, Notice of Availability (NOA), and a Finding of No Significant Impact (FONSI) or an Environmental Impact Statement (EIS). She noted that, during the NEPA process, there are comment periods at various stages and opportunities for stakeholder involvement throughout. She also offered information on the specific studies, analyses, data sources, and statutory requirements that went into deciding on the WEA for New York. Additional details, including the web addresses for various studies, are available in Ms. Johnson's presentation slides on the BOEM website.

During the question and answer period, comments focused on how BOEM might improve the efficiency its NEPA process, how it might ensure effective coordination with and outreach to key stakeholders, and how it will manage lessee activities once the EA is published and the lease is signed. Task Force members asked the following questions and made the following comments. *Ms. Johnson's responses are in italics:*

- Nilda Mesa, New York City Mayor's Office of Sustainability: Did you think about using a programmatic EIS for construction and operations considerations up and down the

Atlantic and the northeast in particular? *A programmatic EIS has been considered but I have not heard any news about it being used at this point.*

- Nilda Mesa, New York City Mayor's Office of Sustainability: Would using a programmatic approach help speed up the timeline? *Where appropriate we try to take a programmatic view, but for specific areas sometimes the information is not available.*
- Nilda Mesa, New York City Mayor's Office of Sustainability: What about using site-specific “tiers” off the programmatic approach to save time? *The first thing we did was a very general programmatic environmental impact statement. We also completed programmatic Endangered Species Act consultations for this area a few years ago. In general, if a programmatic approach might be of help we will go that route, and we are looking into ways to improve the efficiency and flexibility of our NEPA process. For example, we are considering an “envelope approach” to COPs. At the same time, at this stage we are looking at specific projects, and this will require specific analyses.*
- Michele DesAutels, U.S. Coast Guard: The Coast Guard could coordinate with BOEM and include BOEM on the agenda at its existing harbor safety committee meetings in New York and Long Island. Would this be of interest to BOEM? *Yes, BOEM would like to explore opportunities to coordinate outreach.*
- It is key for BOEM to conduct outreach beyond New York and New Jersey, given the number of people outside these states that also use this WEA. *That is helpful feedback. BOEM has been in touch with groups from Rhode Island as well as New York and New Jersey, and will continue these efforts.*
- Greg Capobianco, New York Department of State: What do you know about environmental programs cycling? Is BOEM planning to facilitate some early access for New York State to engage in decision-making around study plans? *Our study strategy was just published yesterday. It is available on the BOEM website, and it notes studies for the upcoming cycles. We are always interested in engaging with states that are interested in these programs.*
- Karen Chytalo, New York Department of Environmental Conservation: What percentage of the leases issued in other states have involved an EA resulting in an EIS versus a FONSI? *Each has had a FONSI.*
- In BOEM’s EA, it analyzes reasonably foreseeable actions it believes the lessee will undertake in the initial stages of its lease. Once the lessee submits a SAP, how does BOEM evaluate whether its plan matches up with the activities that BOEM analyzed? *The EA will evaluate the lessee’s anticipated survey work and site assessment activities. When the lessee actually submits a SAP, BOEM will coordinate with other agencies and determine whether the activities the plan describes were adequately considered as part of the NEPA document. If not, an additional NEPA document could be required. BOEM can also impose additional terms and conditions on the lessee’s plan.*
- What enforcement capabilities does BOEM have to ensure the terms and conditions of the lease are carried out? *There are a series of enforcement actions outlined in BOEM’s regulations. The first step is a notice of noncompliance, followed by some time for the lessee to remedy the violation. There are penalties BOEM can impose if need be.*
- Karen Chytalo, New York Department of Environmental Conservation: Does BOEM intend to reach out to Fisheries Management Councils? They could provide BOEM with a good forum to reach a variety of different fishing communities from different states. *Yes. Our last engagement with the Mid-Atlantic Fisheries Management Council was in*

October and we have been in touch with the New England Fisheries Management Council to identify when they might have space for us on their agenda.

G) Meeting Wrap Up and Next Steps

Ms. Trager summarized next steps in the leasing process:

- After receiving comments from Task Force members, BOEM will refine as necessary and publish the PSN and EA for public comment in late spring.
- During the comment period, developers should look for the qualification and reaffirmation-of-interest requirements.
- There will then be a 60-day comment period for the PSN and a 30-day comment period for the EA.
- There will be a public auction seminar in New York City potentially in late June.
- BOEM intends to publish the Final Sale Notice (FSN) by late fall, and have the auction by the end of year.

