

FAST-41 Permitting Council

[Submitted via email to FAST.FortyOne@fpisc.gov; FAST41initiation@ios.doi.gov]

Our reference: AU-TPD-PM710-00001-008_01

02 April 2020

**Subject: Equinor Wind US LLC
Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer
Continental Shelf, OCS-A 0512
FAST-41 Initiation Notice Request**

Dear FAST-41 Permitting Council,

Equinor Wind US LLC (Equinor Wind) submitted its Construction and Operations Plan (COP) for the build out of Lease Area OCS-A 0512 (Lease Area; Project) to the Bureau of Ocean Energy Management (BOEM) on January 10, 2020. In support of the Equinor OCS-A 0512 COP Submittal, Equinor Wind respectfully submits this Fixing America's Surface Transportation Act (FAST-41) Initiation Notice request, in accordance with 42 U.S.C. § 4370m.

This FAST-41 Initiation Notice request contains the information outlined in 42 U.S.C. § 4370m-2, and includes the following:

- **Project Information:**
 - **Title:** Equinor Wind Lease Area OCS-A 0512
 - **Sector:** Renewable Energy Production
 - **Type:** Major Infrastructure Project
 - **Location:** BOEM Lease Area OCS-A 0512 (40.299176°, -73.347584°)
- **Project Sponsor Name and Contact Information**
 - Equinor Wind US LLC
c/o Laura Morales or Dave Phillips
120 Long Ridge Road
Stamford, CT 06902
lmora@equinor.com
dphi@equinor.com
- **Statement of the purposes and objectives of the project:** The purpose and objective of the Project is to generate renewable electricity from offshore wind located in the Lease Area. The Project addresses the need identified by New York and New Jersey for offshore wind and will help the State of New York Public Service Commission and the New Jersey Board of Public Utilities achieve their renewable energy goals.

In August 2016, the State of New York Public Service Commission adopted the Clean Energy Standard.¹ Under this standard, 50 percent of New York State's electricity must come from renewable sources of energy by 2030, with 2.4 gigawatts (GW) of electricity generated by offshore wind. The New York State Energy Research and Development Authority (NYSERDA) issued its first competitive solicitation for 800 megawatts (MW) or more of new offshore wind projects on November 8, 2018 and on July 18, 2019, New York's Governor Cuomo announced Equinor Wind and its Phase 1 Empire Wind Gowanus (EW Gowanus) Project as a winning bidder. The EW Gowanus Project will be delivered from the Lease Area as one of the phases within the COP.

In January 2019, Governor Cuomo proposed a plan which would require 70 percent of New York's electricity to come from renewable sources by 2030 and 100 percent by 2040. As part of this plan, 9 GW of electricity must come from offshore wind by 2035. In July 2019, Governor Cuomo signed the Climate Leadership and Community Project Act, which codifies the mandate of 9 GW of offshore energy by 2035. Equinor Wind's Lease Area has the potential to supply electricity into New York in support of this goal.

In May 2018, New Jersey's Governor Murphy signed the Renewable Energy Bill (A-3723). Under this bill, New Jersey is proposing that 100 percent of New Jersey's electricity be supplied by renewable energy sources by 2050. In order to reach this milestone, as of November 2019, the Governor has a goal to install approximately 7,500 MW of offshore wind by 2035. Equinor Wind's Lease Area, and the proposed Boardwalk Wind Project (BW Oceanview), has the potential to supply electricity via an onshore substation into the existing Oceanview Point of Interconnection (POI), in Neptune Township, New Jersey, in support of this goal.

- **Concise description including general location and/or a summary of geospatial information, if available, and the locations, if any, of environmental, cultural, and historic resources:** Equinor Wind proposes to construct and operate the Project located in the Lease Area, which covers approximately 79,350 acres (ac; 32,112 hectares [ha]) and is located approximately 14 statute miles (mi) (12 nautical miles [nm], 22 kilometers [km]) south of Long Island, New York and 19.5 mi (16.9 nm, 31.4 km) east of Long Branch, New Jersey (see **Figure 1**).

Equinor Wind proposes to develop the entire Lease Area in what could be from one to up to a maximum of three individual phases, known as EW Gowanus, BW Oceanview, and Empire Wind Barrett (EW Barrett) (collectively referred to as the Project). Offshore components of the Project will consist of up to 240 wind turbines and supporting tower structures; up to three offshore substations; up to 243 foundations and associated support and access structures (for aforementioned wind turbines and offshore substations), and up to 260 nm (481 km) of interarray cable, all of which will be located in federal waters within the Lease Area. In addition, the Project will include up to 90 nm (167 km) of submarine export cables, consisting of up to three routes which will be located in both federal and New York and New Jersey state waters. Onshore components will include an export cable landfall, onshore export and interconnection cables, and onshore substations in New York and New Jersey. An onshore operations and maintenance (O&M) facility is also proposed during the operation phase.

