



Bureau of Ocean Energy
Management

New York Bight

Atlantic Wind Lease Sale (ATLW-8)

Final Sale Notice (FSN)

Response to Comments

January 2022

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1. **Introduction**

The Bureau of Ocean Energy Management's (BOEM) mission, as well as its governing statute, the Outer Continental Shelf Lands Act (OCSLA), calls for expeditious and orderly development of the OCS, while also safeguarding the environment and its existing uses. BOEM received 134 comments on the *Proposed Sale Notice (PSN) for the New York Bight Lease Sale ATLW-8*. The comments were received from a variety of stakeholders and represent a wide range of views and perspectives, which were very informative to BOEM's decision-making process.

Taking these mandates and comments into account, BOEM has deconflicted and reduced the initial 1,735,154 acres proposed in the Call for Information and Nominations by 72% to 488,201 acres offered for sale in the FSN. This includes a 22% reduction from the total lease acreage in the PSN to the final lease acreage in the FSN, a reduction that was made after careful consideration of the numerous and thoughtful comments received on the PSN. BOEM appreciates the time and energy put into the comment development and has afforded considerable time and resources in its review and analysis. Given the volume and density of the comments, BOEM has provided a summary of the comments received and our response.

2. **General Comments on the PSN**

Summary of Comments:

Many commenters provided general feedback in response to the PSN request for comment. Approximately 50 commenters expressed some degree of support for offshore wind development. Renewable energy companies, union representatives, and individual commenters requested a quick and efficient approval process for potential projects, citing the potential for carbon reduction, new jobs, and support for the local economy. Several commenters stated that offshore wind must be developed in a reasonable and responsible way to protect ocean resources. By contrast, other commenters expressed general opposition to offshore wind development, including requests to pause all leasing in the New York Bight until the cumulative impacts of other proposed offshore wind energy sites on the East Coast are further understood and addressed.

BOEM Response:

BOEM appreciates the public's participation in our process and the fact that individual stakeholders took the time to express their opinions regarding decisions about offshore wind development. BOEM recognizes the important role that offshore wind can play in the effort to decrease carbon pollution and understands the need for efficient yet thorough vetting of these projects. In accordance with BOEM's renewable energy regulations, the submission (and BOEM's potential subsequent approval) of a Construction and Operations Plan (COP), which is a detailed plan for construction and operation of a wind energy facility on a lease, allows the lessee to construct and operate wind turbine generators and associated facilities for

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a specified term. If a COP is submitted, BOEM will prepare a National Environmental Policy Act (NEPA) analysis. This would most likely take the form of an environmental impact statement (EIS) and would further analyze cumulative impacts, pursuant to NEPA. BOEM is also exploring the development of a Programmatic Environmental Impact Statement for all New York Bight leases in an effort to make the process more efficient.

3. Number, Size, Orientation, and Location of the Proposed Lease Areas

Summary of Comments:

BOEM solicited comments in the PSN regarding the number, size, orientation, and location of the proposed lease areas and transit corridors. BOEM received numerous comments in response to this topic, and for the purposes of response development, we have broken them down into the following categories:

- Commercial and Recreational Fishing and Fish Habitat
- Department of Defense (DoD)
- Lease Area Attributes

3.1 Commercial and Recreational Fishing and Fish Habitat

Summary of Comments:

BOEM received a number of comments concerning the potential impacts of the development of the proposed Lease Areas on commercial and recreational fisheries, as well as the habitat features that support the productivity of those fisheries. Comments ranged from requests to pause all leasing in the New York Bight to requests to remove or defer particular Lease Areas or to avoid particular habitat features, as well as suggestions to include buffers between lease areas and areas of historical fishing activity, especially those used for shellfish fishing.

Specifically, the National Marine Fisheries Service (NMFS) requested that BOEM remove from lease consideration areas that overlap with important habitat features, including the Mid-Shelf Scarp and areas identified as Prime Fishing Areas by the New Jersey Department of Environmental Protection (NJ Prime Fishing Areas). NMFS also recommended that BOEM minimize overlap between lease areas and existing ocean uses, including fishing, and accompanied this recommendation with information on the Lease Areas representing the highest landings and revenue for the Atlantic sea scallop, Atlantic surfclam, and Atlantic mackerel/herring fisheries.

Scallop fishing participants requested deferment of the Central Bight Lease Area (OCS-A 0537), as well as a 5 nautical mile (nmi) buffer between the Hudson Canyon scallop rotational access area and the adjacent boundaries of the Hudson South Lease Areas to

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minimize effects on the survival and dispersal of scallop larvae. Several comments were received from clam fishermen (surfclam and ocean quahog) calling attention to the Lease Areas that overlap with their fisheries, asking for consideration of buffer areas to minimize effects of development on larval recruitment, and asking for removal or deferment of OCS-A 0537. BOEM also received a comment from a fisherman in the mixed trawl/pelagic fishery (e.g., herring, mackerel, and squid fisheries) requesting removal or deferment of OCS-A 0537 and 0544. Commenters also expressed concerns about fishermen's radar functioning properly around wind turbines. Lastly, comments received from recreational fishermen on the orientation and number of Lease Areas focused mainly on concerns over fishing access within the proposed sale areas.

BOEM Response:

As noted, the FSN reflects a 72% reduction in areas considered for leasing from the Call for Information and Nominations to the FSN. In deciding whether to remove areas from leasing consideration, BOEM's charge is to balance all of the factors in 43 U.S.C. 1337(p)(4). No one factor or comment determined the outcome of the final sale areas; rather, areas were altered in locations where multiple factors weighed in favor of a change, there was evidence supporting the application of those factors, and the changes were supported by the comments.

Starting with OCS-A 0537, approximately 13,000 acres (or 15% of the area proposed in the PSN) from the southern portion of the Lease Area were removed. BOEM prioritized the southern portion of the Lease Area for removal because, in addition to the importance of the area to the scallop, surfclam, and mixed trawl/pelagic fisheries, the area removed also contains fish habitat as identified in the NJ Prime Fishing Area dataset. BOEM also decided to remove from leasing consideration in this sale the entirety of OCS-A 0543 and the western portion of OCS-A 0540. Both of these areas represented valuable fishing grounds to the surfclam fishery and contained numerous habitat features. In the case of OCS-A 0543, BOEM also weighed comments received from the DoD and the U.S. Coast Guard (USCG) (addressed in other comment sections).

