

BOEM Environmental Justice Forums for New York & New Jersey

Input Status Report for New York Bight Programmatic Environmental Impact Statement: October 2022 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 and the first quarterly forum held on October 26, 2022. 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, can 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.

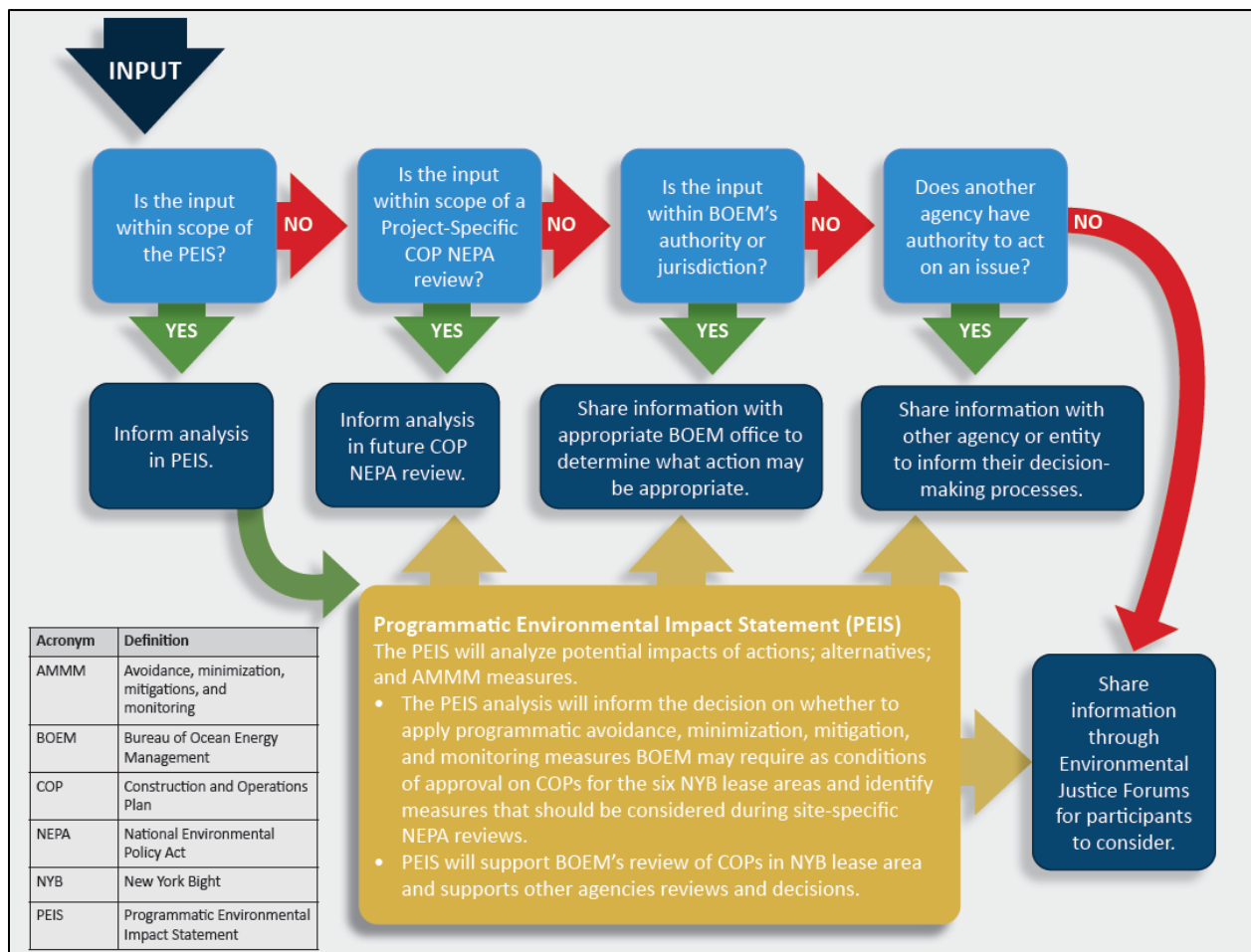


Figure 1: Information Flow Process for Input Provided for the New York Bight PEIS

Input and Progress

Input from October 26, 2022 Environmental Justice Forum

During the EJF on October 26, 2022, participants broke into Zoom breakout rooms composed of a mix of federal and state agency staff and members of community-based organizations. Groups responded to question prompts around the themes of:

- Local and regional issues and information for environmental justice populations in New York and New Jersey to inform how the PEIS approaches community identification and characterization; and

- Potential impacts of offshore wind activities, including both benefits and burdens to environmental justice populations.