Statement regarding the technical and financial ability of the project sponsor to construct the proposed project: Equinor Wind is a direct, wholly owned subsidiary of Equinor US Holdings Inc. ("Equinor US") and an indirect, wholly owned subsidiary of Equinor ASA (collectively, "Equinor"). Equinor is an international energy company, headquartered in Norway, with operations in 37 countries. Equinor has approximately 22,000 employees worldwide, is listed on the New York and Oslo stock exchanges

¹ Case 15-E-0302 & Case 16-E-0270

(NYSE: EQNR, OSE: EQNR) and has a current market capital valuation in excess of \$65 billion.² With an extensive portfolio of offshore wind, oil, and gas facilities developed over its 40-year history, Equinor has a proven track record of successfully developing and operating large-scale energy projects in some of the most challenging ocean environments around the world.

- Equinor has developed, constructed, and operates two major bottom-fixed offshore wind farms in the United Kingdom: (1) the 317 MW Sheringham Shoal offshore wind farm and (2) the 402 MW Dudgeon offshore wind farm.
- Equinor also is the developer, owner, and operator of the 30 MW Hywind Scotland wind farm, the world's first floating offshore wind farm.
- Equinor is a partner in the Arkona Offshore Wind Project, a 385 MW wind farm located in the Baltic Sea approximately 22 mi (35 km) from the German coastline, which is in the final stages of development and has started delivering power to the grid.
- Equinor also owns an interest in the Dogger Bank offshore wind farms, a series of projects currently under development in the United Kingdom with a projected total nameplate capacity of 3.6 GW with construction of the first phase underway as of January, 2020.

With significant in-house capabilities and resources focused specifically on meeting the challenges of offshore energy development, backed by ample financial resources, Equinor is quickly becoming a leader in the development of offshore wind globally.

In accordance with 30 CFR § 585.515, Equinor Wind provided BOEM with an initial financial assurance bond to facilitate issuance of the Lease. In addition, Equinor Wind provided BOEM with supplemental financial assurances, as set forth in 30 CFR § 585.516 - .517, in support of the Site Assessment Plan (SAP) and COP. Furthermore, in accordance with 30 CFR § 585.516, Equinor Wind is required to provide BOEM a supplemental bond, a decommissioning bond, or other financial assurance to assure that lessee obligations can be fulfilled prior to approval of the COP and prior to authorization to commence construction. BOEM, however, has the authority to allow evidence of financial strength and reliability to meet financial assurance requirements, as detailed in 30 CFR § 585.527.

Equinor has a strong financial standing and a long history of undertaking, self-funding, or obtaining, the necessary financing for large infrastructure projects in a responsible manner. Demonstration of financial assurance, as required by 30 CFR § 585.527 has been provided in the Construction and Operations Plan (COP).

- **Statement of any Federal Financing, environmental reviews, and authorizations anticipated to be required:** Equinor Wind does not anticipate requesting any federal financing to support the Project. As part of the COP approval process, it is expected that BOEM will prepare an Environmental Impact Statement (EIS) for the activities detailed in the COP. In addition, the U.S. Army Corps of Engineers' (USACE's) issuance of an Individual Permit under the Rivers and Harbors Act and the Clean Water Act (CWA) and the U.S. Environmental Protection Agency's (EPA) issuance of an OCS Air Quality Permit are also considered federal actions and requires NEPA review.

During the NEPA process, BOEM will also consult with other environmental resource agencies, including the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Fish and Wildlife Service

² As of October 2019.

(USFWS), to comply with a variety of federal regulations, including the Endangered Species Act of 1973 (ESA), the Bald and Golden Eagle Protection Act of 1940, the Marine Mammal Protection Act of 1972 (MMPA), and the Magnuson-Stevens Fishery Conservation and Management Act of 1976 as amended.

Additionally, BOEM will ensure that applicable federal statutes, which include the Coastal Zone Management Act of 1972 (CZMA, see Section 1.5.2), National Historic Preservation Act of 1966 (NHPA), and Sections 401, 402, and 404 of the CWA, are properly implemented. A complete list of all environmental reviews and authorizations anticipated to be required is detailed in **Table 1**.