BOEM accessed the request to create a 5 nmi buffer between the Hudson South Lease Areas and the scallop access area. Subject matter experts reviewed the information provided and the best available science, such as the BOEM-funded hydrodynamic modeling study of the offshore wind energy areas offshore Rhode Island and Massachusetts,¹ and determined that offshore wind energy facilities may alter the spatial distribution of scallops within the existing access area, but would not have significant impacts to the scallop population as a whole within the access area. Without a specific project proposal to review, there is insufficient evidence to support a conclusion that installation of an offshore wind facility located in the Hudson South WEA would change broadscale scallop distribution within 5

¹ https://espis.boem.gov/final%20reports/BOEM_2021-049.pdf

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nmi of a facility and that a 5 nmi buffer would reduce potential spatial redistribution within the scallop access area. Consequently, BOEM does not believe that there is sufficient evidence to show that scallops would be re-distributed outside of the existing scallop access area due to hydrodynamic impacts from future offshore wind energy infrastructure near the border of the scallop access area. However, when assessing multiple factors, including the location of the Mid-Shelf Scarp, fish habitat, and fishing activity, particularly OCS-A 0542, BOEM determined that the removal of a 2.5 nmi wide area along the eastern boundary of OCS-A 0542 and OCS-A 0539 (as well as an additional small area in the northeast quadrant of OCS-A 0539), was justified.

In response to comments on fishing access within the Lease Areas, BOEM does not have the authority to prohibit fishing within the Lease Areas. BOEM recognizes that the final Lease Areas in the FSN still encompass areas that have historically been used by several fisheries, including the scallop, surfclam, and mixed trawl/pelagic fisheries. The reporting requirements and enhanced engagement discussed elsewhere in this comment response document were developed, in part, to increase communication and accountability among the parties to design a project reflective of the current and future uses of the common resource that is the OCS.

With regard to concerns raised related to ship-borne radar, the Final Massachusetts and Rhode Island Port Access Route Study (USCG 2020) concluded that general mitigation measures, such as properly trained radar operators, properly installed and adjusted vessel equipment, marked wind turbines, and the use of Automatic Identification Systems (AIS), enable safe navigation with minimal loss of radar detection. As such, no specific mitigation measures were included in the leases offered in this sale.

3.2 Department of Defense

Summary of Comments:

Approximately 10 commenters provided discussion on DoD-related issues in response to the PSN and BOEM's July 16, 2021 DoD update. Commenters suggested that BOEM continue deconflicting discussions with DoD to increase the area to be leased. Regarding areas X, Y, and Z, commenters noted that if BOEM were to remove area Y, BOEM should maximize the lease area available and combine areas X and Z with adjacent leases and co-locate the 'transit corridor' with area Y. Lastly, comments suggested that BOEM not lease area X on its own.

Commenters also opined on the proposed 1,000 feet (ft) height restriction discussed in the PSN suggesting that such a limitation could limit turbine selection, annual energy production and constrain future technological advancements. Others suggested BOEM consider suggesting turbine height limitations to mitigate future safety and use conflicts.

BOEM Response:

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BOEM has engaged the DoD and its Military Aviation and Installation Assurance Siting Clearinghouse (Clearinghouse) since the beginning of the NY Bight leasing process to understand their mission critical equities in the region and promote co-existence between offshore wind energy development and military readiness. DoD's latest assessment provided in June 2021 and summarized on the BOEM website (<https://www.boem.gov/renewable-energy/state-activities/new-york-bight>) reflects the outcome of such coordination efforts. The Clearinghouse requested that "Area Y" within Lease Area OCS-A 0543 be removed from leasing consideration as it overlaps with the W107C planning area utilized by the Department of the Navy's Marine Corps to conduct helicopter refueling exercises. The rest of OCS-A 0543 was potentially suitable for leasing with further coordination with the Clearinghouse and potentially site-specific stipulations; however, BOEM has decided to remove OCS-A 0543 from ATLW-8 due to a multi-factor analysis, including the aforementioned DoD operations, allowing for increased flexibility in the ongoing siting of an adjacent fairway proposed by the USCG, issues raised by the fishing industry, and accounting for seafloor features. Note that BOEM's deferral of lease area OCS-A 0543 for ATLW-8 does not mean that BOEM could not offer the area in a subsequent sale if the balance of various considerations changes in the future.

BOEM has added language to the FSN indicating that Lessees will be expected to coordinate with the Clearinghouse as they design their proposed facility to assess the level of impact on radar operations. This was done in response to potential adverse effects to weather radars, operated by the U.S. Air Force Weather Division's Next Generation Weather Radar, if wind turbine generators exceeding 1,000 ft are used in the remaining Lease Areas in the Hudson South Wind Energy Area (WEA) (OCS-A 0537, 0538, 0539, 0542). If interference is identified from turbines heights greater than 1,000 ft, DoD has indicated that a condition of COP approval may be necessary to require curtailment during severe weather events. Similar language has been added to address potential effects of wind energy development on North American Aerospace Defense Command air surveillance and radar.

3.3 Lease Area Attributes

Summary of Comments:

BOEM received approximately 50 comments on questions posed in the PSN regarding the number, size, and orientation of the Lease Areas. Commenters provided both support and opposition for the Lease Areas proposed in the PSN, with some encouraging action to consolidate Lease Areas and make them larger to achieve economies of scale, while others favored maximizing the number of developable lease areas to enhance competition and provide more opportunity for new market entries. Commenters suggested that any reconfiguration of the areas provided in the PSN should follow a set of rules, including consistently sized, commercially viable areas of at least 80,000 acres that have been deconflicted to the greatest extent possible. Lastly, comments varied in support and opposition to prescribed layouts for adjacent leases in Hudson South.

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BOEM Response:

BOEM weighed a number of variables in deciding to lease a total of six areas totaling 488,201 acres. From the PSN to the FSN, the final areas represent a 22% reduction in total acreage, as well as removal of two Lease Areas. Reductions and removals were driven by an effort to be responsive to comments received in the PSN and to deconflict the Lease Areas while still ensuring enough area was available to promote competition and to be responsive to state renewable energy targets. While the average size of a lease area is just over 80,000 acres, the size of the Lease Areas ranges from 43,056 to 125,964 acres.

With regard to prescribed layouts within adjacent lease areas in Hudson South, BOEM included a lease stipulation encouraging lessees to implement a layout of surface structures that contain two common lines of orientation. Where such a design cannot be agreed upon among adjacent lessees, each lessee will be required to incorporate a setback from the boundary with the neighboring lease where no surface structures will be permitted.

4. Transit Corridors and Maritime Traffic

Summary of Comments:

Approximately 40 commenters provided feedback on transit corridors and maritime traffic. The comments submitted can be sorted into two categories: (i) vessels that will continue to travel within any installations, (ii) and vessels that will avoid them.