Key Themes Across Breakout Sessions

- Address existing environmental stressors in environmental justice and underserved communities, such as sewage, mold, and flooding from hurricanes, which could be compounded by impact from development (see item **A.01** below).
- Ensure that environmental justice and low-income communities benefit from wind energy development through job creation. Ensure that jobs are available, and that job training is affordable and accessible (**A.10**).
- Prepare communications in languages that match the language of the populations impacted, considering people with first languages other than English (**B.02**).
- Consider the role BOEM can play as an enforcement for community benefit agreements (CBAs) and project labor agreements (PLAs) (**B.05**).
- Provide information about existing outreach activities, such Tribal consultation (**B.03**).
- Explore other forms of mitigation for communities beyond compensation mechanisms for losses (e.g., workforce development and employment) (**A.14**).
- Consider impacts to the following specific communities (**A.02**):
 - Long Island Sound
 - Larchmont, NY
 - New Haven, CT
 - Sunset Park, Brooklyn, NY
 - Greater New York City Area
 - Legacy environmental justice communities across New York and New Jersey
- Ensure that coastal access is not constrained, taking into consideration climate change, public use of coastal land, and specific uses such as subsistence fishing (**A.06**).
- Ensure that air quality is not negatively affected, with attention to emissions (**A.03**).
- Mitigate air pollution from development-related traffic (**A.04**).
- Promote coordination and communication among federal and state agencies (**B.04**).
- Increase accountability and transparency from developers: a community organization representative indicated BOEM should create accountability for developers to provide specific information and be transparent, including specific information around proposed time frames, potential jobs, and the duration of these jobs (**B.06**).
- Ensure that small businesses benefit from offshore wind activity (**A.11**).
- Promote green industry and green manufacturing at the waterfront, with attention to the impact of the logistics and trucking industries (**A.09**).
- Consider the legacy of hazardous waste in environmental justice communities (**A.01**).

Input Tracking and Status

BOEM shared the above issues, along with themes and issues from 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 and October EJJF. BOEM will update the status of these issues and additional input and issues from each EJ Forum throughout the development of the PEIS.

| Issue Code | Issue | Source | Progress | Applicable to | Status |
|---------------------------------|---|---|--|---|------------------------|
| Impacts and Benefits (A) | | | | | |
| A.01 | Existing environmental stressors and legacy pollution and waste | October 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 | October 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; October 2022 EJF | BOEM is analyzing impacts to EJ communities from emissions in the PEIS, relying on analysis of overall air quality impacts | PEIS | Draft PEIS in progress |
| A.04 | Mitigate impacts on air quality from development-related traffic | October 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"> ▪ analyzing impacts on commercial fishing, and ▪ exploring data sources and methods to analyze impacts on fishing communities in the PEIS | PEIS | Draft PEIS in progress |
| A.06 | Coastal access, public use of coastal land, specific uses such as subsistence fishing | October 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 |

| Issue Code | Issue | Source | Progress | Applicable to | Status |
|-----------------------------------|---|--|---|---|--|
| 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. | October 2022 EJJ | 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 EJJ. | 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 October 2022 EJJ | <ul style="list-style-type: none"> ▪ 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 | October 2022 EJJ | 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 EJJ. | Other agencies and lessees; outside of BOEM's jurisdiction | Exploring information sharing |
| 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) | October 2022 EJJ | BOEM is considering mitigation measures to analyze in the PEIS that are within BOEM's authority. | PEIS | Draft PEIS in progress |
| Process Related Issues (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 |

| Issue Code | Issue | Source | Progress | Applicable to | Status |
|-------------|---|------------------|---|---|-------------|
| B.02 | Multi-language communications | October 2022 EJF | BOEM is continuing to develop engagement strategies and materials including language access considerations. | BOEM | Continual |
| B.03 | Information about existing outreach activities | October 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 |
| B.04 | Coordination and communication among federal and state agencies | October 2022 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. | Federal and state agencies | Continual |
| B.05 | Enforcement of CBAs and PLAs | October 2022 EJF | BOEM is exploring mitigation 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.06 | Increase accountability and transparency from developers | October 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 |