

## BOEM Environmental Justice Forums for New York & New Jersey

### *Input Status Report for New York Bight Programmatic Environmental Impact Statement: January 2023 Environmental Justice Forum*

#### Introduction

BOEM is preparing a Programmatic Environmental Impact Statement (PEIS) for offshore wind development in the New York Bight lease areas. To support the PEIS and to inform decision making on offshore wind planning and development in the New York & New Jersey area, BOEM hosted an Environmental Justice (EJ) Roundtable Convening on Offshore Wind in the New York & New Jersey Region on July 21, 2022. Following the Roundtable, BOEM established a series of quarterly forum meetings — referred to as the Environmental Justice Forums, or EJF — to continue engagement on environmental justice issues.

At the Roundtable and the first EJF, BOEM heard from federal and state partners and community-based organizations who serve or work with environmental justice and underserved communities. Participants provided input on how BOEM should pursue engagement with environmental justice and underserved communities in the region moving forward. They also shared ideas on potential issues and impacts that may affect environmental justice and underserved communities from offshore wind energy development in the New York & New Jersey area.

Much of the information provided in the Environmental Justice Roundtable Convening and EJF will inform the New York Bight PEIS. Other information and concerns shared through the series will likely be applicable to BOEM's reviews of Construction and Operations Plans submitted by lessees, and some information will likely be of interest to other federal and state partners.

#### Purpose

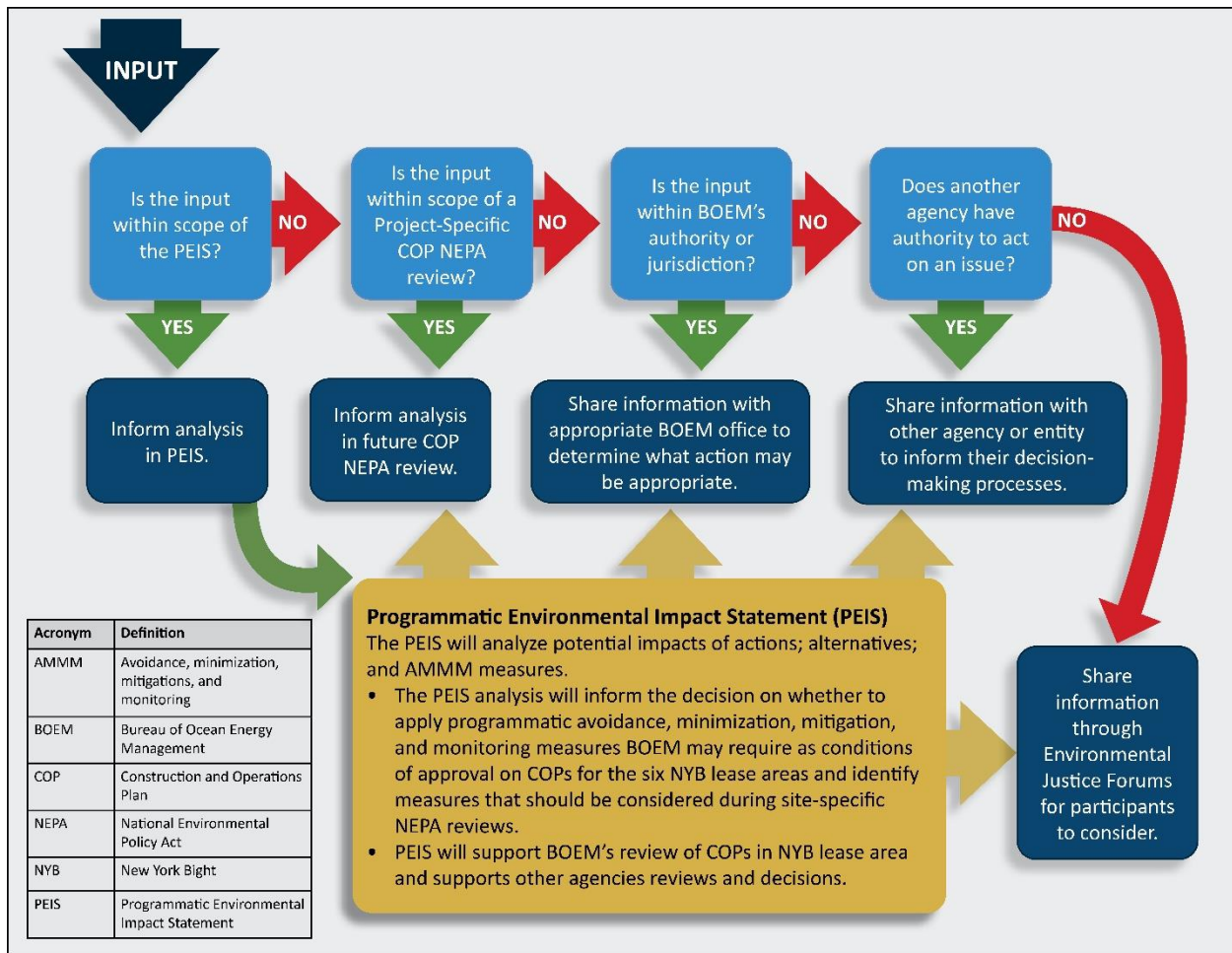
The input-status report communicates to Roundtable and EJF participants how information they share during engagement efforts is processed by BOEM. The status report captures potential environmental justice impacts identified during the July 2022 New York & New Jersey Environmental Justice Roundtable Convening, the first quarterly forum held on October 26, 2022, and the subsequent quarterly forum held on January 25, 2023. Subsequent status reports will include additional information provided at quarterly forums and updates on how BOEM is handling identified topics or issues.