For the first category, mainly fishing and recreational vessels, many of the comments focused on the PSN's description of transit corridors. The comments on the width included comments that BOEM's proposed corridors are too narrow (fishers prefer 4 nmi minimum) and too wide (developers suggested 1 nmi was adequate). USCG and other commenters stated that these would not be any formal lanes for transit, and, as such, BOEM should not label them as such. The USCG also commented that no setbacks should be incorporated into the leasing, and, rather, that an aligned layout with common lines of orientation between leases was preferred. Should this not be incorporated, a setback distance greater than any anticipated distances between two structures would be appropriate. This is to provide the mariner and USCG search and rescue pilots with the visual signal that they will need to adjust their course as they move from one lease area to another and the space to perform that course adjustment. Commenters also remarked on the type of traffic BOEM should allow within a lease area, something that is wholly outside of BOEM's authorities. Finally, comments were received regarding the spacing between structures within the array, recommending that spacing be 2 nmi or larger.

The second category—vessels that will avoid these areas—mainly concerns the large maritime trade vessels, including international deep draft cargo and tanker vessels, as well as domestic tug and barge. There, the comments concerned setbacks from major traffic

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lanes, as well as the USCG's shipping safety fairways. The USCG stated that it is evaluating the Cape Charles to Montauk Shipping Safety Fairway to avoid Hudson North, but acknowledged their public rulemaking process is ongoing.

BOEM Response:

The first of the two categories concerns vessels that BOEM anticipated will continue to travel within installations. BOEM agrees with the USCG that requiring common lines of orientation (as described under Navigation and vessel Inspection Circular 01-19) is likely a safe scenario, but BOEM also received credible comments requesting spacing between leases. BOEM considered the New York State Energy Research and Development Authority (NYSERDA) study on fishing vessel transit lanes in the New York Bight, a calculation from the World Association for Waterborne Transport Infrastructure (PIANC) based on standard buffer distances, Maritime Institute Netherlands (MARIN) guidelines, as well as the USCG draft Port Access Route Study (USCG-2020-0172) and concluded that the appropriate setback should be between 1.6 nmi and 2.5 nmi. BOEM proposed 2.44 nmi buffer distances in the PSN and received positive feedback in the comments and via meetings with the fishing community. As a result, BOEM has maintained 2.44 nmi between select leases offered in the FSN. However, we note that the USCG draft Port Access Route Study (USCG-2020-0172) suggests that formal establishment of shipping safety fairways or other routing measures within a wind farm are not necessary to facilitate safe transit.

BOEM acknowledges USCG's concerns regarding the use of transit-related titles for these areas and will refrain from doing so in the future. Further, for any leases that are directly adjacent to one another, BOEM will require a term in the lease agreement that those lessees collaborate on structure layouts with two common lines of orientation (NVIC 01-19), or otherwise incorporate setback from the shared lease boundary. Accordingly, layout spacing between structures can be smaller than the setback sizes recommended above and still allow movement by the largest fishing vessels operating in the area.

Second, for vessels that will avoid transiting through a wind facility, the lease areas being considered are generally outside of the Atlantic Coast Port Access Route Study 2 nmi Marine Planning Guideline buffer distance, with only the Hudson North Lease Area minimally overlapping.

The PSN identified a potential conflict in the Hudson North area (OCS-A 0544) with a new shipping safety fairway designation, as proposed by USCG, to accommodate vessel traffic travelling across the NY Bight from the Delaware Bay area to east of Montauk. The USCG is expected to publish a final Port Access Route Study that will propose an adjusted fairway route that avoids this conflict. The FSN contains language notifying potential bidders that there could be future changes or necessary mitigation measures relating to the developable area of OCS-A 0544 if the proposed fairway route is adjusted during the USCG's subsequent fairway rulemaking process. BOEM and USCG anticipate that the recently published

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fairway route will allow for coexistence of maritime traffic and offshore renewable energy and is including this lease area in this sale as a result. Terms and conditions of COP approval of a potential project may include measures to mitigate conflicts identified as a result of this issue.

5. **Benefits to Underserved Communities**

Summary of Comments:

Approximately 20 commenters provided feedback on lease stipulations that would benefit underserved communities. Commenters generally supported BOEM's goals to benefit underserved communities, programs that deliver environmental justice, and minority- and women-owned-businesses. However, commenters did not agree on the appropriate mechanism to achieve these objectives. Some commenters suggested that BOEM should not actively support these objectives because states are better positioned than the federal government to make meaningful requirements. They referenced existing efforts by states to incorporate initiatives for the benefit of underserved communities in offshore wind solicitations. Additionally, commenters highlighted challenges with including benefits to underserved communities as a consideration in a multi-factor auction.

Commenters generally supported coordinating with states. Commenters were conflicted on whether participants in the Federal leasing process should get credit for efforts intended to meet state solicitation requirements. Some commenters also suggested that wind developers should not leverage prior investments in underserved communities, which would disadvantage new participants in new lease sale processes.

There were mixed opinions regarding the consideration of underserved communities during the auction process. Concerns ranged from how the auction mechanisms were crafted, to how and when investments would be selected, to the amount of funding committed, and to enforcement mechanisms. Commenters also listed suggestions for lease stipulations. These stipulations included job training, workforce development, education, and apprenticeship programs; commitments to Project Labor Agreements (PLAs), Labor Peace Agreements, Community Workforce Agreements, and targeted hire agreements; using bonding requirements to incentivize certain investments; and funding state-run programs.

BOEM Response:

BOEM is adding a lease stipulation to the final lease package requiring lessees to make reasonable efforts to consult with all communities located within the geographical vicinity of the project, including underserved communities, that may be adversely impacted by the project. The stipulation requires lessees to make reasonable efforts to implement the project in a manner that minimizes, redresses, and mitigates the project's impacts on those communities, if any. The intent of this stipulation is to encourage lessees to identify and

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engage with underserved communities, including environmental justice communities that may be disproportionately impacted by a project's OCS activities. Lessees are encouraged to collaborate with Federal, state, and local governments, community organizations, and Tribes. BOEM recognizes the critical role states play in directing benefits towards underserved communities. We will coordinate with the states regarding the implementation of our stipulations to minimize duplicative processes and maximize effectiveness. As discussed in Section 19, BOEM is holding a single factor auction, and will not be considering any benefits to underserved communities as part of the bid evaluation. Additionally, BOEM will continue to explore options to benefit underserved communities for future lease sales.

