



Bluepoint Wind Project

Agency Communication Plan (ACP)

Lease Area OCS-A 0537

Submitted to: Bureau of Ocean Energy Management
Date: April 3, 2023

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Acronyms and Abbreviations

| Acronyms and Abbreviations | Definition |
|----------------------------|--|
| ACP | Agency Communication Plan |
| BOEM | Bureau of Ocean Energy Management |
| BPW | Bluepoint Wind, LLC |
| COP | Construction and Operations Plan |
| EDPR | EDP Renewables |
| EIS | Environmental Impact Statement |
| ft | feet |
| km | kilometers |
| Lease Area | Lease Area OCS-A 0537 |
| m | meters |
| nm | nautical miles |
| NJ DEP | New Jersey Department of Environmental Protection |
| 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 |
| NYSERDA | New York State Energy Research and Development Authority |
| NOAA | National Oceanic and Atmospheric Administration |
| NOAA NMFS | National Marine Fisheries Service |
| OW | Ocean Winds |
| POI | Point of Interconnection |
| Project | Ocean Winds East Project |
| USACE | United States Army Corps. Of Engineers |
| USCG | United States Coast Guard |
| USEPA | United States Environmental Protection Agency |
| USFWS | United States Fish and Wildlife Service |

1. Introduction

Bluepoint Wind, LLC (Bluepoint Wind), a partnership between Ocean Winds (OW), an international offshore wind energy company created by EDP Renewables (EDPR) and ENGIE (50:50), and New York-based Global Infrastructure Partners, was awarded offshore Lease Area OCS-A 0537 (Lease Area) in February 2022 by the U.S. Bureau of Ocean Energy Management (BOEM) in the New York Bight area. The Lease Area covers 71,522 acres (289 square kilometers [km²]) and is located approximately 43.7 statute miles (mi) (38 nautical miles [nm], 70.4 kilometers [km]) off the New York coast and approximately 61 mi (53 nm, 98 km) off the New Jersey coast (see Figure 1). The Lease Area has an average water depth of 180 feet (ft) (55 meters [m]) and is estimated to have the capacity to generate up to 1.7 gigawatts of electricity.

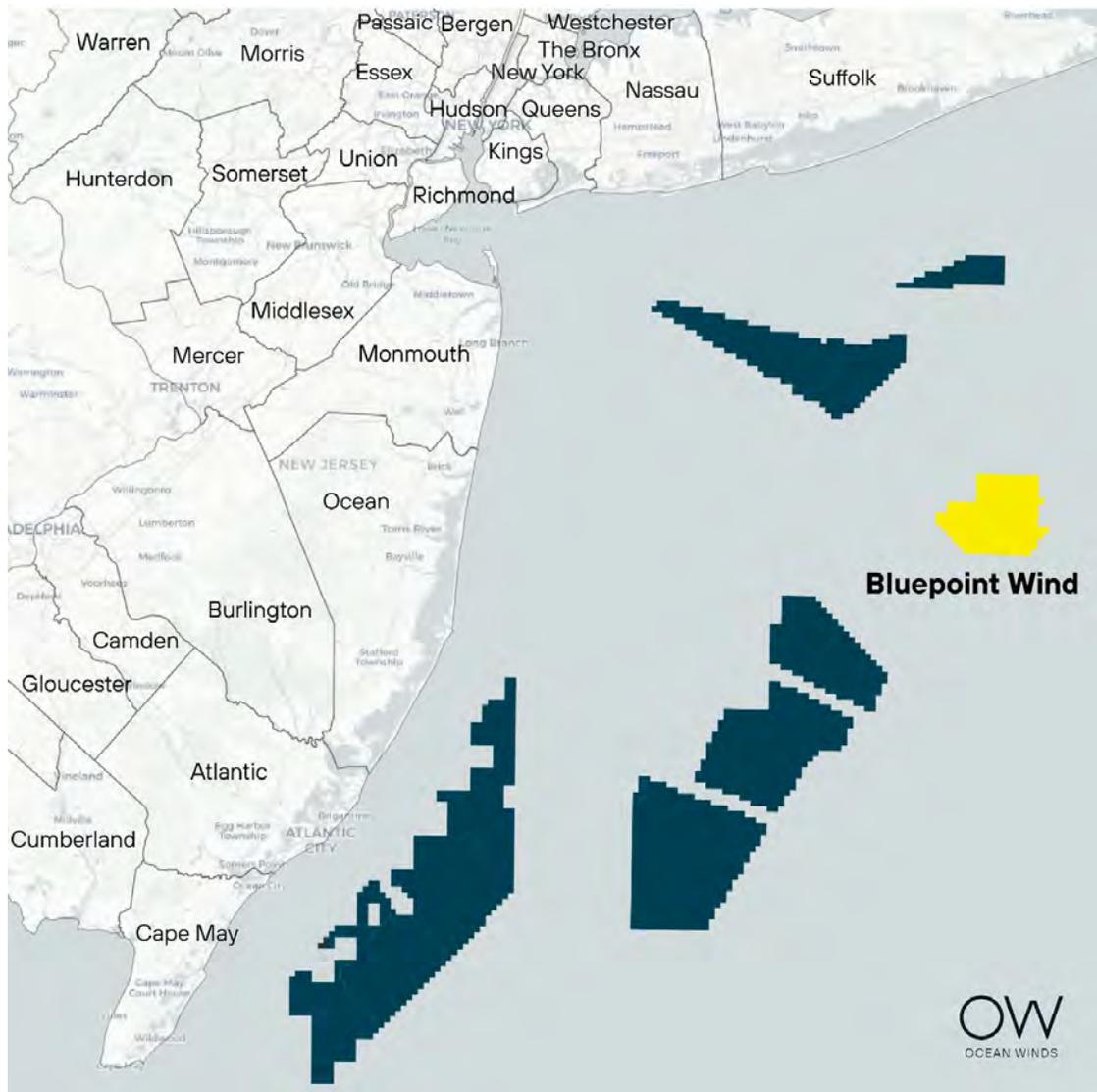


Figure 1: Ocean Winds Lease area (OCS-A 0537)

This Agency Communication Plan (ACP) describes the BPW approach, methodology, and strategy to outreach with federal, state, and local agencies with authority related to the Project during the planning, development, construction, and operation phases of offshore windfarm development. This ACP is provided in accordance with Lease OCS-A 0537 Stipulation 3.1.2.3:

3.1.2.3 Agency Communication Plan (ACP): *The Lessee must develop a publicly available ACP that describes the strategies that the Lessee intends to use for communicating with federal, state and local agencies with authority related to the lease area and should outline specific methods for engaging with and disseminating information related to permits and trust resources to these agencies. The purpose of the ACP is to ensure early and active information sharing, focused discussion of potential issues, and collaborative identification of solutions in order to improve the quality and efficiency of various agency decision-making processes, and to promote the sustainable development of offshore wind energy projects. The ACP must include the contact information for an individual retained by the Lessee as its primary point of contact with agencies, (i.e., an Agency Liaison). The ACP should include detailed information and protocols for regular engagement with permitting and resource agencies including, but not limited to, the types of engagement activities (e.g., one-on-one meetings, interagency meetings, open information sharing meetings, etc.); the frequency of proposed engagements/meetings (e.g., monthly, quarterly, bi-annually, annually, etc.); meeting locations and/or virtual platforms; and contact information (e.g., telephone numbers, email addresses, etc.). The Lessee must make the ACP available to the Lessor and other agencies upon request. The Lessee must provide a draft ACP to BOEM and other permitting and resource agencies with authority related to the lease area for review and comment, and host a meeting with each interested Agency, to discuss the ACP within 120 days of lease execution. Meetings may include multiple agencies. The Lessee must invite agencies with permitting roles and/or resource expertise to participate in the ACP. The Lessee should request that the Agency designate a primary point of contact(s) for communicating with the Lessee. If an Agency states in writing to the Lessee or Lessor that it does not wish to participate in the ACP, the Lessee need no longer include that Agency in ACP communications and must document this change in the ACP. If an Agency does not respond to outreach from the Lessee, the Lessee will continue to invite the Agency to participate in ACP engagement opportunities until the Agency provides a response. Note that a decision to not participate in the ACP in no way changes the Agency regulatory authority or the need to communicate with that Agency. The Lessee must update the ACP or provide other written summary of how the Lessee used information gained during Agency engagement to inform project planning and development.*

This living document will be expanded, refined, and updated with ongoing feedback from federal, state, and local agencies with regulatory authority over the Project. The ACP is guided by input from federal and state agencies who attended a meeting hosted by BPW on July 25, 2022 to solicit feedback on best practices for communication with agencies during the development of the Project. OW's experience with agency coordination and collaboration on the SouthCoast Wind (f.k.a Mayflower Wind) project also informed the development of this ACP. Agencies in attendance and summary of feedback can be found in Appendix E.

2. Bluepoint Wind’s Goals and Core Engagement Values

BPW recognizes the importance and advantage of building strong working relationships with federal, state, and local agencies. BPW’s overarching goals when interfacing with agencies are:

- Understanding of each agencies’ jurisdictions, mandates, and regulatory authority and that BPW’s Project can demonstrate compliance.
- Demonstration of commitment to stewardship of the environment and ability to develop the Project responsibly.
- Commitment to collaborative communication and knowledge sharing.

BPW’s core agency outreach and engagement values are our commitments to Communication, Coordination, and Collaboration:



3. Bluepoint Wind’s Agency Liaisons

An important part of successful outreach and communication is the establishment of Agency Liaisons to serve as the points of contact for engagement and information exchange with federal, state, and local agencies. Included in this section of the ACP is a detailed outline of the responsibilities and duties of Agency Liaisons.

Agency Liaisons work for BPW and serve as lead representatives to agencies for the Project. Specific responsibilities and duties of Agency Liaisons include:

- Meeting with relevant agencies to present and obtain input on Construction and Operation Plan (COP) development, surveys, Project siting, permit applications, and support for formal consultation.
- Developing and maintaining an agency contact list.
- Updating federal, state, and local agencies about BPW’s plans and activities. The Semi-Annual Lease Reports will document the outreach that was completed during the previous 6-month period.

- Expeditiously communicating with agencies on any compliance issues or incidents associated with conditions of the lease, permits, and approvals.
- Developing and updating the ACP and continually working to facilitate communication with federal, state, and local agencies.

BPW's Primary Agency Liaison designate is:

Name: Esther Siskind

Title: Head of Permitting

Email: esther.siskind@oceanwinds.com

Phone: 973-600-1367

BPW's Secondary Agency Liaison designate is:

Name: Kori Ktona

Title: Federal Permitting Manager

Email: kori.ktona@oceanwinds.com

Phone: 973-934-0153

4. Agency Stakeholders

BPW is communicating with and will be regularly updating federal, state, and local agencies with authority related to the Lease Area. Please see Appendix A for a list of federal, New York, and New Jersey agencies with whom BPW intends to engage in the coming years. The list will evolve to include any other applicable state and local agencies once the locations of potential Points of Interconnection (POIs) and landfall are identified.

5. Authority, Regulations, and Lease Conditions, Guidance and Information Sources to Inform the ACP

Applicable Lease conditions for engagement with agencies can be found in Appendix C.

BPW has utilized the following plans and guidance documents to inform this ACP:

- NY Bight Communication Plan Outline provided by the Consensus Building Institute
- Biden Administration Permitting Action Plan¹
- New York State Energy Research and Development Authority (NYSERDA) Guiding Principles for Offshore Wind Stakeholder Engagement²
- Rutgers University's Opportunities for Public Participation in Offshore Wind Planning in New Jersey³

¹ [FACT SHEET: Biden-Harris Administration Releases Permitting Action Plan to Accelerate and Deliver Infrastructure Projects On Time, On Task, and On Budget - The White House](#)

² [Connecting With New Yorkers - NYSERDA](#)

³ [Participating in Offshore Wind Planning – New Jersey Climate Change Resource Center \(rutgers.edu\)](#)

- American Clean Power’s Offshore Wind Public Participation Guide⁴

6. Engagement Strategies and Tools

6.1 Points of Engagement

BPW will engage with federal, state, and local agencies throughout the development, construction, operations, and decommissioning phases of the project on surveys, permits and approvals, project design and siting, and construction and operations compliance. See Figure 2 for an overview of planned points of engagement with agencies.