#### Information Flow Process

BOEM intends that all input shared in the New York & New Jersey Roundtable and EJF is shared with appropriate entities, whether or not the issues are under BOEM's jurisdiction and authority, or are addressed in BOEM's National Environmental Policy Act (NEPA) documents. In the context of incorporating information into the New York Bight PEIS, BOEM considers whether the input or issue is within the scope of the PEIS; that is, relevant to the environment and human setting of the New York Bight or to potential impacts in the area of analysis. Some input may be more relevant to reviews of project-specific Construction and Operations Plans. BOEM also considers whether it has authority to

address an issue or whether another entity, such as another federal or state agency, should address an issue under its mission and authority. Additionally, some of the information shared in the Roundtable and EJF may be informative to lessees or to community-based organizations and other organizations working on environmental justice issues.

BOEM considers a number of questions to process input provided through the EJ Roundtable and Forums, as shown in Figure 1.



**Figure 1: Information Flow Process for Input Provided for the New York Bight PEIS**

## Input and Progress

### *Input from January 25, 2023 Environmental Justice Forum*

During the EJF on January 25, 2023, participants broke into Zoom breakout rooms by federal agency, state agency, and members of community-based organizations and Indigenous Peoples. Lessees also met in a breakout room to provide feedback to BOEM. Groups responded to question prompts around the themes of:

- Potential impacts from offshore wind activities on the Outer Continental Shelf (OCS).
- Potential avoidance, minimization, and mitigation measures for impacts from OCS activities.

## Key Themes Across Breakout Sessions

- Consider whether scientific information BOEM uses to analyze potential impacts and make decisions is sourced from a diverse range of scientists and knowledge holders. Source data and studies from Brown and Black scientists and communities. **(B.07)**
- Consider hosting future EJFs in person. **(C.01)**
- Avoid duplicating outreach and engagement efforts with state efforts. **(B.04)**
- Prioritize engaging environmental justice communities as early in the process as possible. **(B.08)**
- Prioritize avoidance and minimization over mitigation. **(A.21)**
- Allow lessees and states to hear community member input. Don't break up participants by sector in the breakout sessions. **(C.02)**
- Develop better communication channels (and more transparent/ trustworthy) flowing into communities. **(B.10)**

## Input Tracking and Status

BOEM shared the above issues, along with themes and issues from October 2022 quarterly forum and the July 21, 2022 EJ Roundtable, with the New York Bight PEIS team and is working through addressing many of the concepts. The following table indicates progress and status of BOEM's processing of the issues identified during the Roundtable, October 2022 EJF, and January 2023 EJF. BOEM will update the status of these issues and additional input and issues from each EJF throughout the development of the PEIS.