6. Project Labor Agreements

Summary of Comments:

There were numerous statements of support for BOEM's potential stipulation encouraging PLAs for construction activities. One commenter recommended a requirement that workers employed in the construction, operations and maintenance of offshore wind projects be paid no less than the prevailing wage rate applicable to the classification in the state where the power is being delivered. Commenters also cited numerous benefits of PLAs, including ensuring a skilled workforce, schedule certainty, training programs, improved safety, application of prevailing wages and benefits to workers. Commenters also noted that PLAs would be consistent with existing laws and recent executive orders. However, some commenters expressed concerns about a PLA stipulation. For example, commenters noted that New York and New Jersey already address PLAs in their solicitation processes and are in a better position to manage these provisions due to various complexities associated with PLAs. Finally, one wind developer proposed specific language for a PLA stipulation if BOEM chooses to include one.

BOEM Response:

BOEM has added a lease stipulation requiring lessees to make every reasonable effort to enter into a PLA covering the construction stage of any project proposed for the leased area. PLA conditions typically include prevailing wages, no-strike clauses, dispute resolution procedures, and safety and training provisions. If used, the PLAs would require all contractors working on a project to adhere to collectively bargained terms and conditions of employment, whether the contractors are union or nonunion contractors. BOEM's stipulation complements state initiatives for a trained offshore wind workforce, promotes the standardization of training and safety protocols and will contribute to the timely construction of offshore wind projects.

7. Creating a Domestic Supply Chain

Summary of Comments:

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Approximately 40 commenters provided feedback on BOEM's request for information on creation of a domestic supply chain. There were comments for and against BOEM's involvement in incentivizing the development of a domestic supply chain. Supporters cited some of the potential benefits of an enhanced domestic supply chain, such as domestic jobs and less reliance on foreign countries. However, some commenters noted that New York and New Jersey already consider local content in their offshore wind solicitations, and that states are best positioned to determine these requirements. Some opponents also argued that many potential programs for ensuring domestic content could be too restrictive given the complexity and uncertainty associated with the evolving offshore wind industry.

Among supporters of BOEM's involvement in this issue, some potential options for incentivizing the domestic supply chain include:

- A minimum domestic content percentage, potentially with waiver provisions*
- Requirements to enter domestic PLAs or related agreements*
- Dollar commitments during the auction stage that could be made lease stipulations*
- Facilitating loans from the Department of Energy's Loan Programs Office*
- Increasing the visibility of BOEM's pipeline of lease sales*
- Focusing efforts on floating offshore wind*
- Lease auction bidding credits*
- Credits against rent and operating fee obligations for certain investments*

BOEM Response:

Recently, the Department of the Interior announced an offshore wind leasing path forward to help the nation meet the Administration's 30 gigawatts (GW) by 2030 goal. This effort will provide a roadmap to increase certainty and transparency in the leasing process. This path forward includes up to seven new offshore lease sales by 2025, including those in the Gulf of Maine, New York Bight, and Central Atlantic, as well as for areas offshore the Carolinas, California, Oregon, and in the Gulf of Mexico. Currently, the offshore wind industry is highly dependent on international supply chains. This introduces uncertainty and risk in the construction and operation of a growing number of proposed offshore wind facilities.

There is significant domestic offshore industrial manufacturing capacity and expertise that can be utilized to manufacture components of offshore wind facilities and enhance predictability in the project development life cycle. A mature U.S. supply chain will help lower project risk and costs through the diversification of the supply chain.

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To advance this vision, BOEM has included two lease stipulations in the New York Bight FSN. The first stipulation requires lessees to establish a statement of goals in which the lessee will describe their plans for contributing to the creation of a robust and resilient US-based offshore wind supply chain. Regular progress updates will be provided to BOEM and made publicly available.

The second stipulation encourages the lessee to procure major offshore wind components domestically, which may make them eligible for a 1% operating fee rate for a period of five years. BOEM appreciates that a poorly designed domestic content requirement or incentive could potentially give rise to conflicts with state and other efforts. Accordingly, BOEM has designed its lease stipulations relating to supply chain to be as compatible as possible with other efforts including the offshore wind energy procurements from New York and New Jersey. Recognizing that the U.S. supply chain is still in its infancy, BOEM seeks to encourage investment in major offshore wind component suppliers through an incentive rather than a performance requirement. Moreover, acknowledging the complexity of the supply chain, lessees have the flexibility to meet the incentive threshold by selecting four of eight major offshore wind components listed in the lease stipulation.

8. Native American Tribes, Ocean User, and Stakeholder Engagement and Coordination

Summary of Comments:

Approximately 30 commenters provided feedback on engagement with Native American Tribes, ocean users and stakeholders. Commenters were generally supportive of BOEM's intention to include a progress reporting requirement for lessee engagement activities; however, there were several recommendations on how to ensure that such a reporting requirement achieved its intended purpose. Several comments suggested measures that would make engagement more meaningful, including requiring lessees to document what they learned from meetings and how those findings were or were not integrated into the project planning and design process. Comments differed on the required frequency of reporting (e.g., quarterly or annually), and some suggested that the timing be aligned with state reporting requirements. Several comments expressed concern about overburdening Tribes and stakeholders with meetings, consultations, and progress reports that they would then in turn have to review for accuracy. Suggestions ranged from compensating Tribes and stakeholders for time spent attending meetings to requiring and providing a third party to verify the contents of the reports and the responsiveness of lessees to stakeholders, including at the COP stage. Commenters requested that progress reports be made publicly available; however, several comments expressed concern about the confidentiality of information in those reports (e.g., sensitive Tribal or proprietary lessee information).

The PSN noted that BOEM has received feedback that the potential addition of up to eight new OCS wind leases, each owned by a different lessee, burdens Tribes and stakeholders that have limited resources and that are already seeking to engage with existing lessees.

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Approximately 20 commenters provided feedback on the topic, with most expressing positive support for the recognition of the problem and the proposed solution. Several comments highlighted that BOEM needs to play an active role in the facilitation of stakeholder engagement, particularly early in the process, and not promote more meetings as ‘check the box’ exercises, but as meaningful engagement. Commenters suggested that meetings be regional in focus, while others emphasized the importance of in-person meetings where stakeholders work and live, as well as streaming and recording options, as appropriate. Several comments strongly encouraged requiring collaboration among lessees, not just for engagement, but also for transmission, turbine layouts, etc.

BOEM Response:

BOEM recognizes the need and importance of early, consistent, transparent, and meaningful engagement between lessees and Tribes, ocean users, underserved communities, and other stakeholders (“Tribes and parties”) potentially affected by lessees’ project activities on the OCS.