- **Assessment that the project meets the definition of a covered project as defined in 42 U.S.C. §4370m(6)(A) of the FAST Act and a statement of reasons supporting the assessment:** As defined in 42 U.S.C. §4370m(6)(A), the term "covered project" means any activity in the United States that requires authorization or environmental review by a Federal agency involving construction of infrastructure for renewable or conventional energy production, electricity transmission, surface transportation, aviation, ports and waterways, water resource projects, broadband, pipelines, manufacturing, or any other sector as determined by a majority vote of the Council that is:
 - Subject to NEPA;
 - Likely to require a total investment of more than \$200,000,000; and
 - Subject to NEPA and the size and complexity of which, in the opinion of the Council, make the project likely to benefit from enhanced oversight and coordination, including a project likely to require:
 - Authorization from or environmental review involving more than 2 Federal agencies; or
 - The preparation of an environmental impact statement under NEPA.

As the Project meets the definition of the criteria detailed above, as detailed through the information provided throughout this document, the Project meets the definition of a covered project and therefore qualifies under the FAST Act.

If you have any questions or concerns please do not hesitate to contact Laura Morales at lmora@equinor.com (917-476-5106). Thank you in advance for your time and assistance.

Sincerely,



Laura Morales
Leader-Permitting
Equinor Wind US LLC

CC: Luke Feinberg, Project Coordinator, Bureau of Ocean Energy Management
Martin Goff, Dave Phillips, Matt Brotmann, Equinor Wind US LLC
Nathalie Schils, Tetra Tech, Inc.