Issue Code	Issue	Source	Progress	Applicable to	Status
<b>Impacts, Benefits, and AMMM measures* (A)</b>					
A.01	Existing environmental stressors and legacy pollution and waste	Oct. 2022 EJF	BOEM will discuss existing stressors (e.g., sewage, mold, flooding from hurricanes) and legacy hazardous waste, that could be compounded by impacts from development in the PEIS	PEIS	Draft PEIS in progress
A.02	Consider impacts to specific communities identified during EJF	Oct. 2022 EJF	BOEM will include the identified communities and areas in the affected environment and discuss impacts in the PEIS, as applicable; more detailed analysis of specific communities may apply to COP NEPA reviews	PEIS; potentially COP NEPA	Draft PEIS in progress
A.03	Impacts of emissions on air quality	July 2022 Roundtable;  Oct. 2022 EJF	BOEM is analyzing impacts to EJ communities from emissions in the PEIS, relying on analysis of overall air quality impacts.  January 2023 update: This was also addressed at the January 2023 EJF.	PEIS	Draft PEIS in progress
A.04	Mitigate impacts on air quality from development-related traffic	Oct. 2022 EJF	BOEM is exploring mitigation measures related to impacts from development. BOEM will share information with other federal, state, and local authorities with jurisdiction over traffic management.	PEIS; other partners	Draft PEIS in progress
A.05	Impacts on commercial fishing; Impacts to communities from effects on commercial fishing	July 2022 Roundtable	BOEM is: <ul style="list-style-type: none"> <li>▪ analyzing impacts on commercial fishing, and</li> <li>▪ exploring data sources and methods to analyze impacts on fishing communities in the PEIS</li> </ul>	PEIS	Draft PEIS in progress

Issue Code	Issue	Source	Progress	Applicable to	Status
A.06	Coastal access, public use of coastal land, specific uses such as subsistence fishing	Oct. 2022 EJF	The PEIS will include discussion of coastal access and public use of coastal lands, including consideration of access issues from climate change. BOEM is exploring mitigation measures related to coastal access.	PEIS	Draft PEIS in progress
A.07	Equitable energy distribution	July 2022 Roundtable	BOEM will explore other partners and agencies with responsibilities or program areas that address energy distribution and will share the findings at a future NY/NJ EJF.	Other state and federal agencies; outside of BOEM's jurisdiction.	Exploring
A.08	Impacts to port communities	July 2022 Roundtable	BOEM is analyzing impacts to communities near representative ports in the PEIS. Findings from PEIS that are relevant to other federal and state permitting agencies will be shared as applicable.	PEIS; other agencies	PEIS draft in progress. Exploring information sharing.
A.09	Promote green industry and manufacturing at waterfronts, with attention to the impact of the logistics and trucking industries.	Oct. 2022 EJF	BOEM will explore other partners and agencies with responsibilities or program areas that address manufacturing and working waterfronts. BOEM will explore including this as an agenda item at an EJF.	Other agencies and lessees; outside of BOEM's jurisdiction	Exploring information sharing
A.10	Labor and workforce, equity in contracting; accessibility of training	July 2022 Roundtable Oct. 2022 EJF	BOEM is analyzing economic impacts, including employment, in the PEIS. BOEM will share concerns about contracting equity and workforce development with other entities, including lessees.	PEIS; other agencies; lessees	Draft PEIS in progress. Exploring information sharing.
A.11	Ensure that small businesses benefit from offshore wind activity	Oct. 2022 EJF	BOEM will explore other partners and agencies with responsibilities or program areas that address business opportunities related to offshore wind. BOEM will explore including this as an agenda item at an EJF.	Other agencies and lessees; outside of BOEM's jurisdiction	Exploring information sharing

Issue Code	Issue	Source	Progress	Applicable to	Status
A.12	Recreational fishing and boating	July 2022 Roundtable	BOEM is analyzing impacts to recreational fishing and boating in the PEIS	PEIS	Draft PEIS in progress
A.13	Visual impacts	July 2022 Roundtable	BOEM will consider visual impacts in the PEIS	PEIS	Draft PEIS in progress
A.14	Explore mitigation beyond compensation mechanisms for losses (e.g., workforce development and employment)	Oct. 2022 EJF	BOEM is considering mitigation measures to analyze in the PEIS that are within BOEM's authority.	PEIS	Draft PEIS in progress
A.15	Share information and research on how impacts to whales are being addressed either in the PEIS or to the public	Jan. 2023 EJF	Information on approach to acoustic impacts on marine mammals was provided in the March 10, 2023 email to EJF participants. Impacts on marine mammals and potential AMMM measures will be described in the PEIS. Impacts and mitigations are also considered through Marine Mammal Protection Act and Endangered Species Act consultation processes. A March 2023 meeting of the National Academies of Sciences, Engineering, and Medicine, <a href="#">Committee on Offshore Science and Assessment (COSA)</a> included information from experts at BOEM, NOAA, and others on issues related to marine mammals and acoustics. The meeting recording will be available at the above link.	BOEM; other agencies; COP NEPA processes and other consultation processes	Draft PEIS and consultations in progress
A.16	Impacts of low frequency sound waves on migrating animals	Jan. 2023 EJF	Impacts on marine mammals and other protected species and potential mitigation measures will be described in the PEIS. Impacts and mitigations are also considered through Marine Mammal Protection Act and Endangered Species Act consultation processes.	BOEM; other agencies; COP NEPA processes and other consultation processes	Draft PEIS in progress