In response to comments, BOEM is building upon a previously used lease stipulation to require a semi-annual progress report. Within the progress report, lessees will identify Tribes and parties potentially affected by proposed activities and provide updates on engagement activities. The report will document potential adverse effects from the lessee’s project to the interests of Tribes and parties. The report will also describe how a project has been informed or altered to address those potential effects, and any planned engagement activities during the next reporting period. BOEM will review progress reports and provide a feedback mechanism for Tribes and parties to comment on the reports. Where appropriate, BOEM will pass comments along to the lessee to be addressed. Should the lessee not address the comments provided by BOEM in a timely and adequate manner, BOEM reserves the right to require specific mitigation (e.g., third party verification or mediation at the lessee’s expense, alteration/adjustment of the required reporting frequency).

In acknowledgment of the existing and growing consultation burden placed on many affected Tribes and other parties, the stipulation also requires, to the maximum extent practicable, that lessees coordinate with one another on engagement activities. It is BOEM’s intention that this requirement to coordinate engagement apply not only to meetings proposed by lessees, but also to reasonable requests to coordinate engagement requested by Tribes and parties. In addition, the progress report incorporates communication plans for fisheries (Fisheries Communication Plan, [FCP]), Tribes (Native American Tribes Communication Plan, [NATCP]), and agencies (Agency Communication Plan, [ACP]), which serve to guide engagement activities with those groups.

BOEM will continue to explore options to build upon and improve its own engagement practices with affected Tribes and other parties.

9. Limits on the Number of Lease Areas Per Bidder

Summary of Comments:

Approximately 20 commenters provided feedback on the limits on the number of lease areas per bidder. The feedback requested was whether BOEM should limit the number of areas a bidder can win to one or allow for two or more areas to be won by a single bidder. The vast majority of commenters, comprised of representatives from the wind industry, the States of New York and New Jersey, trade and labor groups, and non-governmental organizations, preferred a limit of one lease area per bidder regardless of the number of areas offered for sale. The most commonly cited reasons for this position were an interest in maximizing competition in future wind energy procurements, as well as an interest in limiting consolidation of the offshore wind market to a limited number of developers. One of the cited justifications for limiting the numbers of areas a bidder may win was that it would translate to lower costs for ratepayers. In addition, another commenter suggested that limiting the number of lessees could improve coordination across areas.

Two offshore wind developers argued for the removal of the one per customer limits, stating that the areas identified in the PSN are smaller than those offered in previous lease sales, may not be of equal value, and would, therefore, limit opportunities for economies of scale in the supply chain and financing.

Two commenters focused on the number of winners for a given lease, with one preferring a single winner format and the other preferring co-lessees and joint bidding to provide flexibility for developers during auctions. Another commenter was more concerned with the uncertainty and delays that would be added to the leasing process if bidders could win more than one lease.

BOEM Response:

BOEM concurs with the conclusions presented by New York, New Jersey and most commenters, that there are benefits to the development of offshore resources on the OCS from increased competition and diversification of the offshore wind industry. Consistent with the majority of commenters, BOEM has concluded that increased competition is likely to lead to a more diverse pool of lessees and potential developers in the United States, expanding opportunities for innovation in this sector, and insulating this nascent industry against unforeseen risks and challenges.

Moreover, the marginal benefit to a lessee of developing two leases is unlikely to outweigh the benefits from greater competition for state offshore wind energy offtake agreements. While a one lease per bidder restriction could potentially lead to a decrease in the overall bonus bids received, BOEM agrees that increased competition for state wind energy procurements offers greater potential benefits to state procurement processes and state ratepayers than the economies of scale that could be obtained by a lessee procuring two NY

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Bight leases. These projects are likely to be multi-billion-dollar investments, a figure which affords considerable opportunities for economies of scale on a project-by-project basis, i.e., without lessees winning multiple leases.

Therefore, BOEM is limiting the number of lease areas any bidder can win to one, as was done in BOEM's most recent sale in December of 2018, ATLW-4A offshore Massachusetts. BOEM also agrees that there is a strong interest in coordination across areas, and accordingly will introduce requirements for enhanced coordination, as discussed throughout the FSN and required in the lease. In addition, BOEM will limit bidding to single entities, since a joint venture can qualify as the entity bidding on behalf of parties wishing to act as co-lessees. Bidding by single entities will decrease the potential for anti-competitive behavior. BOEM's regulations also allow a lessee to assign a lease to another entity that is qualified by BOEM, which would allow a winning bidder to bring on additional parties once in possession of a lease.

10. Fiscal Terms

Summary of Comments:

Nine commenters provided feedback on fiscal terms. Commenters generally supported BOEM's proposal to simplify the rental calculation (no commenters opposed this proposal). One commenter proposed using rental rates to incentivize certain actions, in particular the use of foundation types that do not require pile driving (also known as quiet foundations). Another commenter suggested that projects undergoing phased development should pay reduced rental rates. One commenter requested clarification regarding some of the details of the rental rate calculation. Commenters also supported BOEM's proposal to use Zone J for projects connecting to New York City but suggested the use of Zone K for projects connecting to Long Island. Other commenters suggested that operating fee payments should be based on wholesale market price wherever the energy is delivered.

BOEM Response:

BOEM has revised and simplified the rental language in Addendum "B" of the lease. The simplification generally maintains the existing rental payment approach, where a lessee pays rent on undeveloped or non-generating acreage and an operating fee once a wind energy project begins generating electricity. Calculating rent is simplified and will become a three-step process where rent is calculated on the portion of the lease not authorized for commercial operations, rent is calculated on the portion of the lease authorized for commercial operations but without operating turbines, and the two rates will be summed to equal the total rent due. An operating fee will be due for the generating portion of the lease. Lease rental payments already consider phased development since rent is not paid on generating acreage. Lease rental rates are already low at \$3.00/acre, so a rental incentive for phased development is unlikely to speed the development of offshore wind projects.

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BOEM will use New York Independent System Operators (NYISO) Zone J as a price benchmark for all New York Bight lease areas. NYISO's Zone J is among the most liquid regional benchmarks and provides the greatest certainty to lessees.

11. Industry Standards for Environmental Protection

Summary of Comments:

Approximately 15 commenters provided feedback on industry standards for environmental protection. Several commenters recommended BOEM establish industry standards and guidelines for environmental protection through lease stipulations or incentives. Suggestions and examples of industry standards to reduce and minimize noise and mitigation measures to prevent future vessel collisions were provided. Recommendations included BOEM encouraging developers to use current data and modern technology and consideration of research by the National Offshore Wind Research and Development Consortium. Commenters also recommended BOEM require lease holders and lease holders' contractors to follow data collection and reporting standards, such as regional scientific plans to monitor and minimize environmental impacts in the New York Bight and adoption of "independent verification methods." It was also recommended that BOEM require offshore wind developers to include contributions for regional environmental and fishery monitoring in lease bid prices. Other commenters expressed concerns that wind turbines may damage historic shipwrecks off the coast of New Jersey.