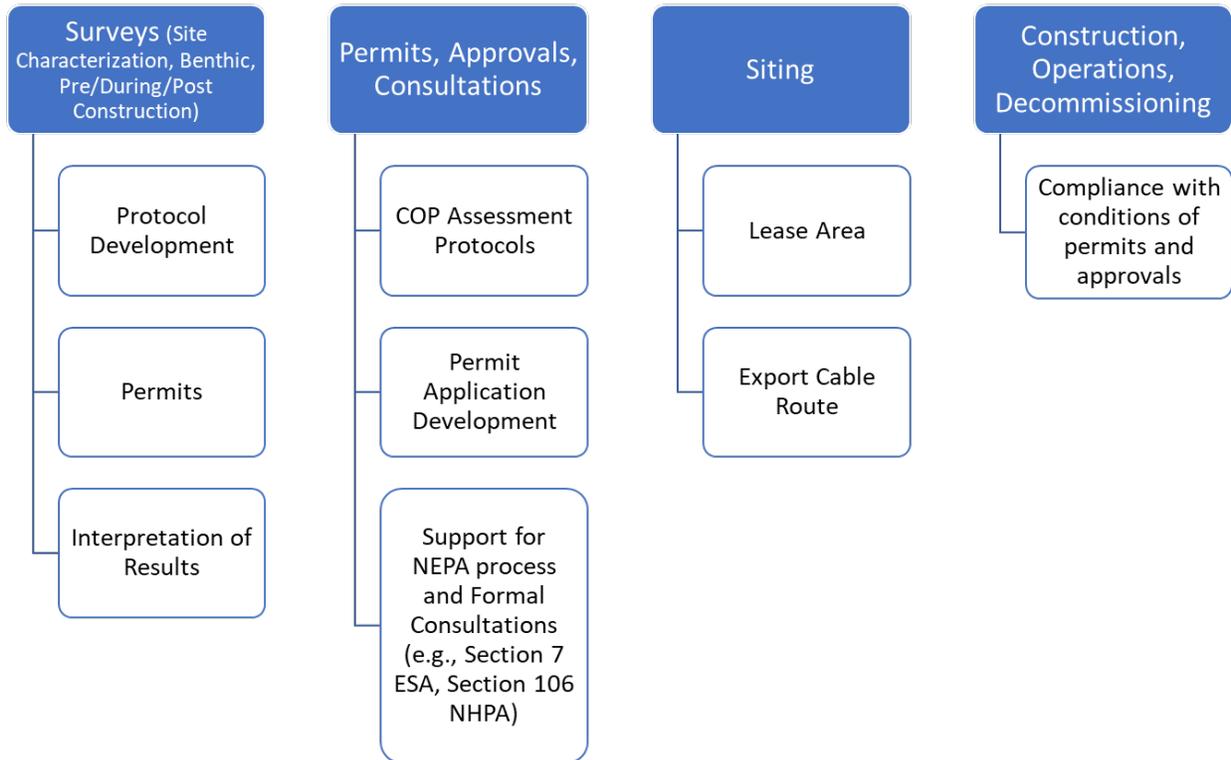


Figure 2 BPW Points of Engagement with Agencies

Surveys: BPW will be conducting a wide range of surveys from geophysical and geotechnical to benthic to pre- during- and post-construction surveys (e.g., fisheries pre-and post-construction surveys). BPW has and will continue to coordinate with applicable agencies early in the process on protocol development which will include, for example, benthic survey protocols. BPW will work with wildlife resource agencies to determine potential additional monitoring needs. And BPW will share survey results and collaborate with the agencies on interpretation of results.

The site characterization activities will include survey vessels working in the Lease Area and along potential export cable routes gathering geophysical and geotechnical data to inform COP assessments and

⁴ [Offshore Wind Public Participation Guide | ACP \(cleanpower.org\)](#)

Project engineering. During this phase, BPW will work with permitting and approval agencies (e.g., BOEM, National Marine Fisheries Service (NMFS), U.S. Army Corps of Engineers (USACE), and relevant state agencies) and the Native American Tribes early in the process to receive comments and/or obtain approvals for site survey activities and present results. To accomplish these communication objectives, BPW will:

- Prepare survey plans and applicable permit applications early in the process
- Coordinate meetings with agencies
- Respond to comments received
- Comply with permit, approval, and lease conditions during survey activities

Permits, Approvals, Consultations: The purpose of agency communication during the permitting phase is to support the design of the Project and achievement of the necessary federal, state, and local permits to support the construction and operation of the Project. BPW will be working with Federal and State agencies on a host of environmental and socioeconomic assessments to be included in the COP from benthic to marine mammals, archaeology to wetlands. BPW will work closely with BOEM and other agencies during COP development to ensure that our assessments include the information required to meet Project review needs. BPW will also be engaging with agencies, on a wide range of permits, approvals, and consultations. BPW will begin work with agencies during the early stages of permit application development to understand required information needs. Finally, BPW will support BOEM with data and assessments needed for their Section 7 and Section 106 Consultations. [See Appendix D for a list of potential permits approvals and consultations with federal, New Jersey and New York agencies. BPW is considering several possible points of interconnection (POIs) in New Jersey and New York and the list of state permits and local permits will be further developed based on project siting and design and location of POIs, landfall and onshore routing.]

Project Design and Siting: BPW will engage with agencies as BPW develops project designs and layouts for the Lease Area and export cable route. For example, BPW will meet with the U.S. Coast Guard (USCG) early in the process to understand potential siting constraints and port capacity issues in the New York Bight and New York Harbor and with USACE to minimize interference with civil works projects.

Construction, Operations, Decommissioning: During these phases of the Project, BPW will work with agencies to develop monitoring plans and ensure compliance with conditions of permits and approvals. The construction and operations engagement activities include keeping agencies informed about the construction schedule, activities, and any potential impacts on compliance with agency permits and approval conditions, lease stipulations, and regulations. To accomplish these communication objectives, BPW will:

- Share information about construction activities and construction schedule with agencies via email notices and the Project website.
- Develop compliance plans to be shared with agencies.
- Develop mechanisms for updating agencies on compliance with conditions and share monitoring and other data collected to comply with the conditions.
- Meet with agencies on an as needed basis to share information.

6.2 Engagement Best Practices

BPW follows best practices to support successful agency outreach and engagement throughout the development of the Project. These best practices include:

- Be aware of agency resource constraints. Schedule meetings with agencies when there is input needed, information to share, at their request, or to meet regulatory requirements. Send meeting materials in advance of meeting. Respond to comments and action items in a timely manner after meetings.
- Be early. Schedule early engagement with agencies so they can become familiar with the BPW Project and team, provide any guidance on early-stage actions, and identify how their agency would like to remain engaged with the Project in the future.
- Be informed and prepared. Demonstrate an understanding of each agencies' jurisdictions, mandates, regulatory authority, guidelines and processes. Customize information to meet agency expectations and needs.
- Be outcome-driven. Develop defined goals for meetings and follow-up with action items.
- Be responsive. Address agency comments completely and in a timely manner. Listen to agency concerns to understand their interests.
- Be transparent. Share information and BPW concerns to support discussions.
- Be proactive. Work to develop solutions that can satisfy both agency and BPW interests.
- Be flexible. Identify multiple ways to a desired outcome and adapt approaches to address emerging issues and concerns in different ways.
- Be committed. Demonstrate a long-term commitment to stakeholder engagement and allocating resources to support strong engagement with agencies.
- Be accessible. Attend agency stakeholder meetings to help BPW gather information and input from stakeholders.