Mr. Brooks summarized some of the key issues and themes that emerged during the meeting. He observed that Task Force member comments and questions had generally focused on details of the leasing process, how BOEM will consider various impacts in the phases to come, as well as a number of specific issues including:

- The potential for non-monetary factors to be included in the evaluation of auction bids;
- BOEM's rationale for a one nautical-mile setback from the nearby traffic separate schemes;
- How BOEM considered comments on issues like fishing activity;
- Synchronizing the New York State roadmap and BOEM's leasing process; and
- Using programmatic EIS as a time-saving mechanism.

H) Closing Remarks

To conclude the meeting, Janice M. Schneider from the U.S. Department of the Interior, Abigail Ross Hopper of BOEM, and Sandra Allen from the New York Department of State offered final remarks. Ms. Schneider stressed the importance of public and agency input in helping the Department of the Interior make better and more informed decisions. Ms. Hopper invited Task Force members to continue reaching out to BOEM moving forward, and noted that BOEM's engagement around navigational and fisheries issues will continue. Ms. Allen thanked participants for their contributions and BOEM for hosting the meeting.

V. Action Items

The following action items came out of the meeting:

- BOEM
 - Distribute the New York State roadmap to the Task Force.
 - Provide slide presentations to Task Force members.
 - Provide the Task Force with examples for how non-monetary factors have been incorporated into bidding.
 - Prepare a handout for stakeholders on the leasing timeline.

- Task Force members
 - Submit comments on the draft PSN and EA by May 5 (though, if needed, EA comments can be provided later as part of the public comment period).

In addition to these action items, other potential next steps were discussed. These included:

- BOEM attending upcoming Coast Guard harbor safety committee meetings to engage with maritime stakeholders;
- BOEM hosting one or more stakeholder meetings in New York City, as well as working actively to reach out to stakeholders in states beyond the immediate New York City region, such as at an upcoming New England Fisheries Management Council meeting.
- BOEM looking closely at how analogous challenges related to offshore wind have been managed in Europe and sharing those lessons learned; and
- BOEM revising elements of the PSN, as appropriate, to address Task Force member comments.

Interested parties are asked to contact Erin Trager by phone (703-787-1713) or via e-mail (erin.trager@boem.gov) with any questions, comments, or concerns regarding the content of this meeting summary.

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## **VI. Public Sessions**

There were two public comment sessions. Eight members of the public offered comments during the first session, which took place just before lunch, and six members of the public offered comments during the second session, which took place at the conclusion of the Task Force meeting.

Overall, the comments focused on various points of clarification and suggestions regarding the leasing process, research priorities, and stakeholder engagement. Commenters from the fishing industry expressed concern about the impact of offshore wind on the scallop and squid fisheries. Nonprofit and student representatives encouraged BOEM to proceed quickly through leasing and subsequent steps in the NEPA process.

Specific comments are recounted below. *Responses from BOEM representatives are in italics.*

Jim Lanard, a developer with Magellan Wind, urged the State of New York to think about how it can create competition over price for offshore wind energy. Under the existing leasing process, only the developer that wins the bidding process will submit a price. It will be impossible to know if New York has received the best possible price for offshore wind energy, since it will not know what other developers would have done with the area. There may be alternative methods for developing offshore wind that create more competition. In New Jersey, for example, the State-developed Offshore Renewable Energy Credit (OREC) process requires that there be more than one winner. In Maryland, on the other hand, there were two lease areas but the same developer won both. As a result, this Maryland developer has a total monopoly on submitting its

price for the Maryland OREC. While the Public Service Commission has the ultimate decision on whether this price is acceptable, there will be significant wasted investment if the parties cannot agree on a price.

David Frulla from the Kelley Drye Fisheries Survival Fund offered comments from the perspective of the offshore scallop fleet. He noted that the scallop fleet has been involved in every step of identification of the New York WEA, and suggested that the siting of a wind farm on top of scallop habitat will harm the fishery since scallops do not relocate to new areas. He asked whether BOEM had ever considered an alternative location, or whether the current WEA was the only place under consideration.