BOEM Response:

BOEM has included several standard operating conditions and lease stipulations in the FSN that address minimizing impacts to the environment. Lessees OCS activities must comply with the standards in the Project Design Criteria and Best Management Practices found in BOEM's notice

(<https://www.boem.gov/sites/default/files/documents//PDCs%20and%20BMPs%20for%20Atlantic%20Data%20Collection%2011222021.pdf>) last revised on November 22, 2021. The 2021 BA and letter of concurrence from which these measures were derived may be found here: (<https://www.boem.gov/renewable-energy/nmfs-esa-consultations>).

BOEM included a requirement for an FCP that provides for:

- Two-week advance notice of survey activities;
- Notice to federal and state license holders known to operate near the project area through methods other than "Notices to Mariners;"
- Inclusion of a survey schedule that, to the extent practicable, avoids peak fishing activity;
- Commitment to establish a replacement/compensation process for lost gear and a complaint management procedure for said replacement/compensation process; and

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- Requirement to provide an annual summary of filed claims and outcomes to BOEM to better understand the frequency and extent of gear interactions.

BOEM also included an Archaeological Survey Requirement to determine whether any potential archaeological resources are present in the survey area, and to avoid or minimize impacts to the resource from potential future development on the lease, which will be subject to appropriate environmental review.

Concerning contributions for regional environmental and fishery monitoring efforts, OCSLA requires that all bids for a lease be paid to the U.S. Treasury and, therefore, bid amounts may not be transferred to regional environmental and fishery monitoring efforts. BOEM can require appropriate mitigation, including monitoring, at later stages of decision making.

12. Coordinated Transmission and Cable Routing

Summary of Comments:

Several commenters provided recommendations on ways to limit the impacts of coordinated transmission and cable routing on ocean habitats. Commenters suggested that transmission cables from the lease areas run directly to the nearest landfall and be as short as possible, and others noted the need for deep cable burial to avoid impacts on marine habitats. Others suggested limiting impacts of coordinated transmission and cable routing on fishing, including a suggestion that cables avoid fishing grounds at all costs. Commenters urged BOEM to require coordination, both among developers with regard to shared cable corridors for neighboring projects, as well as between developers and fishing industry stakeholders. A commenter also advocated for coordination between submarine cables and offshore wind energy projects at the earliest stages of project planning and suggested that uncoordinated offshore wind development posed the risk of damaging submarine cables from vessel and structure anchoring.

BOEM Response:

BOEM received several comments concerning the need for a more coordinated approach for transmission planning. In most cases, this was driven by a desire to minimize impacts to the environment and the fishing industry. These comments suggest BOEM take steps to minimize the overall amount of cabling, ensure proper burial and monitoring, and to take steps to improve coordination among lessees for the use of shared infrastructure and/or cable corridors. In addition, BOEM has an interest in maximizing the utility of the limited number of land-based points of interconnection to the grid. BOEM recognizes that the identification of shared infrastructure, and/or cable corridors is subject to a number of conditions that may not be known at the time of lease sale. This may include the point of interconnection, obstacles to cable routing that are not identified until the lessee undertakes survey work, and other conditions concerning transmission in an offtake agreement.

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BOEM is continuing efforts to take a planned approach to transmission, while working with Federal partners including the Department of Energy and the Federal Energy Regulatory Commission, and is evaluating options including the use of cable corridors, regional transmission systems, meshed systems, and other mechanisms. Therefore, in the future, BOEM may condition COP approval on the incorporation of such methods, where appropriate and consistent with law. BOEM encourages lessees resulting from this sale to engage in early coordination with adjacent lessees, states, Tribal Nations, and other ocean users to identify ways to minimize impacts from transmission. In addition, BOEM has modified the lease stipulations concerning engagement with Tribes, ocean users, underserved communities, and stakeholders to explicitly seek input and discussion surrounding transmission easements prior to proposing such easements.

The appropriate burial depth and routing for cables is largely dependent on site-specific conditions. Accordingly, BOEM requires a cable burial depth study prior to any installation of cables, which is based on extensive survey work. It should also be noted that as BOEM is not the purchaser of electricity from the wind farms—the land-based point of interconnection is negotiated between the lessee and the appropriate state entity and is not within BOEM’s jurisdiction.

13. Compensation Plans

Summary of Comments:

Several commenters recommended that BOEM establish a compensation plan for fishermen. Recommendations and suggestions for compensation plans included:

- *Consideration of a lease stipulation requiring the development of a consistent, equitable, and science-based fisheries compensation process.*
- *Developer-created compensation fund for fishing vessels and crewmembers impacted by wind turbines and/or cables.*
- *Mitigation and compensation plans designed on a regional basis, instead of a state-by-state approach.*

BOEM Response:

The reporting requirements and enhanced engagement discussed elsewhere in this comment response document were developed, in part, to increase communication, transparency and accountability among the parties to design a project reflective of the current and future uses on the OCS. These communication tools should reduce space-use conflicts and the potential for compensatory mitigation. BOEM recognizes that there are benefits in a more standardized approach to mitigating impacts to fisheries. On November 23, 2021, BOEM published a Request for Information to begin developing a more standard mitigation

approach, including compensatory mitigation (see: <https://www.boem.gov/renewable-energy/fishing-industry-communication-and-engagement>). However, BOEM believes that, in the absence of a standard guidelines for fisheries mitigation, fisheries mitigation plans (inclusive of compensation plans) should be developed when project-specific impacts are better defined. Therefore, BOEM believes that it is not necessary to require compensation plans in lease terms prior to fully understanding specific project impacts and the completion of BOEM fisheries guidance development.

14. Fisheries Data Usage

Summary of Comments:

Several commenters discussed methods used to collect and analyze fisheries data. One commenter argued that the relative use index is overly reliant on AIS data, which does not represent all fishing activity in the New York Bight. Another commenter stated that BOEM should look at Vessel Monitoring System (VMS) and other kinds of data, including recreational fishing data. Two commenters argued that the economic value of fishery resources must be considered when analyzing fisheries data. A commenter urged BOEM to consider past, current, and potential future changes in fishing activity when assessing areas to lease or not to lease for renewable energy development and another commenter argued that that the appropriate research studies must be done to determine the spatial operational needs of mobile gear fisheries operating in the mid-Atlantic Bight. A commenter was also concerned that scallop surveying would not be possible in the proposed 1 nmi x 1 nmi layout which would reduce the overall number of scallops surveyed and reduce the total number of scallops that fishermen will be able to catch in other areas.