6.3 Meetings

BPW will utilize in-person and virtual meetings as the primary engagement platform for agencies. Virtual meetings will be the preferred platform for engagement to support accessibility. Virtual closed captioning will be made available to support accessibility, if requested. BPW will prepare an agenda and as needed a slide deck, protocol, or other materials to share with agencies before a meeting to efficiently disseminate information and form the basis of a productive conversation. See Section 6.2 Engagement Best Practices above for additional strategies for holding effective meetings.

Introductory Meeting(s). The purpose of the introductory meeting(s) is to introduce the Project and Agency Liaisons to agencies. BPW held an Initial Interagency Meeting on July 25, 2022 to share preliminary Project information and solicit feedback on engagement strategies. 53 participants attended from the following agencies:

- Bureau of Ocean Energy Management (BOEM)
- New Jersey Department of Environmental Protection (NJ DEP)
- National Ocean and Atmospheric Administration (NOAA)
- New York State Department of Environmental Conservation (NYS DEC)
- New York State Office of General Services (NYS OGS)
- New York State Department of State (NYS DOS)
- New York State Department of Transportation (NYS DOT)
- New York State Energy Research and Development Authority (NYSERDA)
- United States Army Corps of Engineers (USACE)
- United States Coast Guard (USCG)
- United States Environmental Protection Agency (USEPA)
- United States Fish and Wildlife Service (USFWS)

A slide deck and summary of feedback received from the agencies is included in Appendix E. The feedback received was used to inform the ACP.

In addition, BPW plans to meet individually with numerous agencies over the coming year to introduce the Project and develop a trusted and efficient relationship between the BPW team and agencies to understand their potential concerns and critical points of engagement with agencies. At these early-stage meetings, BPW also plans to discuss permits/approvals for upcoming geophysical, geotechnical, and benthic surveys, lease area and export cable route siting, and/or COP assessment protocols.

Required or recommended meetings. The purpose of required or recommended meetings is to coordinate with agencies as mandated to support Project compliance throughout development and beyond. For example, some prescribed meetings are detailed in BOEM lease stipulations and within the Section 106 process. BPW will engage agencies and follow all prescribed timeframes of engagement, such as for Pre-survey meetings and Pre-application meetings.

Informal consultations. Informal consultations are intended to solicit agency feedback during planning phases and beyond. The purpose of these meetings is to support Project compliance and align Project activities with agency best practices/agency guidance and recommendations as applicable. Informal consultations will occur at the convenience of the pertinent agency as is recommended or is useful to agencies and/or to address specific concerns.

Inter-Agency meetings. It is anticipated that BPW will hold an Interagency Meeting twice a year. Inter-Agency meetings will be used for:

- Project updates;
- Knowledge sharing activities; and
- High level meetings that benefit multiple agencies.

Appendix B will serve as the meeting tracker that will capture the schedule of upcoming meetings with agencies, meeting frequency, and meeting agendas.

6.4 Other Engagement Tools

Project Collateral: Fact sheet and slide deck to provide basic information and contacts.

Agency Contact Tracker: An agency contact list that identifies the agencies and their representatives who may have authority over or have an interest in the Project. BPW will manage the update of the register as the project progresses and additional agency representatives are identified and added. Sign-in and registration lists gathered during in-person and virtual meetings will also be integrated

Project Website: The BPW project website will be developed and updated during all project phases to ensure that members of the public and agencies can easily find needed information.

ACP Updates: BPW will refine the ACP based on feedback and lessons learned during each stage of Project development.

Engagement and outreach materials for agencies will be in English.

7. Information and Data Sharing

The types of information and data that BPW will provide to applicable agencies includes but is not limited to:

- Geophysical and geotechnical survey results to support COP review
- Geophysical and geotechnical plans and permit applications to support surveys
- COP assessment protocols
- COP drafts
- Permit applications to support construction
- Data and information to support BOEM's agency consultations
- Project design envelope siting plans for Lease Area, export cable routes, and onshore facilities
- Environmental/wildlife monitoring survey results
- Numerous monitoring and mitigation plans for construction and operation of the Project
- Facility Design Report and Fabrication and Installation Report

8. Coordination of Engagement Across Leases

BPW welcomes the opportunity to coordinate with other NY Bight offshore wind leaseholders. NY Bight leaseholders have begun to engage with one another in introductory meetings and are committed to continually seek opportunities for collaboration to reduce burdens on resource limited agencies and stakeholders. We will work together to identify innovative avoidance, minimization, mitigation, and monitoring measures based on lessons learned in the industry both domestically and globally. We will seek opportunities to meet as a group on select topics to reduce the need for individual meetings with

agencies, as we recently did with BOEM on the NY Bight Programmatic Environmental Impact Statement (EIS). We will seek to meet jointly in other forums and/or request joint “NY Bight” presentations/agenda items at various working group and stakeholder meetings to reduce the need for individual presentations. We will work together to coordinate port hours so that fishers have consolidated, rather than dispersed, times to discuss issues with NY Bight leaseholders. Finally, we will participate together in BOEM convenings of Native American Tribes. BPW welcomes any suggestions from agencies on how to best coordinate with other NY Bight leaseholders.

9. Indicators and Metrics

A tracker will be developed capturing agency engagement and will include:

- Agency engaged
- Date of engagement
- Discussion topics

Metrics covering 6-month periods will be captured in the semi-annual progress report. The report will provide metrics to summarize agency engagements over time.

Appendix A

Federal, New York and New Jersey Agencies that BPW is
Currently or Will Engage within 2022/2023

Appendix A: Federal, New York and New Jersey Agencies that BPW is Currently or Will Engage with in 2022/2023

| Agency |
|---|
| Federal |
| Bureau of Ocean Energy Management (BOEM) |
| Department of Defense (Military Aviation and Installation Assurance Siting Clearinghouse) |
| Federal Aviation Administration (FAA) |
| National Oceanic and Atmospheric Administration (NOAA) |
| US Army Corps of Engineers (USACE) |
| US Coast Guard (USCG) |
| US Environmental Protection Agency (USEPA) |
| US Fish & Wildlife Service (USFWS) |
| New Jersey |
| New Jersey Board of Public Utilities (NJBPU) |
| New Jersey Dept. of Environmental Protection (NJDEP) – Multiple Programs |
| New Jersey Dept. of Transportation (NJDOT) |
| New York |
| New York State Department of Environmental Conservation (NYDEC) |
| New York State Department of Public Service (NYS DPS), Public Service Commission (NYSPSC) |
| New York State Department of State (NYDOS) |
| New York State Department of Transportation (NYDOT) |
| New York State Energy Research & Development (NYSERDA) |
| New York Office of General Services (NYOGS) |
| New York State Office of Parks, Recreation, and Historic Preservation/State Historic Preservation Cultural Resources Information System (NYS OPRHP) |

The list will evolve to include any other applicable state and local agencies once the locations of potential Points of Interconnection (POIs) and landfall are identified.