Issue Code	Issue	Source	Progress	Applicable to	Status
A.17	Share information on studies conducted on the number of pollutants off the coast of the Atlantic or on the impacts of pollutants on waterways near coastal communities	Jan. 2023 EJF	Information provided by BOEM water quality SME shared directly with the individual requesting information. Water quality will be analyzed in the PEIS.	BOEM	Complete
A.18	Impacts of atmospheric pressure waves caused by windmills on resiliency of saltmarsh vegetation	Jan. 2023 EJF	BOEM’s physical sciences team has been studying topics around air-sea interaction in the vicinity of wind turbines and will incorporate applicable information into PEIS. More detailed response provided to individual in separate email.	BOEM	In process
A.19	Share information on how follow-on, long-term impacts are being considered and/ or addressed retroactively	Jan. 2023 EJF	The PEIS will provide information on how AMMM measures will apply throughout the life of projects. COP reviews will also include AMMMs. Potential topic for future EJF if EJF participants desire.	BOEM; COP NEPA processes	Draft PEIS in progress
A.20	Acknowledge the varying definitions of ‘marginalized communities’ in planning documents (e.g., communication plans in draft AMMM measure)	Jan. 2023 EJF	BOEM’s offshore wind NEPA documents acknowledge both state and federal definitions of communities in the environmental justice analysis. BOEM has generally used environmental justice and underserved communities to align with various Federal Executive Orders, as applicable, and welcomes feedback about additional definitions to include.	BOEM	Draft PEIS in progress
A.21	Prioritize avoidance and minimization over mitigation	Jan. 2023 EJF	Typically, avoidance and minimization are considered preferable forms of mitigation over mitigating through restoration or compensation. The PEIS considers a range of avoidance, minimization, mitigation, and monitoring measures. Under NEPA, “mitigation” is an overarching term that includes avoidance, minimization, and other forms of addressing impacts (40 CFR § 1508.1(s))	BOEM; COP NEPA processes	Draft PEIS in progress

Issue Code	Issue	Source	Progress	Applicable to	Status
A.22	Consider compiling and comparing all mitigation measures on projects across the entire NY Bight area and beyond to inform the mitigation proposed for the PEIS	Jan. 2023 EJF	Compilation of mitigations measures for all Atlantic offshore wind COPs, and consideration of the applicability of those measures to the NYB leases, is part of BOEM’s process of developing AMMM measures to include in the Draft PEIS	BOEM	Draft PEIS in progress
A.23	Encourage developers to work with Tribes to determine mitigation strategies	Jan. 2023 EJF	BOEM required lessees, through a lease sale stipulation, to advance enhanced engagement and coordination with Tribes and other parties, specifically requiring lessees to report to BOEM about how input from Tribes influenced the project. The first of the required semi-annual Progress Reports are available on BOEM’s New York Bight website: <a href="https://www.boem.gov/renewable-energy/state-activities/new-york-bight">https://www.boem.gov/renewable-energy/state-activities/new-york-bight</a>	BOEM; lessees; COP review processes	Continual
A.24	Expand draft communications plan AMMM measure beyond construction and operations	Jan. 2023 EJF	The draft communications plan AMMM measure would apply through project decommissioning.	BOEM	Complete
<b>Process Related Issues (B)</b>					
B.01	Inclusivity of local communities	July 2022 Roundtable	BOEM is exploring and seeking collaboration on methods to increase engagement for future public comment periods.	BOEM; federal agencies; state agencies; community organizations	Continual
B.02	Multi-language communications	Oct. 2022 EJF	BOEM is continuing to develop engagement strategies and materials including language access considerations.	BOEM	Continual
B.03	Information about existing outreach activities	Oct. 2022 EJF	BOEM will continue to provide space for announcements of other engagement activities at the EJFs and supporting materials. This space is welcome to all who identify as or support EJ or underserved communities.	All EJF participants	Continual