BOEM Response:

BOEM relies upon the best available science in evaluating leasing options. This approach has not limited BOEM to any single dataset in understanding past and current fisheries usage. BOEM has used information provided by the NMFS including fishing vessel trip reports, vessel monitoring systems, and the NMFS revenue exposure calculations. In addition, BOEM also evaluated AIS data, the latest information on potential environmental effects from offshore wind energy facilities, and comments received during the entirety of the planning and analysis of leasing in the NY Bight. With regard to the feasibility of future scallop surveying within a developed offshore wind facility, BOEM has committed with the National Marine Fisheries Service to develop a program for mitigating impacts to fisheries survey operations.² Furthermore, the issuance of a lease does not authorize the construction

² <https://www.boem.gov/bureau-ocean-energy-management-and-national-oceanic-and-atmospheric-administration>

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of any facilities. Any facilities proposed by a lessee are subject to environmental review under NEPA and consultations pursuant to the Magnuson-Stevens Fishery Management and Conservation Act, and the Endangered Species Act (ESA). Therefore, measures to mitigate impacts to NMFS scientific surveys would be addressed at the COP approval stage.

15. Economic Impact to State Solicitations

Summary of Comments:

Three commenters discussed impacts to state solicitations. One commenter emphasized that new leases and more bidders would improve competition and the resulting efficiency of New York's wind energy solicitations, particularly given New York's substantially increased policy demand for wind energy. Two other commenters added comments on the proposed leases' economic impacts, including citing research that offshore wind energy could provide positive socio-economic benefits. An additional commenter was concerned about the timing of the lease sale and its proximity to the certain state solicitations, which may affect the ability for the winning developers to bid in the solicitations.

BOEM Response:

BOEM is offering leases in the NY Bight to provide acreage for New York and New Jersey wind energy solicitations. The acreage offered for lease and the limit of one lease per bidder should provide robust competition for state clean energy solicitations. Further, BOEM agrees that the offshore wind program will provide socio-economic benefits to the local community. These impacts will be estimated in the COP and corresponding NEPA analysis for these lease areas. BOEM is also committed to a timely auction; however, we must meet certain regulatory requirements, which occasionally extend the period between our PSN and the FSN.

16. North Atlantic Right Whales

Summary of Comments:

BOEM received several comments regarding impacts on the North Atlantic right whale (NARW). One commenter suggested that BOEM require all vessels to maintain a separation distance of at least 500 meters(m) from NARWs at all times. A few commenters suggested that BOEM limit the speed of all vessels, particularly in areas of known NARW abundance, to reduce risk of vessel collisions. Several commenters noted the importance of utilizing Protected Species Observers (PSOs) and/or acoustic detection to monitor zones and manage the timing of site assessment and characterization activities to minimize all impacts to NARWs. One commenter suggested that BOEM require all harm to marine mammals found through monitoring to be reported to NMFS or the USCG. Several other commenters suggested BOEM implement noise mitigation measures, including:

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- *The prohibition of any and all pile driving during periods of highest risk to NARW;*
- *Utilizing fixed foundation technology whenever possible; and*
- *Requiring developers to select sub-bottom profiling systems that can be deployed close to the seabed and operate those systems at power settings that achieve the lowest practicable source level for the task.*

BOEM Response:

BOEM has included several standard operating conditions in the FSN that address minimizing impacts from site characterization and site assessment activities to protected species, including the NARW. Lessees must comply with the PDCs and BMPs³ that are consistent with the requirements of the NMFS Letter of Concurrence under the ESA and other BOEM requirements. The February 2021 BA and Letter of Concurrence may be found here: (<https://www.boem.gov/environmental-consultations>). BOEM requires all vessels to maintain a separation distance of at least 500 m from NARWs at all times and PDCs for speed reductions and trained lookout requirements for vessels. Additionally, all NARW sightings are reported to the agencies and on sightings platforms such as Whale Alert. Additional PDCs include avoiding live bottom features; avoiding activities that could affect early life stages of Atlantic sturgeon; marine trash and debris awareness and prevention; minimizing interactions with listed species during geophysical operations surveys; minimizing vessel interactions with listed species; minimizing risk during meteorological buoy deployment, operations, and retrieval; protected species observers; and reporting requirements.

BOEM determined that site characterization and site assessment activities expected to take place after lease issuance are not likely to adversely affect any of the ESA-listed species covered in the BA. NMFS concurred with this determination based on the rationale presented in the 2021 BA and Letter of Concurrence. More information on the status of the species and critical habitat considered in the consultation, as well as relevant listing documents, status reviews, and recovery plans, can be found within the BA and on NMFS webpages accessible at:

<https://www.greateratlantic.fisheries.noaa.gov/protected/section7/listing/index.html>,
https://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/index.html,
and <https://www.fisheries.noaa.gov/species-directory>.

Although site characterization and site assessment data collection activities are analyzed in this EA, pile driving and an assessment of foundation types used during the construction of

3

<https://www.boem.gov/sites/default/files/documents/PDCs%20and%20BMPs%20for%20Atlantic%20Data%20Collection%2011222021.pdf>

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wind farms are outside the scope of the EA and have not been considered. The issuance of a lease is likely to be followed by site characterization and site assessment activities on the lease, but lease issuance does not grant any permission for any activity on the lease.

Construction, operations, and decommissioning activities are subject to future NEPA, permits, and consultations, should a COP be submitted to BOEM in the future. BOEM will be in a better position to consider and address the commenters' substantive concerns when evaluating any such permits.

17. Operations Term

Summary of Comments:

A few commenters provided feedback on the operations term, ranging from support for extending the operational lease term to recommending the inclusion of a detailed decommissioning plan for marine environment restoration. One commenter argued that the lease operations term should initiate at the Commercial Operation Date (COD).

BOEM Response:

BOEM's regulations initially default to a 25-year operations term. However, BOEM has recognized an increased term length is appropriate due to increased longevity of projects and the time in the operations term that will be taken by construction and post-COP approval activities. Thus, in the NY Bight lease sale, BOEM is proposing a 33-year operations term. Any lessee that wishes to negotiate a longer operations term may request a lease renewal as described in 585.235(a)(4) once operations have begun and at least 2 years from the end of the term. In response to initiating the operations term at the COD, BOEM must follow its regulations, which state in 585.235(a)(3) that the operations term begins upon COP approval or within 5 years of Site Assessment Plan (SAP)/COP approval, when fabrication begins, or when installation commences.

