

New York State Offshore Wind

Federal and State Roles in Offshore Wind Development



Selecting ocean areas for offshore wind development and connecting the power to New York State's electricity grid is a highly regulated process. It involves many federal and State agencies that each require intensive consideration and study of environmental, cultural, maritime, economic, and social factors.

These complex processes include many checks and balances and considerable opportunities for stakeholder engagement. With engagement, the State can promote solutions with the least impact to ecosystems and existing ocean users, while satisfying the State's need for clean energy under New York's Climate Leadership and Community Protection Act (Climate Act) mandates.

Coastal state waters extend out to three nautical miles from the U.S. coastline. The federal government has primary jurisdiction over waters beyond that point.

The Federal Role

Many federal agencies, coordinated by the Bureau of Ocean Energy Management (BOEM) which is part of the U.S. Department of Interior, have regulatory responsibilities in various aspects of offshore wind development. Federal responsibilities include:

- **Siting and leasing** of Wind Energy Areas in federal waters
- **Overseeing** federal permitting processes, including for:
 - Data collection in lease areas
 - Detailed plans for the design, construction, and operation of offshore wind projects
 - Environmental and wildlife protection
 - Fisheries concerns
 - Maritime navigational issues
 - Cultural resources
- **Enforcing** compliance with all applicable safety, environmental, and conservation laws and regulations



Follow Bureau of Ocean Energy Management on social media to stay apprised of opportunities for public involvement, and visit: boem.gov/renewable-energy/state-activities/new-york-bight

The table below provides an overview of federal permitting and consultation requirements for offshore wind generation and transmission development (not in chronological order). See a list of agency abbreviations below the table.

Permitting/Consultation Requirements - To construct an offshore wind project, developers must first:	Federal Regulatory Agency
Obtain a commercial lease of submerged lands for renewable energy development	BOEM
Receive approval for a Site Assessment Plan (SAP)	BOEM
Receive approval for a Construction and Operations Plan (COP) • Includes consultations required under the National Historic Preservation Act with Tribes, Advisory Council on Historic Preservation, State Historic Preservation Offices, etc.	BOEM
Receive approval for a Facility and Design Report (FDR) and Fabrication and Installation Report (FIR)	BOEM, BSEE
Engage in consultations pertaining to: • Magnuson-Stevens Fishery Conservation and Management Act • Marine Mammal Protection Act • National Historic Preservation Act • Endangered Species Act	NOAA Fisheries NOAA Fisheries, USFWS Advisory Council on Historic Preservation NOAA Fisheries, USFWS
Receive permit for subsea cables under the Clean Water Act	USACE
Receive permit for navigational lighting	U.S. Coast Guard
Engage in consultations pertaining to siting	DoD, FAA
Receive permits for air quality and pollution prevention	EPA, USACE
Receive authorization for incidental take or harassment under the Marine Mammal Protection Act, Endangered Species Act, Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act, and the Magnuson-Stevens Fishery Conservation and Management Act	NOAA Fisheries, USFWS

Abbreviations

BOEM: Bureau of Ocean Energy Management
BSEE: Bureau of Safety and Environmental Enforcement
DoD: U.S. Department of Defense
EPA: U.S. Environmental Protection Agency

FAA: Federal Aviation Administration
NOAA: National Oceanic and Atmospheric Administration
USACE: U.S. Army Corp of Engineers
USFWS: U.S. Fish and Wildlife Service



The State Role

New York State Energy Research and Development Authority (NYSERDA) selects offshore wind projects through a competitive procurement process, as authorized by the New York State Public Service Commission.

In addition, several State agencies are part of offshore wind permitting processes and consultations. New York State responsibilities include:

- **Developing** energy policy and strategies for responsibly implementing the mandates of the Climate Act
- **Competitively selecting** offshore wind projects for 25-year contracts
- **Overseeing** state permitting processes, including:
 - Routing of the export cable connecting the offshore wind farm to New York’s electricity grid
 - Environmental protection
 - Fish and wildlife Protection
 - Easements for underwater cables
 - Federal coastal consistency review
- **Cultivating** a domestic supply chain and workforce to support New York and regional offshore wind projects
- **Coordinating and funding** research and data collection efforts to support responsible offshore wind development at a regional scale
- **Engaging** with stakeholders and conducting outreach to communities to inform research priorities, evolve environmental and fisheries mitigation plans, improve procurements, coordinate investments in supply chain and workforce development, and incorporate unique perspectives into planning processes



Visit the [New York State Department of Public Service website](https://www.dps.ny.gov/article-vii-major-electric-and-gas-transmission-facilities) to follow or participate in the State’s Article VII permitting process for individual offshore wind projects: [dps.ny.gov/article-vii-major-electric-and-gas-transmission-facilities](https://www.dps.ny.gov/article-vii-major-electric-and-gas-transmission-facilities).

The table below provides an overview of state permitting and consultation requirements for offshore wind development (not in chronological order). See a list of agency abbreviations below the table.

Permitting/Consultation Requirement - <i>To construct an offshore wind project, developers must first:</i>	State Regulatory Agency
Receive permit for the transmission system connecting the offshore wind farm to New York’s electricity grid	NYS PSC
Receive permits for coastal environmental impacts • Includes assessment and mitigation of potential impacts to water quality, air quality, benthic communities, fish, fisheries and wildlife	NYS DEC, NYS PSC
Receive an easement for underwater cables	NYS OGS
Federal Consistency Review under the New York State Coastal Management Program	NYS DOS
Receive permit for work on State-owned roads	NYS DOT
Engage in consultations pertaining to effects on sites of historic or archeological significance	NYS OPRHP

Abbreviations

- NYS DEC: New York State Department of Environmental Conservation*
- NYS DOS: New York State Department of State*
- NYS DOT: New York State Department of Transportation*
- NYS OGS: New York State Office of General Services*
- NYS OPRHP: New York State Office of Parks, Recreation, and Historical Preservation*
- NYS PSC: New York State Public Service Commission*

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