Appendix B
Agency Meeting Tracker

Appendix B: Agency Meeting Tracker

Note: This tracker will be maintained as a record of agency meetings and used to update the Semi-Annual Lease Report

| Agency | Date | Meeting Topics |
|---|------|----------------|
| Federal | | |
| Bureau of Ocean Energy Management (BOEM) | | |
| Department of Defense (Military Aviation and Installation Assurance Siting Clearinghouse) | | |
| Federal Aviation Administration (FAA) | | |
| National Oceanic and Atmospheric Administration (NOAA) | | |
| US Army Corps of Engineers (USACE) | | |
| US Coast Guard (USCG) | | |
| US Environmental Protection Agency (USEPA) | | |
| US Fish & Wildlife Service (USFWS) | | |
| New Jersey | | |
| New Jersey Board of Public Utilities (NJBPU) | | |
| New Jersey Dept. of Environmental Protection (NJDEP) – Multiple Programs | | |
| New Jersey Dept. of Transportation (NJDOT) | | |
| New York | | |
| New York State Department of Environmental Conservation (NYDEC) | | |
| New York State Department of Public Service (NYS DPS), Public Service Commission (NYSPSC) | | |
| New York State Department of State (NYDOS) | | |
| New York State Department of Transportation (NYDOT) | | |
| New York State Energy Research & Development (NYSERDA) | | |
| New York Office of General Service (NYOGS) | | |
| New York State Office of Parks, Recreation, and Historic Preservation/State Historic Preservation Cultural Resources Information System (NYS OPRHP) | | |

Appendix C

Lease Stipulations Applicable to the Agency Communication

Appendix C: Applicable Lease OCS-A 0537 Stipulations

2 SITE CHARACTERIZATION

2.1 Survey Plan(s): Prior to conducting each physical, biological, or cultural resources survey in support of the submission of a plan, the Lessee must submit to the Lessor (Bureau of Ocean Management) a survey plan. Each distinct survey effort (e.g., mobilization) must be addressed by a survey plan, although a single survey plan may cover more than one survey effort and may cover multiple types of activities (e.g., geotechnical and geophysical surveys on lease and along cable routes). Each survey plan must include details of activities to be conducted and timelines of each survey effort necessary to support the submission of a plan (i.e., necessary to satisfy the information requirements in the applicable regulations, including but not limited to 30 CFR 585.606, 610, 611, 621, 626, 627, et al.). The Lessor will not accept survey plans that do not provide sufficient detail for review, including but not limited to specific description and illustration of the geographic areas to be surveyed, specific discussion of the survey methods and equipment to be employed, and a schedule of survey activities. The Lessee must demonstrate compliance with each of the lease stipulations in Section 4 of Addendum "C" and include any waiver requests in its initial survey plan. Each survey plan must be consistent with the Lessee's Fisheries Communication Plan (FCP) (see 3.1.2.1) and Native American Tribal Communications Plan (NATCP) (see 3.1.2.2), and include a description of the Lessee's intentions to coordinate with the U.S. Coast Guard (USCG) to prepare a Notice to Mariners for the specific survey activities described in the survey plan. The Lessee must submit a survey plan to the Lessor at least 90 calendar days prior to commencement of any survey activities described in the survey plan. Within 30 calendar days from receipt, the Lessor may request the Lessee modify the survey plan to address any comments the Lessor submits to the Lessee on the contents of the survey plan. Comments must be addressed by the Lessee in a manner deemed satisfactory by the Lessor prior to commencement of the survey activities. If the Lessor does not respond with comments or objections within 30 calendar days of receipt of the survey plan, the Lessee may proceed with the survey activities per the proposed schedule. The lack of Lessor comment or objection to the survey plan does not ensure acceptance of the survey results with the SAP and/or COP. If the Lessee is proposing a fisheries survey that could result in the take of species listed under the Endangered Species Act, additional time should be allowed for consultation and/or permits authorizing the activity (see Section 5.1.4).

2.2 Pre-Survey Meeting(s) with the Lessor: If requested by the Lessor, the Lessee must hold a pre-survey meeting with the Lessor prior to the commencement of survey activities to discuss the applicable survey plan. The Lessee must ensure the presence at this meeting of any relevant subject matter experts, as requested by the Lessor.

3 REPORTING

3.1 Progress Report: The Lessee must submit to the Lessor a progress report every six months (unless BOEM directs otherwise) through the duration of the site assessment term that includes a brief narrative of the overall progress since the last progress report, or - in the case of the first report- since the Effective Date. Within 60 calendar days from receipt, the Lessor may request the Lessee modify the progress report to address any comments the Lessor submits to the Lessee on the contents of the document. The Lessee must address comments in a manner deemed satisfactory by the Lessor. Should the Lessee not address

the comments provided by the Lessor in a timely and adequate manner, BOEM reserves the right to require specific mitigation such as, but not limited to, third party verification/mediation at the Lessee's expense, adjustment of required reporting frequency, or designation that the Lease is not in good standing. This obligation does not expire at the end of the site assessment term and continues until approval of a Construction and Operations Plan.

3.1.1 Engagement: The Lessee shall make reasonable efforts to consult with "Tribes and parties," that may be potentially affected by the project activities on the OCS, which include, but are not limited to:

- Coastal Communities
- Commercial and Recreational Fishing Industries
- Educational and Research Institutions
- Environmental and Public Interest Non-Governmental Organizations
- Federal, State, and Local Agencies
- Federally recognized Tribes (see 5.3.3)
- Mariners and the Maritime Industry
- Ocean Users
- Submarine Cable Operators
- Underserved Communities, as defined in Section 2 of Executive Order 13985

The Lessee shall make reasonable efforts to implement the project in a manner that minimizes, mitigates, and/or redresses the project's adverse effects, if any, on Tribes and parties. To facilitate consultation under this section, the Lessee should work collaboratively with federal, state, and local governments, community organizations, and Tribes.

The Progress Report must:

- Identify Tribes and parties applicable to the project;
- Document, and update for subsequent reports, engagement with Tribes and parties since the previous reporting period;
- Document potential adverse effects from the Lessee's project to the interests of Tribes and parties;
- Document how, if at all, the design or implementation of the project has been informed by or altered to address these potential effects (including by investing in, or directing benefits to Tribes and parties).
- The report must also include a description of any anticipated or scheduled engagement activities for the next reporting period.
- The report must also include feedback from engagement with Tribes and parties regarding transmission planning, prior to proposing any export cable route.
- The report must provide information that can be made available to the public and posted on the BOEM website.