*BOEM response: This process started with an unsolicited lease request in which the developer identified a specific area. We then identified the area to the Task Force and, subsequently, in a series of public notices and solicited feedback, which informed our recent analysis of that area. There is the potential to consider additional areas in the future, but given – in part – existing competitive interest in the New York WEA, we propose to proceed with leasing the WEA that has already been identified..*

Mr. Frulla also spoke during the second comment period. He noted that sedimentation is an issue for juvenile scallops that settle on the ground, and BOEM has information from a study of juvenile scallops suggesting that there are issues with acoustics as well. In addition, wind arrays may disrupt ocean currents, which are important for areas of historic scallop settlement because scallops are distributed by gyres. These issues should be on BOEM's agenda.

*BOEM response: BOEM has a draft report it hopes to finalize and make available regarding circulation in the gyre. An ocean modeling group from UMass Dartmouth studied how water might pass through areas with wind turbines. The model looked at a wind facility along the southern Georges Bank area and examined how circulation patterns might be disrupted.*

Philip Karmel, an environmental lawyer with Bryan Cave LLP, noted that offshore wind energy needs to be transmitted to Long Island, which will implicate New York state tidal wetlands permitting. He asked how BOEM is thinking about coordinating those processes.

*BOEM response: BOEM engages in significant coordination with its federal and state partners, including consultation under the Coastal Zone Management Act. This particular issue involves an easement, and BOEM would be evaluating as part of a larger analysis at the COP stage.*

Meghan Lapp from Seafreeze Ltd. offered comments from the perspective of the squid fishery. Rhode Island is the biggest producer of squid on the East Coast. Sixty percent of squid on the East Coast is landed in Rhode Island. The area designated as a WEA is one of the most productive squid areas on East Coast. Why were other states with economies dependent on this area not included on the Task Force? In addition, industry provided significant commercial fishing information detailing squid activity in the area and requested that the WEA be amended prior to the leasing stage, as was done in Massachusetts and Rhode Island. How was that information used in identifying the WEA?

*BOEM response: This group was set up as a New York State Task Force, not a multi-state Task Force, but we have been coordinating with fishermen in New Jersey, Massachusetts, Rhode Island to ensure the right information is on the table. Although the WEA delineation may not have aligned with your recommendation, all the information was collected and considered by BOEM. There are several more future phases in the process and once a specific placement of turbines has been proposed, we will again consider how any proposed project could affect other uses of the area. In the near term, we are also interested in acquiring any additional information on fishing and other issues during the EA comment period. We are always happy to speak with stakeholders in Rhode Island and other states.*

Adrienne Esposito from Citizens Campaign for the Environment commented that many stakeholders hear about key events in the project timeline haphazardly. It would be helpful if BOEM provided stakeholders with a timeline for activities over the next one to two years. Ms. Esposito further commented that this is the most thoughtful, engaged, and well-researched energy project she has ever seen, and she wishes nuclear, fracking, coal, and natural gas projects received the same scrutiny. She hopes to see the project timeline reduced in order to advance renewable energy and reduce dependence on fossil fuels.

*BOEM response: Thank you. We appreciate the comment on the timeline and will take that into consideration and add it to the action items.*

Grace Magee from New York Public Interest Research Group, a group of student volunteers and activists at the CUNY and SUNY campuses, suggested that students are aware of the project and want to see it move forward. Developing renewable energy is an urgent issue, and students are waiting for something to happen. They are grateful for BOEM's efforts.

Dan Sherrell from the Sierra Club began by thanking BOEM for its efforts over the years. He then touched on the following points and questions:

- The Sierra Club wants to see offshore wind developed at scale in New York, not piecemeal, and encourages BOEM to move forward with leases this year. Dozens of organizations are working to make sure that 2016 is the breakout year for offshore wind in New York. The project is imperative for meeting state energy goals and will be an economic boon, especially for coastal communities hit by Hurricane Sandy.
- The Sierra Club wants to see specific language in the forthcoming clean energy standard that commits New York to large-scale provision of offshore wind.
- BOEM should provide the URL where presentation slides are published to provide access to stakeholders who could not come to the meeting.
- What, if any, role does BOEM play in negotiating community benefit agreements tied to offshore wind programs? There will likely be impacted communities that have suffered after Hurricane Sandy and that would benefit from an economic lift.

