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April 27, 2022

Welcome!

Enviro-Sciences (of Delaware), Inc. (ESI) is thrilled to be presenting at the International Offshore Wind Partnering Forum (IPF). Nowhere in the world will you see such a convergence of intellect and passion to build a more sustainable and equitable energy matrix for the generations to come. ESI launched *The Alliance Project* with the hope of encouraging collaboration within the industry on environmental justice issues. We must look for cost-effective ways to minimize potential environmental impacts in these areas and maximize opportunities for communities to have their voices heard.

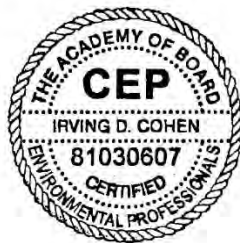
There are many offshore wind and large infrastructure projects in the domestic pipeline. Efforts put into collaboration today will streamline all projects down the road. We hope that you'll join us in this effort and either submit comments or take the survey through our project website, <https://www.enviro-sciences.com/the-alliance-project/>. We hope that you enjoy the presentation and the rest of the conference.

Should you have any questions, please do not hesitate to call our Project Leader, Chris Whitehead on his direct number, (732) 484-1968 or email him at cwhitehead@enviro-sciences.com.

Very truly yours,

ENVIRO-SCIENCES (OF DELAWARE), INC.

Irving D. Cohen, CEP, FACFEI
Chief Executive Officer



Chris Whitehead, QEP, CESM
Air Practice Leader and Project Creator

Note: A digital copy of this presentation packet is also available through the below QR code.



2022 IPF Conference

Attendee Packet Contents

ESI Capabilities

Minimizing and Mitigating Potential Environmental Justice Impacts from Offshore Wind Port Facilities through Adaptive Public Engagement: Sharing Best Practices

A Step Above:

An Adaptive Approach to Community Engagement for OSW Projects

A Shared Vision on the Development of an Offshore Wind Supply Chain

Guiding Principles for Offshore Wind: Stakeholder Engagement

ENVIRO-SCIENCES (OF DELAWARE), INC.



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Engineering & Construction Services



Property Acquisition & Redevelopment



Outsourcing Division



Enviro-Sciences of Delaware) Inc, (ESI) dedicated to providing the highest level of environmental and workplace expertise to a diverse range of clients. Communication with our clients and understanding their goals and objectives enables us to provide tailored services and cost-effective solutions...and we have been successfully doing it for over 45 years.

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...and More!



ENVIRO-SCIENCES (OF DELAWARE), INC.



"The success or failure of any program depends upon many factors: one of them is the project team - their ability to get the message across and the seamless impression they provide regarding their ability to work together and get things accomplished. ESI has done just that."

*Director, Corporate Environmental Management
Communications-Broadcasting Company*



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The Alliance Project



Creating Community
Partnership For Offshore
Wind Initiatives

The Alliance Project examines potential environmental impacts from proposed large infrastructure projects and aims to share best practices for stakeholder engagement and industrial collaboration.

We owe it to environmental justice communities to get this right.

Follow the link below to read what has been achieved on the project to date, discover what's being planned for the near future, and to access our stakeholder survey.

<https://www.enviro-sciences.com/the-alliance-project/>

Developments in Federal
and State Law

Michael B. Gerrard
Editor

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Minimizing and Mitigating Potential Environmental Justice Impacts from Offshore Wind Port Facilities through Adaptive Public Engagement: Sharing Best Practices

Chris Whitehead

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I began this project thinking about historical energy transitions and the role of community engagement. According to Canadian interdisciplinary scholar Vaclav Smil, “The history of energy use is a sequence of transitions to sources that are cheaper, cleaner, and more flexible.”¹ Offshore wind (OSW) has emerged in the northeastern United States because it fits the profile Smil describes but also in large part because of advocacy efforts by community and environmental justice groups.² In a 2021 report, the U.S. Department of Energy listed 33 OSW projects in some stage of development along the Atlantic seaboard.³ A recent study put out by the Special Initiative on Offshore Wind details more than \$109 billion in direct investment related to these projects that will go toward supporting local communities and building up a domestic supply chain by the year 2030.⁴

Each of these projects will be a large-scale construction operation with many moving pieces and a large footprint, stemming from a network of manufacturing and marshaling ports to be located up and down the East Coast. Approximately five staging ports will be required to meet the needs of the first 10 gigawatts of offshore wind energy projects on the Atlantic Coast alone.⁵ As this

¹ VACLAV SMIL, POWER DENSITY: A KEY TO UNDERSTANDING ENERGY SOURCES AND USES (2015); see also Vaclav Smil, *Trump’s Coal Policy Will Likely Do Just What Obama’s Did*, WASH. POST (Mar. 29, 2017), <https://wapo.st/3oE35bH>.