The intent of this requirement is to improve Lessee communication and transparency with Tribes, parties, and the general public, and to encourage lessees to identify and engage with underserved communities, including environmental justice communities that may be disproportionately impacted by the Project's

OCS activities, in order to avoid, minimize, and mitigate potential adverse effects by, for example, investing in these communities.

BOEM will protect privileged or confidential information that you submit, as required by the Freedom of Information Act (FOIA) and 30 CFR 585.113. Exemption 4 of FOIA applies to "trade secrets and commercial or financial information that you submit that is privileged or confidential." 5 U.S.C. 552(b)(4). If you wish to protect the confidentiality of such information, clearly mark it "Contains Privileged or Confidential Information" and consider submitting such information as a separate attachment BOEM will not disclose such information, except as required by FOIA. Information that is not labeled as privileged or confidential may be regarded by BOEM as suitable for public release. Further, BOEM will not treat as confidential aggregate summaries of otherwise nonconfidential information.

3.1.2 Communication Plans: The Progress Report must include a section with plan(s) on how the Lessee will communicate with fisheries, federally recognized Tribes, and Agencies (see 3.1.2.1, 3.1.2.2, 3.1.2.3). In addition to the plans, each progress report should provide updates on the progress of communication efforts with those and other affected stakeholder or ocean user groups during the reporting period (see 3.1.1).

3.1.2.3 Agency Communication Plan (ACP): The Lessee must develop a publicly available ACP that describes the strategies that the Lessee intends to use for communicating with federal, state and local Agencies with authority related to the lease area and should outline specific methods for engaging with and disseminating information related to permits and trust resources to these agencies. The purpose of the ACP is to ensure early and active information sharing, focused discussion of potential issues, and collaborative identification of solutions in order to improve the quality and efficiency of various Agency decision-making processes, and to promote the sustainable development of offshore wind energy projects. The ACP must include the contact information for an individual retained by the Lessee as its primary point of contact with agencies, (i.e., an Agency Liaison). The ACP should include detailed information and protocols for regular engagement with permitting and resource agencies including, but not limited to, the types of engagement activities (e.g., one-on-one meetings, interagency meetings, open information sharing meetings, etc.); the frequency of proposed engagements/meetings (e.g., monthly, quarterly, bi-annually, annually, etc.); meeting locations and/or virtual platforms; and contact information (e.g., telephone numbers, email addresses, etc.). The Lessee must make the ACP available to the Lessor and other agencies upon request. The Lessee must provide a draft ACP to BOEM and other permitting and resource agencies with authority related to the lease area for review and comment, and host a meeting with each interested Agency, to discuss the ACP within 120 days of lease execution. Meetings may include multiple agencies. The Lessee must invite agencies with permitting roles and/or resource expertise to participate in the ACP. The Lessee should request that the Agency designate a primary point of contact(s) for communicating with the Lessee. If an Agency states in writing to the Lessee or Lessor that it does not wish to participate in the ACP, the Lessee need no longer include that Agency in ACP communications and must document this change in the ACP. If an Agency does not respond to outreach from the Lessee, the Lessee will continue to invite the Agency to participate in ACP engagement opportunities until the Agency provides a response. Note that a decision to not participate in the ACP in no way changes the Agency regulatory authority or the need to communicate with that Agency. The Lessee must update the ACP or provide other written summary of how the Lessee used information gained during Agency engagement to inform project planning and development.

3.1.2.4 Coordinated Engagement: To the maximum extent practicable, the Lessee must coordinate engagement activities for Tribes and parties (see Section 3.1.1) with other regional lessees and document their activities in the Progress Report. Lessee(s) must design coordinated engagement activities to decrease the communication and consultation burden on Tribes and parties. BOEM appreciates that not all engagement can be coordinated.

3.1.3 Survey Plans: The progress report must include an update regarding progress in executing the activities included in the survey plan(s), and include as an enclosure an updated survey plan(s) accounting for any modifications in schedule.

Appendix D

Anticipated Federal and State Project Permits, Approvals, and Consultations

Appendix D: Project Permits, Approvals, and Consultations**Federal**

| Agency | Potential Permits/Approvals/Consultations (if applicable to the Project) |
|---------------|--|
| BOEM | Survey Plans, COP, NEPA, Section 106 NHPA |
| USACE | NWP 6, Section 404, Section 408, Section 10 |
| USFWS | Section 7 Consultation under ESA |
| NOAA NMFS | Section 7 Consultation under ESA, Incidental Harassment Authorization (IHA), Incidental Take Regulation (ITR)/ Letter of Authorization (LOA), Magnuson-Stevens Fishery Conservation and Management Act |
| USEPA | OCS Air Quality Permit and General Conformity Determination, National Pollutant Discharge Elimination System (NPDES) |
| FAA | Determination of No Hazards to Air Navigation |
| USCG | Private Aid to Navigation (PATON) approval, issuance of Local Notice to Mariners (LNM) |

New Jersey

| Agency | Potential Permits/Approvals/Consultations (if applicable to the Project) |
|--|--|
| NJDEP Coastal Management Program | Coastal Zone Management Federal Consistency Determination |
| NJDEP Division of Land Resource Protection | Coastal Wetlands Permit, Waterfront Development Permit, Coastal Area Facility Review Act Permit, Freshwater Wetlands Permit, Flood Hazard Area Permit or Verification, SPDES Permit, Section 401 Water Quality Certification |
| NJDEP Historic Preservation Office | Section 106 Consultation |

| Agency | Potential Permits/Approvals/Consultations (if applicable to the Project) |
|--------------------------------------|--|
| NJDEP Bureau of Tidelands Management | Tidelands License, Lease, or Grant |
| NJDEP Green Acres Program | Green Acres Program Diversion |
| NJDEP Division of Parks and Forestry | Natural Heritage Program State Species Consultation; State lands and Parks consultations and approvals |
| NJDOT | Access Permits/Highway Work Permit |

New York

| Agency | Permit/Approval/Consultation (if applicable to the Project) |
|-----------------|---|
| NYSDOS | Coastal Zone Management Federal Consistency Certification |
| NYSDEC | Incidental Take Permit, Protection of Waters Permit, Freshwater Wetlands Permit, Tidal Wetlands Permit, State Species Consultation, SPDES Permit, Section 401 Water Quality Certification |
| NYSOGS | Use of Submerged Land |
| NYS OPRHP | Section 106 Consultation |
| NYS DPS/NYS PSC | Article VII Certificate of Environmental Compatibility and Public Need (CECPN) |
| NYDOT | Access Permits/Highway Work Permit |

Appendix E

Initial Interagency Meeting (July 25, 2022)