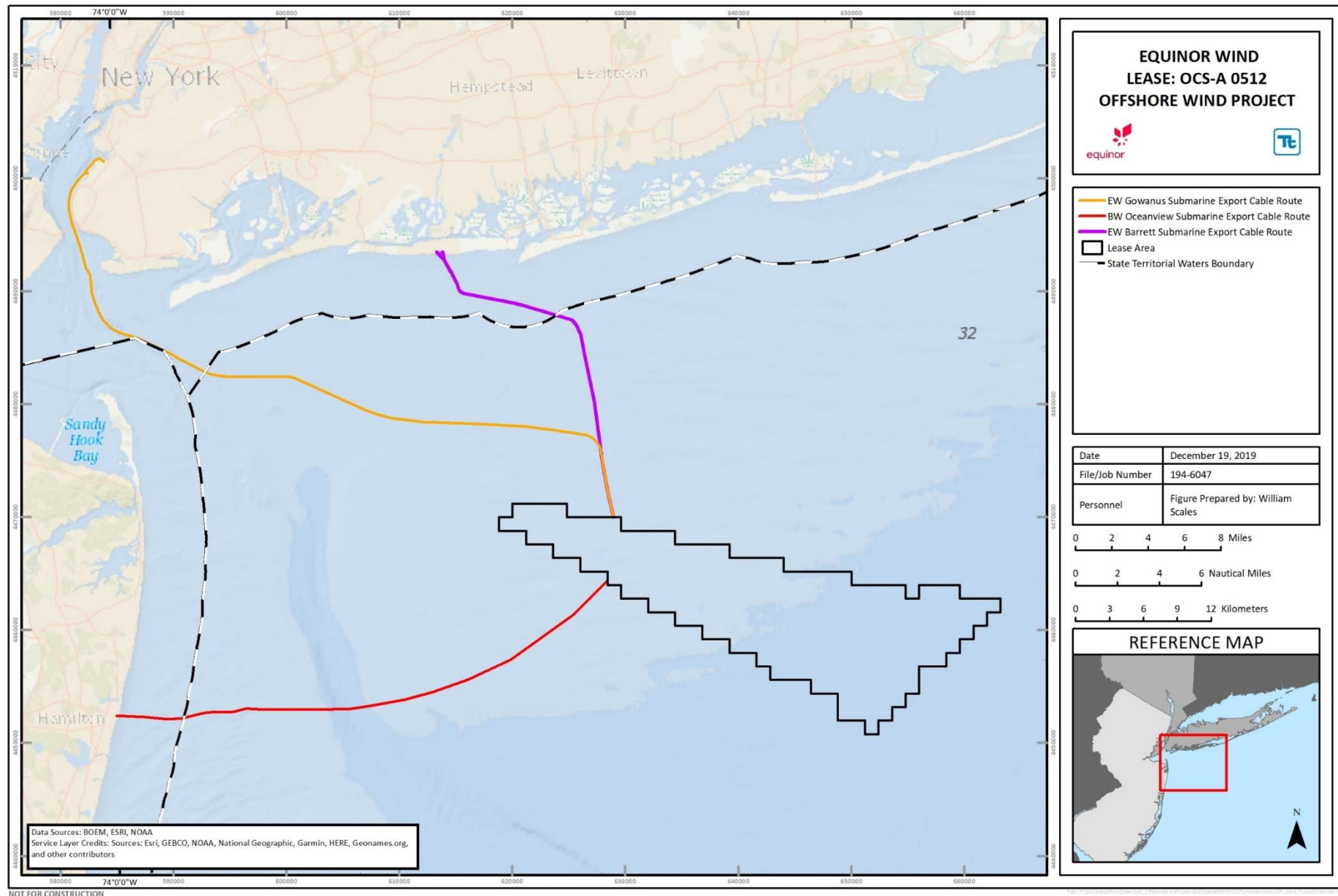


Figure 1 Project Area

Table 1 Federal, State, and Local Authorizations and Consultations

Regulatory Agency	Permit or Approval	Statutory Basis	Regulations	Applicability
Federal				
BOEM	Outer Continental Shelf Lands Commercial Lease, SAP, and COP	OCSLA 43 U.S.C. § 1337 Energy Policy Act of 2005	BOEM Final Rule on Renewable Energy Development on the OCS 30 CFR § 585	The OCSLA delegated authority to the DOI to manage OCS submerged lands, which extend out to sea from the state seaward boundary (beyond 3 nm [5.6 km] generally, 9 nm [16.7 km] in the Gulf Coast). The Energy Policy Act of 2005 further gave the DOI the authority, subsequently delegated to BOEM, for issuing submerged lands leases for alternative energy development on the OCS (i.e. activities that produce or support production, transportation, or transmission of energy from sources other than oil and gas).
USACE New York District	Section 10 Permit for structure in navigable U.S. waters Section 404 Dredge Discharge Permit in navigable U.S. waters Section 408 Permit for activities in a Civil Works Project	Rivers and Harbors Act – Section 10 33 U.S.C. §§ 333(e), 403 CWA Section 404 33 U.S.C. § 1344	33 CFR §§ 320 <i>et seq.</i>	Section 10 of the Rivers and Harbors Act requires a permit for construction of structures, including the laying of transmission cables, in, under, or over any navigable water or for work affecting those waters. Section 404 of the Clean Water Act requires a permit for the discharge of dredge or fill material into waters of the United States. Section 14 of the Rivers and Harbors Act (33 U.S.C. 408) requires USACE authorization for activities affecting a USACE civil works project.

Table 1 Federal, State, and Local Authorizations and Consultations (continued)

Regulatory Agency	Permit or Approval	Statutory Basis	Regulations	Applicability
NOAA's National Marine Fisheries Service (NMFS)	Section 7 Consultation under ESA	ESA 16 U.S.C. § 1536	50 CFR § 402	Section 7 of the ESA requires that federal agencies consult with NMFS to ensure their actions are not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat to the extent that the species or habitat are within NMFS jurisdiction.
	MMPA Incidental Harassment Authorization (IHA) or Letter of Authorization (LOA)	MMPA 16 U.S.C. §§ 1361 <i>et seq.</i>	50 CFR § 216	A LOA or IHA is required for activities resulting in the incidental take of marine mammals.
	Magnuson-Stevens Fishery Conservation and Management Act	Magnuson-Stevens Fishery Conservation and Management Act 16 U.S.C. §§ 1801 <i>et seq.</i>	50 CFR § 600	The Magnuson-Stevens Fishery Conservation and Management Act, reauthorized in 2005, set forth the EFH provisions to identify and protect important habitats of federally-managed marine and anadromous fish species. Federal agencies that fund, permit, or undertake activities that may adversely affect EFH are required to consult with the NMFS regarding the potential effects of their actions on EFH.
USFWS Northeast Region (Region 5)	ESA Consultation and ITP	ESA 16 U.S.C. §1531	50 CFR §§ 13, 17, 402 50 CFR §§ 10, 22	The USFWS has jurisdiction over federally-listed non-marine species such as birds and some species of marine mammals, including manatees, polar bears, sea otters, walruses, and dugongs. Consultation is necessary to determine the potential of the project to affect federally listed rare, threatened, or endangered species. A project proponent may choose to apply for coverage under an Incidental Take Permit (ITP) if the USFWS determines that any new offshore turbines or onshore transmission lines for the cable interconnection may result in a take.
Advisory Council on Historic	NHPA Section 106 Consultation	NHPA 16 U.S.C. § 470	36 CFR §§ 60, 800	Section 106 of the NHPA requires federal agencies to take into consideration the effects of their actions, including permit approvals, on cultural resources listed