² See, e.g., N.Y.C. Env’t Justice Alliance, *New York City Environmental Justice Alliance Testimony to the New York City Council Committee on Environmental Protection in Relation to Facilitating the Use of Wind Power in New York City, and in Support of Intro 598* (Feb. 26, 2018), https://www.nyc-eja.org/wp-content/uploads/2018/05/Testimony-Wind_0226.pdf.

³ See OFFICE OF ENERGY EFFICIENCY & RENEWABLE ENERGY, U.S. DEPT. OF ENERGY, DOE/GO-102021-5614, OFFSHORE WIND MARKET REPORT: 2021 EDITION (Aug. 2021), https://www.energy.gov/sites/default/files/2021-08/Offshore%20Wind%20Market%20Report%202021%20Edition_Final.pdf.

⁴ See SPECIAL INITIATIVE ON OFFSHORE WIND, SUPPLY CHAIN CONTRACTING FORECAST FOR U.S. OFFSHORE WIND POWER – THE UPDATED AND EXPANDED 2021 EDITION (Oct. 2021), available at <https://sites.udel.edu/ceoe-siow/>.

⁵ See OFFICE OF ENERGY EFFICIENCY & RENEWABLE ENERGY, U.S. DEPT. OF ENERGY, *supra* note 3, at 28.

article will discuss, many of these ports will be in environmental justice (EJ) communities. What will be the impacts to each EJ community during construction, and how will these impacts potentially tail off during the operations and maintenance phase? OSW is broadly supported by EJ and stakeholder groups,⁶ due to climate change benefits and potential jobs for their communities. As this moment is widely considered the inception of the OSW industry in this country, we owe it to our local communities to get this right and do everything possible to mitigate adverse impacts when they cannot be eliminated.

This article will offer an overview of the OSW development process, discuss potential EJ impacts from port operations, and focus on community engagement strategies. We discuss how engagement has changed as the industry has developed and offer best practices on various adaptive engagement policies. As part of this project, nearly 20 industry experts and stakeholders were surveyed for their input on these topics. Their answers were intriguing and their passion for the industry inspiring. There is a clear enthusiasm to build a clean energy solution for this country, and a desire to do so while limiting impacts to surrounding environments.

Offshore Wind History in New York

The New York State Energy Research and Development Authority (NYSERDA) has been leading the way in New York OSW development since 2016, conducting research and analysis and extensive community outreach to gauge the feasibility of projects in New York lease areas. As Figure 1 details, New York currently has five projects in various stages of development from solicitation awards in 2018 and 2020, totaling more than 4,300 megawatts (MW) of capacity.



Figure 1. Current NY OSW Lease Areas and Proposed Ports⁷

This number will continue to grow. In June 2021, the Bureau of Ocean Energy Management (BOEM) announced its intent to lease areas in the New York Bight region, just south of Long Island and east of New Jersey.⁸ At the New York State level, in 2018, then-Governor Andrew Cuomo announced a goal of 2,400 MW of offshore wind power by the year 2030; this was later increased to a target of 9,000 MW by the year 2035 in the 2019 Climate Leadership and Community Protection Act.⁹ In 2018, NYSERDA and the Public Service Commission (PSC) each took important steps to meet the State's wind power goals with the issuance of the

⁶ See, e.g., Elizabeth Yeampierre & Angela Adrar, *Offshore Wind, Onshore Justice*, GOTHAM GAZETTE (Mar. 13, 2018), <https://www.gothamgazette.com/opinion/7533-offshore-wind-onshore-justice>.