Details of a decommissioning plan are most appropriate as a project approaches the need to decommission for multiple of reasons. First, decommissioning must be based on the actual as-built project, as opposed to speculation at the time of lease. Second, because the operations term is 33 years, the state of technology employed for decommissioning may be different from current standards, so it is in the interest of all parties to ensure best practices based on available technology.

18. Lease Sale Timing

Summary of Comments:

Several commenters provided feedback on the lease sale timing. Commenters were concerned that a delay could slow the overall domestic offshore wind leasing program. In

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contrast, BOEM received several comments requesting that the process be slowed, paused, or restarted.

BOEM Response:

BOEM takes a considered approach to the timing of lease sales. BOEM has regulatory minimum waiting periods for each step prior to a renewable lease sale. We may extend the period between each step as needed. However, BOEM tries to provide certainty and clear timelines whenever possible. In this instance, BOEM has completed its environmental reviews and taken the time to formulate responses to commenters. Accordingly, the auction date listed in the FSN is both timely and considered.

19. Auction Format

Summary of Comments:

Twenty-two commenters provided feedback on the auction format and BOEM's potential use of bidding credits in a multiple-factor auction. Commenters generally supported investments in the domestic supply chain, workforce development, and underserved communities. However, they disagreed about the appropriate method. Several commenters justified their support for multi-factor auctions with assertions of BOEM's authority and/or accompanying citations.

Several developers and developers' associations favored a single-factor, price-only ascending bid auction. Other commenters suggested a multiple-factor auction should not be used for the New York Bight but could be considered in the future. One commenter suggested using lease stipulations in lieu of multi-factor bidding in the meantime and a couple developers requested that specific multiple-factor proposals be published for comment.

Supporters of a single-factor price-only auction highlighted transparency and consistency with prior practice. A variety of concerns with the multi-factor bidding approach were cited, including litigation and delay risks, benefits to existing developers, additional subjectivity and unnecessary complexity. A group of state agencies urged BOEM to ensure that any bidding credits are flexible and complement existing state programs.

Several commenters made suggestions regarding the potential use of bidding credits. Most of those commenters raised concerns about the feasibility of qualifying investments prior to the auction. In addition, one commenter recommended that credits be designed so that the underlying lease would remain intact if the credits were invalidated. Some commenters suggested the use of lease stipulations in lieu of bidding credits; however, other commenters requested BOEM clarify how lease stipulations would be implemented and measured prior to the auction. A few comments suggesting that BOEM coordinate with the Department of

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Energy's Loan Programs Office to incentivize developers through grants, loans and credits to support a domestic supply chain.

BOEM Response:

For this auction, BOEM has elected to use a single-factor, cash-only auction format. BOEM will address its OCLSA-related goals (such as encouraging expeditious development through PLAs) through lease stipulations. However, BOEM may offer a credit in future lease sales using a multiple-factor auction format. BOEM is also participating in a whole-of-government approach to offshore wind development and will continue to work with our sister agencies such as the Department of Energy to develop innovative ways to facilitate responsible offshore wind development.

20. Environmental Protection

Summary of Comments:

Several commenters expressed concern for the proposed leases' impacts on the environment, connecting those concerns to statutory protections. A few commented that BOEM's NEPA procedures have been inadequate, arguing that BOEM needed to account further for the leases' cumulative impacts, that a final EA or EIS is necessary before publication of the PSN, that BOEM should conduct a programmatic NEPA review, and that the EA should specifically address species of fish and other ocean wildlife listed in the ESA. A Federal agency stated BOEM should have consulted with the agency earlier, especially for site characterization of habitats and benthic features, and that it would coordinate with BOEM to draft a programmatic ESA report while another commenter opposed such coordination. Commenters also wrote that protected wildlife were threatened by the proposed leases and that BOEM should closely monitor projects to examine their impacts to protected wildlife.

Other commenters raised other procedural concerns with the PSN, including concern the PSN considered too few alternatives by not examining solar energy; that a cost-benefit analysis on the PSN's impacts to fishing is warranted; and that BOEM should provide more information as to the type of materials to be used for construction foundations.

Additional commenters provided feedback on the proposed leases' environmental impacts or recommendations on alternative approaches, including:

- *Advocating that BOEM conduct more research on wind projects' environmental impacts and monitor projects for their impacts to wildlife;*
- *Recommendation that BOEM reference the work of the Offshore Wind Technical Work Groups established by the State of New York for monitoring and best practices guidance;*
- *Suggestion that BOEM require new surveys of the proposed lease areas where data is over five years old; and*

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- *Expressed concern for the wellbeing of specific wildlife such as surfclam, ocean quahog, squids, scallops and other fish, and numerous species including bats, marine mammals, and more; these commenters reasoned that the noise of construction and traffic could be especially harmful to species relying on sonar.*

BOEM Response:

Effects associated with site assessment and site characterization activities are the focus of the NY Bight EA and include multiple actions that are intended to assess the distribution and population density of birds, benthic organisms, bats, and marine fauna and to aid a future NEPA analysis for a wind energy facility in the event a developer proposes one. In accordance with BOEM's renewable energy regulations, the submission (and BOEM's potential subsequent approval) of a COP allows the lessee to construct and operate wind turbine generators and associated facilities for a specified term. If a COP is submitted, BOEM will prepare a NEPA analysis and would provide additional opportunities for public involvement. As with a SAP, BOEM may approve, approve with modification, or disapprove a lessee's COP. In addition, BOEM would initiate consultations at the COP approval stage, which would include section 7 consultations under the ESA and Section 106 consultations under the National Historic Preservation Act. The activities that may ensue as a result of the issuance of leases in the NY Bight are subject to a programmatic consultation with NMFS (<https://www.boem.gov/renewable-energy/nmfs-esa-consultations>). BOEM and NMFS continue to work on programmatic approaches to ESA consultations for future COPs that may be submitted for the New York Bight and other leases.

Regarding studies of impacts and monitoring project impacts to marine resources, BOEM has an Environmental Studies Program that has invested in studying impacts from existing offshore wind projects (e.g., Block Island Wind Farm and the Coastal Virginia Offshore Wind Research project), as well as baseline studies of marine wildlife and habitat. In addition to BOEM-funded studies, BOEM has also developed several survey guidelines to ensure that data is collected in a consistent manner within the NY Bight WEA as well as in other areas on the Atlantic Coast. BOEM is also working collaboratively with regional science organizations such as the Regional Wildlife Science Entity and the Responsible Offshore Science Alliance to help identify and prioritize future studies and standardize sampling methodologies.