Table 1 Federal, State, and Local Authorizations and Consultations (continued)

Regulatory Agency	Permit or Approval	Statutory Basis	Regulations	Applicability
Preservation (ACHP)				on, nominated to, and eligible for the National Register of Historic Places (NRHP). It also requires federal agencies to consult with the State Historic Preservation Office (SHPO) of the state in which Federal actions are to take place, or with the Tribal Historic Preservation Office (THPO), as applicable.
USCG, Sector New York, Sector Long Island Sound, First District, and Fifth District	Approval for Private Aids to Navigation (PATON) Local Notice to Mariners (LNM) Captain of the Port (COTP) Letter	49 U.S.C. § 44718 33 U.S.C. § 1221	33 CFR § 66	<p>The USCG has jurisdiction over marine traffic and national security out to 12 nm (22 km) from shore. As part of the USCG programs for overseeing boating safety, the USGC oversees the placement of PATONs, which are buoys, lights, or day beacons owned and maintained by any individual or organization other than the USCG. The USCG determines the type of aid, lighting, and marking for privately owned marine obstructions or other similar hazards to navigation. The USCG is also responsible for establishing any restricted zones around the facilities that may be desirable and for coordinating traffic during construction of the Project.</p> <p>The USCG has completed the Atlantic Coast Port Access Route Study (ACPARS) to determine future shipping lanes and port access routes. At this time, the implementation plan for the draft ACPARS fairways is unknown. The USCG should be consulted regarding preferred buffer zones to Traffic Separation Schemes (TSS) and any final ACPARS routes, should any routes be delineated.</p> <p>Request for a LNM is appropriate prior to construction. The request is generally made about 2 weeks prior to commencement of activity.</p> <p>Upon review and approval of the Project's Navigation Safety Risk Assessment, the USCG, as a consulting agency to the Lead Agency, will issue a COTP letter</p>

Table 1 Federal, State, and Local Authorizations and Consultations (continued)

Regulatory Agency	Permit or Approval	Statutory Basis	Regulations	Applicability
				outlining both approval of the assessment and any required additional mitigations.
U.S. Department of Defense (DoD)	Consultation	Public Law 114-92, National Defense Authorization Act (NDAA) of 2016, Amendment to § 358, FY11 NDAA	32 CFR § 211	<p>Consultation with the DoD regarding the proposed location of the offshore wind turbines and interconnection cables is anticipated to be required. Per DoD Instruction 4180.02 (March 31, 2016; updated August 31, 2018), the DoD will complete its planning assessments for renewable and conventional energy development projects on the OCS when requested by BOEM or on an as-needed basis within 50 days of receiving the request. The review will address any DoD stipulations that BOEM should include in its lease sale agreement with the project proponent.</p> <p>The DoD may review the proposed structures for potential obstruction and radar interference in coordination with the Federal Aviation Administration (FAA), although turbines are likely to be outside of the FAA's 12 nm (22.2 km) jurisdictional boundary. The DoD has a central Siting Clearinghouse to facilitate communication of offshore wind turbine and cable siting, and the Navy has a cable liaison official who also will provide guidance on potential cable routes across sensitive military areas.</p>
EPA, Region 2, Air Programs Branch	OCS Air Quality Permit and General Conformity Determination	Clean Air Act 42 U.S.C. §§ 7401 <i>et seq.</i>	40 CFR § 60	<p>Section 328(a) of the Clean Air Act requires that the EPA establish requirements to control air pollution from OCS sources located within 25 mi (40.2 km) of States' seaward boundaries that are the same as onshore requirements. Construction of a commercial wind park will most likely require submission of an OCS air permit. This determination is based on the likelihood that marine vessels or other equipment used to construct and/or operate the commercial wind farm will be considered an "OCS source" and the potential emissions from the OCS</p>

Table 1 Federal, State, and Local Authorizations and Consultations (continued)

Regulatory Agency	Permit or Approval	Statutory Basis	Regulations	Applicability
				<p>source (including emissions from vessels servicing the OCS source within a 25-mi [40.2-km] radius) would trigger Federal and/or State permitting rules as if the source were located onshore. Given ambiguities in the definition of “OCS source” and other past applicability determinations, detailed information on construction activities will need to be provided (i.e., with regard to anchoring or other activities that involve attaching to or resting on the sea floor) and the EPA and state agencies will need to be consulted on this issue.</p> <p>The New Jersey Department of Environmental Protection’s Division of Air Quality may be delegated to for implementing and enforcing the OCS air regulations.</p>