Issue Code	Issue	Source	Progress	Applicable to	Status
<b>B.04</b>	Coordination and communication among federal and state agencies; avoid duplicating outreach and engagement efforts with state efforts	Oct. 2022 EJF Jan. 2023 EJF	BOEM is exploring ways to promote inter-agency coordination and communication around environmental justice and underserved community issues, including through the EJF, the New York & New Jersey Working Groups, and the All-of-Government Offshore Wind Workplan. BOEM will continue seeking information on state outreach and engagement efforts and ways to avoid duplication, and welcomes coordination with state partners.	Federal and state agencies	Continual
<b>B.05</b>	Enforcement of CBAs and PLAs	Oct. 2022 EJF Jan. 2023 EJF	BOEM is exploring measures around community benefits and workforce equity. BOEM does not have enforcement authority in this space but will share information with states and lessees and collaborate to advance this item. BOEM is exploring working with BSEE to provide information about mitigation enforcement. BOEM is also considering this as an agenda item at a future EJF.	BOEM; other federal agencies; state agencies; lessees	In progress
<b>B.06</b>	Increase accountability and transparency from developers	Oct. 2022 EJF	BOEM will share this concern with lessees and think about discussion questions to ask at a future EJF that will help BOEM and lessees better understand community expectations around accountability and transparency, potentially through the coordinated engagement reporting requirement for lessees. BOEM is exploring inviting lessees to more actively participate in a future EJF on this topic.	BOEM and lessees	In progress

Issue Code	Issue	Source	Progress	Applicable to	Status
<b>B.07</b>	Consider whether scientific information BOEM uses to analyze potential impacts and make decisions is sourced from a diverse range of scientists and knowledge holders.	Jan. 2023 EJF	BOEM is exploring approaches to addressing this topic, including through BOEM’s Environmental Studies Program.	BOEM	Continual
<b>B.08</b>	Prioritize engaging environmental justice communities as early in the process as possible	Jan. 2023 EJF	BOEM will continue to explore ways to engage with communities as early as possible; this is a long-term issue that goes beyond the scope of the NYB PEIS.	BOEM	Exploring
<b>B.09</b>	Develop better communication channels (and more transparent/trustworthy) flowing into communities	Jan. 2023 EJF	BOEM in final stages of setting up a contract to bring on two Fellows with a main responsibility to think about this topic and how to partner better with people and organizations with established communication channels. BOEM also exploring a potential role for Sea Grant’s Offshore Wind Liaison Initiative.	BOEM	In Progress
<b>B.10</b>	Consider jointly developing and implementing engagement plans earlier than the Construction and Operations Plans (COPs), ideally in the area identification phase.	Jan. 2023 EJF	BOEM will communicate this request internally to inform planning for future processes; this is a long-term issue outside the scope of the NYB leases.	BOEM	Exploring
<b>EJF Process Related Input (C)</b>					
<b>C.01</b>	Consider hosting future EJFs in person	Jan. 2023 EJF	BOEM is considering an in-person EJF in coordination with the PEIS meeting later this year	BOEM	In process
<b>C.02</b>	Adjust the EJF format to provide more time for participant discussion sooner in the meeting. Allow lessees and states to hear community member input. Don’t break up participants by sector in the breakout sessions	Jan. 2023 EJF	BOEM is planning to address this by allowing more time for discussion in the April EJF and adjusting the approach to breakout rooms during the forums.	BOEM	To be implemented at April EJF and future EJFs

Issue Code	Issue	Source	Progress	Applicable to	Status
<b>C.03</b>	Consider increasing lessee engagement in the EIJ, where lessees can share what they've heard and how they are using that information	Jan. 2023 EIJ	The main agenda item for the April EIJ includes opportunity for lessees and EIJ participants to engage directly.	BOEM, lessees	To be implemented at April EIJ
<b>C.04</b>	Share lessons learned about community benefits agreements, how the Port Authority of NY and NJ evaluates facilities, and how other states conduct evaluations	Jan. 2023 EIJ	BOEM will continue seeking opportunities to hear and share lessons learned from states and other authorities and welcomes information or events that BOEM can share.	BOEM; States	Exploring information sharing

\* AMMM = Avoidance, minimization, mitigation, and monitoring measure