- **Agencies in Attendance**
- **Presentation Slide Deck**
- **Meeting Summary**

Appendix E: Initial Interagency Meeting (July 25, 2022)

Agencies in Attendance

| Agencies in Attendance |
|--|
| Federal |
| Bureau of Ocean Energy Management (BOEM) |
| National Oceanic and Atmospheric Administration (NOAA) NMFS |
| US Army Corps of Engineers (USACE) |
| US Coast Guard (USCG) |
| US Environmental Protection Agency (USEPA) |
| US Fish & Wildlife Service (USFWS) |
| New Jersey |
| New Jersey Dept. of Environmental Protection (NJDEP) – Multiple Agencies |
| New Jersey Dept. of Transportation (NJDOT) |
| New York |
| New York Office of General Services (NY OGS) |
| New York State Department of Environmental Conservation (NYDEC) |
| New York State Department of State (NYDOS) |
| New York State Department of Transportation (NYDOT) |
| New York State Energy Research & Development (NYSERDA) |

Presentation Slide Deck



OW

Lease Stipulation 3.1.2.3 Agency Communication Plan

This meeting is being held accordance with OW Ocean Winds East, LLC Lease OCS-A 0537 Stipulation 3.1.2.3:

- *The Lessee must develop a publicly available ACP that describes the strategies that the Lessee intends to use for communicating with federal, state and local agencies with authority related to the lease area and should outline specific methods for engaging with and disseminating information related to permits and trust resources to these agencies.*
- *The purpose of the ACP is to ensure early and active information sharing, focused discussion of potential issues, and collaborative identification of solutions in order to improve the quality and efficiency of various agency decision-making processes, and to promote the sustainable development of offshore wind energy projects.*
- *The ACP should include detailed information and protocols for regular engagement with permitting and resource agencies including, but not limited to, the types of engagement activities (e.g., one-on-one meetings, interagency meetings, open information sharing meetings, etc.); the frequency of proposed engagements/meetings (e.g., monthly, quarterly, bi-annually, annually, etc.); meeting locations and/or virtual platforms; and contact information (e.g., telephone numbers, email addresses, etc.).*
- *The Lessee must within 120 days of lease execution:*
 - *Provide a draft ACP to BOEM and other permitting and resource agencies with authority related to the lease area for review and comment, and*
 - *Host a meeting with each interested Agency, to discuss the ACP. Meetings may include multiple agencies. The Lessee must invite agencies with permitting roles and/or resource expertise to participate in the ACP.*
- *The Lessee should request that the Agency designate a primary point of contact(s) for communicating with the Lessee.*
- *The Lessee must update the ACP or provide other written summary of how the Lessee used information gained during Agency engagement to inform project planning and development.*

Draft Agency Communication Plan due to BOEM by August 29, 2022.

OW

Agenda

- 1** Welcome and Introductions
- 2** Overview of OW East (OCS-A 0537) and Preliminary Development Activities
- 3** Points of Engagement with Federal, State and Local Agencies
- 4** Principles of Engagement with Federal, State and Local Agencies
- 5** Discussion
- 6** Wrap-Up/Closing Remarks



OW
CLEAR WINDS

Overview of OW East (OCS-A 0537) and Preliminary Development Activities

OW

OW East New York Bight Lease (OCS-A 0537)

Leaseholder: OW Ocean Winds East LLC (OW East)

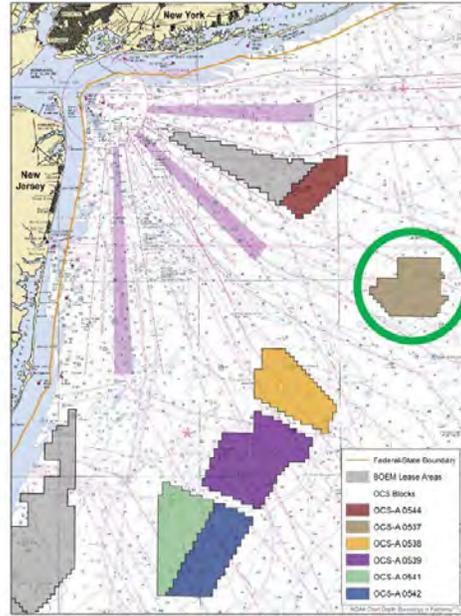
- 50/50 joint venture between OW and Global Infrastructure Partners (GIP)

OCS-A 0537 Lease Overview

- 72,533 acres / 289 square kilometers (km²)
- 54.5 meters (m) average water depth

OW East Project Development Considerations

- 1.7 gigawatts (GW) expected installed capacity
- Currently evaluating POIs in NYC, Long Island, northern NJ
 - 52 nautical mile (nm) closest distance to NJ
 - 38 nm closest distance to NY
- Location has higher wind speeds, stronger output than alternatives closer to shore
- Separation from other lease areas reduces waking, potential for export cable conflicts and cumulative effects with other lease areas



OW

OW East – Preliminary Lease Evaluation Studies Completed or Underway to Inform Project Development



Since early 2021 OW East has been conducting numerous studies and evaluations to inform the acquisition of Lease Area OCS A-0537 and to support project design, COP development, and permitting



Points of Engagement with Federal, State and Local Agencies

OW

Engagement During COP Development Process

OW East will engage with federal, state, and local agencies on a wide variety of COP assessments



OW

Engagement During Federal Permit and Approval Processes

| Agency | Potential Permits/Approvals/Consultations (if applicable to the Project) |
|-----------|--|
| BOEM | Survey Plans, COP, NEPA, Section 106 NHPA |
| USACE | NWP 6, Section 404, Section 408, Section 10 |
| USFWS | Section 7 Consultation under ESA |
| NOAA NMFS | Section 7 Consultation under ESA, Incidental Harassment Authorization (IHA), Incidental Take Regulation (ITR)/ Letter of Authorization (LOA), Magnuson-Stevens Fishery Conservation and Management Act |
| USEPA | OCS Air Quality Permit and General Conformity Determination, National Pollutant Discharge Elimination System (NPDES) |
| FAA | Determination of No Hazards to Air Navigation |
| USCG | Private Aid to Navigation (PATON) approval, issuance of Local Notice to Mariners (LNM) |

OW

Engagement During State Permit and Approval Processes – New Jersey

| Agency | Potential Permits/Approvals/Consultations (if applicable to the Project) |
|--|--|
| NJDEP Coastal Management Program | Coastal Zone Management Federal Consistency Determination |
| NJDEP Division of Land Resource Protection | Coastal Wetlands Permit, Waterfront Development Permit, Coastal Area Facility Review Act Permit, Freshwater Wetlands Permit, Flood Hazard Area Permit or Verification, SPDES Permit, Section 401 Water Quality Certification |
| NJDEP Historic Preservation Office | Section 106 Consultation |
| NJDEP Bureau of Tidelands Management | Tidelands License, Lease, or Grant |
| NJDEP Green Acres Program | Green Acres Program Diversion |
| NJDEP Division of Parks and Forestry | Natural Heritage Program State Species Consultation; State lands and Parks consultations and approvals |
| NJDOT | Access Permits/Highway Work Permit |

Local agencies to be determined based on POI, landfall, and routing locations.