*BOEM response: Historically, BOEM has not brokered community benefit agreements. In Massachusetts we recognized a non-monetary factor in our auction for existing community benefit agreements that met certain characteristics. We would welcome additional input on*

*whether there are community benefit agreements for New York that should be considered in the auction.*

Kit Kennedy of the Natural Resources Defense Council expressed hope that New York State and the federal government will continue their dialogue. She also commented that it would be helpful to have more sessions involving stakeholders and the public in preparation for the lease auction in December, and it would be particularly helpful to have a meeting in New York City, where there is a lot of interest. In addition, the environmental review and stakeholder engagement processes should reflect the European experience with offshore wind.

*BOEM response: These are great suggestions. There will be public meetings after the EA is issued, and we will look into holding a do meeting in New York City. Regarding European lessons learned, BOEM solicited input for a white paper to try to determine how to make its NEPA process more efficient, and whether there is information from existing projects in Europe that could be incorporated into the COP review for offshore wind in the U.S. This process gave rise to some helpful feedback, in particular around artificial reefs.*

Ms. Kennedy offered additional remarks during the second comment period. She asked for confirmation that BOEM will look at a wide range of impacts in the EA, including the positive impacts of offshore wind in reducing global warming and ocean acidification. In addition, the latest science shows a decline in the population of the endangered North Atlantic right whale. Organizations have come together to negotiate a set of mitigation measures to ensure that the earliest stages of offshore wind are compatible with right whales. Ms. Kennedy asked that BOEM ensure the lease for the New York WEA incorporates those mitigation measures.

*BOEM/Task Force response: This particular EA will not address the positive impact of offshore wind in reducing global warming and ocean acidification, because it is only analyzing the survey. In addition, BOEM appreciates stakeholder engagement around the right whale and is very committed on mitigation measures. It is totally appropriate for stakeholders to push BOEM on the right whale issue. Karen Chytalo from the New York Department of Environmental Conservation added that New York State will be undertaking a large whale monitoring program — which should be starting this year — involving an aerial survey and the placement of acoustic gear. The State knows that right whales are present in the area and is paying close attention.*

Meghan Lapp from Seafreeze Ltd. commented that neither scallops nor squid are the subject of studies for the EA, and requested an explanation for why this is the case. Squid are a primary species in the WEA, and need access to the bottom during summer to lay their eggs. Saltation from a wind farm can cover them up and smother them. In addition, noise causes lesions in squid ears and can cause mass die-offs.

*BOEM response: With a few exceptions such as summer and winter flounder, commercial species are not part of the fish telemetry study. It is geared towards studying endangered species. In addition, BOEM creates study profiles indicating studies it hopes to pursue during the next fiscal year. There is currently a study profile to better understand the impacts of noise on species for which BOEM doesn't presently have significant data, and squid could be in that category. BOEM is always interested in ideas for specific studies, including for squid or scallops. In*

*addition, BOEM hopes to have the results of its benthic habitat assessment for the New York WEA, and publish them this fall or winter.*

Doug Pfeister from Renewables Consulting Group asked for clarification on the RFI under consideration, including when it will be published and who should respond.

*BOEM response: Normally the RFI is published separately and initiates the leasing process, but BOEM is considering incorporating a second RFI in both the New York and North Carolina PSNs because of the time elapsed since the initial RFIs for these states. If an RFI is incorporated in the PSN, any company that previously responded to either the RFI or Call that wants to bid in the auction would need to respond and reaffirm its interest during the PSN comment period. In this scenario, it would not have to resubmit qualification materials or a nomination; a short statement would suffice.*

Katie Almeida from The Town Dock, a wholesale seafood company in Rhode Island, requested that, if BOEM carries out sedimentation studies, it include squid and scallops. She also suggested that BOEM hold at least some public meetings outside of New York City, because it is a difficult location for industry representatives to get to. There should be meetings on Long Island and in Rhode Island and Massachusetts, and BOEM should give ample notice to stakeholders.

Lisa Marshall from Mothers Up Front New York, a grassroots climate organization, suggested that mothers and children in New York are looking for decision-makers to make sound decisions around offshore wind. She urged all stakeholders to remember that, beyond all the details and studies, there are children who will face a world impacted by climate change. Her children saw the beaches of Pensacola being covered with sludge due to the BP oil spill, and they are terrified for their future. She suggested that our energy infrastructure is aging, inefficient, and dirty, and every offshore wind farm means we do not need a natural gas plant. Finally, she thanked BOEM for making this forum available and encouraged BOEM to try to do more, faster.