OW

Engagement During State Permit and Approval Processes – New York

| Agency | Permit/Approval/Consultation (if applicable to the Project) |
|-----------------|---|
| NYSDOS | Coastal Zone Management Federal Consistency Certification |
| NYSDEC | Incidental Take Permit, Protection of Waters Permit, Freshwater Wetlands Permit, Tidal Wetlands Permit, State Species Consultation, SPDES Permit, Section 401 Water Quality Certification |
| NYSOGS | Use of Submerged Land |
| NYS OPRHP | Section 106 Consultation |
| NYS DPS/NYS PSC | Article VII Certificate of Environmental Compatibility and Public Need (CECPN) |
| NYDOT | Access Permits/Highway Work Permit |

Local agencies to be determined based on POI, landfall, and routing locations.

OW

OW East Points of Engagement





Principles of Engagement with Federal, State and Local Agencies

OW

OW East Core Values for Agency Engagement



OW

OW East Best Practices for Agency Engagement

- **Be aware of agency resource constraints.** Schedule meetings with agencies when there is input needed, information to share, at their request, or to meet regulatory requirements. Send meeting materials in advance of meeting. Respond to comments and action items in a timely manner after meetings.
- **Be early.** Schedule early engagement with agencies so they can become familiar with the OW East Project and Team, provide any guidance on early stage actions, and identify how their agency would like to remain engaged with the Project in the future.
- **Be informed and prepared.** Demonstrate an understanding of each Agencies' jurisdictions, mandates, regulatory authority, guidelines and processes. Customize information to meet agency expectations and needs.
- **Be responsive.** Address agency comments completely and in a timely manner. Listen to agency concerns to understand their interests.
- **Be transparent.** Share information and OW East concerns to support discussions.
- **Be proactive.** Work to develop solutions that can satisfy both agency and OW East interests.

The ACP is an evolving document.



Discussion

OW

Discussion Questions

- What early actions should OW East be taking to engage with federal, state, and local agencies?
- What are the Lessons Learned from other Offshore Wind Projects? What communication techniques or activities have worked well for other OSW Projects? What are some of the communication challenges that you have experienced on other OSW Projects?
- What other agencies and stakeholders should OW East be speaking with?
- Do agencies prefer regularly scheduled update meetings or more specific meetings regarding aspects of the Project that require input? Is there a frequency of meetings that is recommended?
- What are some ways that your agency would like to see NY Bight leaseholders collaborate to create greater communication efficiencies and help minimize burden on agencies?
- How can we streamline the COP/NEPA/Permitting process?
- How can we best prepare for engagements/meetings with your agencies?
- Do you prefer in person or virtual meetings?
- What are the issues that concern you most about that New York Bight?

Please Raise
your hand to
share your
thoughts.

OW

OW Contacts

John Dempsey, CEO OW East
John.Dempsey@oceanwinds.com

Esther Siskind, Head of Permitting and Agency Liaison
Esther.Siskind@oceanwinds.com

Kori Ktona, Federal Permitting Manager
Kori.Ktona@oceanwinds.com



Let us know your Agency Point of Contact!

Additional comments may be submitted
via email to Esther Siskind:
Esther.Siskind@oceanwinds.com

Meeting Summary

Overview

On July 25, 2022, fifty-three (53) agency representatives attended BPW's Inter-Agency Meeting to provide input on its Agency Communication Plan. The participating agencies voiced a need for early and continual communication to address any concerns and receive feedback.

Summary

The following Communication Strategy and Project Development guidance was recommended by agencies:

- Early communication on cable routing
 - o Coordinate with agencies on shipping safety fairways and federal channels (USCG and USACE)
 - o Coordinate with other NY Bight Leaseholders to develop shared cable corridors, where feasible (NYSDEC, NMFS)
 - o Export cable route overlap is a concern (USACE)
- Early consultation with subject matter experts before surveys are initiated
 - o Early NYS pre-application meeting to discuss sediment sampling, geotechnical and benthic surveys. Timing of the surveys is key to avoiding impacts to protected fisheries (e.g., sturgeon, flounder, etc.) (NYSDEC)
 - o NMFS encourages early coordination and consultation with our various subject matter experts, particularly before any surveys are initiated to ensure they address data gaps, utilize available information, properly interpret available data, and acquire the proper permits/authorizations. Considerations should include habitat and benthic resources, protected species, fishery resources, fishing operations, and community effects. (NMFS)
 - o For Incidental Harassment Authorization under the MMPA, suggest coordinating on these sooner rather than later as typically there is a six-month timeline for any issuance (NMFS)
 - o Fisheries survey should be discussed with NMFS at least a year before survey operations would begin. This is to ensure any impacts to protected species are considered and minimized. (NMFS)
 - o USFWS would recommend focusing biological surveys on existing data gaps and has worked collaboratively with other OSW developers on this. (USFWS)
- Attend agency stakeholder meetings to help BPW gather information and input from stakeholders
 - o Coast Guard Harbor Safety Meetings (USCG)
 - o Mid-Atlantic and New England Fishery Management Councils (NMFS)
- Early coordination on potential port sites
 - o Concern about which ports will be used as well as vessels. Coast Guard wants to be informed of the anticipated ports/vessels that may be used for construction as well as maintenance (USCG)

- o NYSDEC concurs with USCG - early coordination on potential port sites is highly recommended (NYSDEC)
- NOAA is very concerned about protected species, fisheries, and habitat impacts, as well as impacts on scientific surveys, so the more BPW can front load into the COP reliable conservation measures and innovation the easier the rest of the process will go. (NMFS)
- Problems should be addressed in a solutions-based method. To gain more insight into existing concerns, the US Coast Guard recommends reviewing the following: NY Bight Studies; Delaware Port Access Route studies; Coast Guard comments on Proposed Sale Notice for NY Bight; New Jersey Coast Port Access Route studies. Pull out the concerns and comments highlighted in these published reports and focus on solutions in subsequent meetings. (USCG)
- For the purposes of federal coastal consistency review, please be prepared to discuss and execute a stay of review following BOEM's acceptance of the COP/ NOI to coordinate with NEPA timelines. (NYSDOS)
- NYS DEC expressed a preference for virtual meetings where all NYS agencies are invited in order to maximize time efficiency and information sharing. (NYSDEC)