⁷ Reprinted from *Offshore Wind Projects*, N.Y. STATE ENERGY RSCH. & DEV. AUTH. (NYSERDA), <https://www.nyserdera.ny.gov/All-Programs/Programs/Offshore-Wind/Focus-Areas/NY-Offshore-Wind-Projects> (last visited Dec. 9, 2021).

⁸ 86 Fed. Reg. 31524 (June 14, 2021); *New York Bight*, BUREAU OF OCEAN ENERGY MGMT. (BOEM), <https://www.boem.gov/renewable-energy/state-activities/new-york-bight> (last visited Dec. 9, 2021).

⁹ See N.Y. ENV'T CONSERV. LAW § 75-0103(13)(c); *New York Offshore Wind*, NY OFFSHORE WIND ALLIANCE, <https://www.nyowa.org/new-york-offshore-wind> (last visited Dec. 9, 2021).

Offshore Wind Master Plan (NY Master Plan), the establishment of the Offshore Wind Standard, and the first commercial-scale solicitation in the state for 800 MW of capacity.¹⁰ The PSC is the primary State environmental review and approval body for OSW projects, with its main purview being transmission facilities sited within three nautical miles of shore. Developers must obtain a Certificate of Environmental Compatibility and Public Need from the PSC for this portion of the OSW project.¹¹

In the process of developing the NY Master Plan, NYSERDA requested input from approximately 50 non-governmental organization (NGO) contacts. Their suggestions for focus areas are set forth in Appendix W of the NY Master Plan,¹² and listed below for comparison with our project survey:

- Ratepayers and vulnerable populations
- Jobs and training for transitional workers
- Supply chain development
- Outreach and engagement (education, involvement, and knowledge sharing)
- Environmental impacts
- Shipping and navigation impacts
- Visual impacts
- Potential offtake mechanisms

NYSERDA has also been extensively involved with community education programs such as the *Learning from the Experts* webinar series in which the agency hosts subject matter experts to present on various OSW topics.¹³ Technical working groups (TWGs)—maritime, fisheries, environmental, and jobs and supply chain—have sprung up over the last few years to inspire collaboration between NYSERDA and local OSW stakeholders.¹⁴

What Is an Environmental Justice Area?

The U.S. Environmental Protection Agency defines environmental justice as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.”¹⁵ EJ areas, or geographic pockets that experience elevated environmental impacts compared to similar areas within the state, are designated if they meet one of various socioeconomic metrics. The precise metrics vary a bit from state to state, but they will usually include median household income, percent minority population, and percent English proficiency. As an example, in Massachusetts a neighborhood is defined as an Environmental Justice population if one or more of the following four criteria is met:

1. the annual median household income is not more than 65 per cent of the statewide annual median household income;
2. minorities comprise 40 per cent or more of the population;
3. 25 per cent or more of households lack English language proficiency; or
4. minorities comprise 25 per cent or more of the population and the annual median household income of the municipality in which the neighborhood is located does not exceed 150 per cent of the statewide annual median household income.¹⁶

It is important to note the use of “or” instead of “and” in this list. This key difference brings more geographic areas in for potential review.

Then let us quickly look at New York’s definition for EJ area.¹⁷ Potential EJ Areas are U.S. Census block groups of 250 to 500 households each that, in the Census, had populations that met or exceeded at least one of the following statistical thresholds:

¹⁰ See *Offshore Wind Master Plan*, NYSERDA, <https://on.ny.gov/3ItHk6a> (last visited Dec. 9, 2021); Press Release, NYSERDA, Governor Cuomo Issues New York’s Large-Scale Offshore Wind Solicitation (Nov. 8, 2018), <https://on.ny.gov/3IDut1c>.

¹¹ See generally Noah Shaw et al., *Beneath the Waves: New York State and Local Tax and Regulatory Landscape for Offshore Wind Projects*, HODGSON RUSS LLP (Aug. 6, 2020), <https://www.hodgsonruss.com/newsroom-publications-12655.html>.

¹² *N.Y. State Offshore Wind Master Plan: Outreach and Engagement Summary*, in NYSERDA, REPORT 17-25, NEW YORK STATE OFFSHORE WIND MASTER PLAN: CHARTING A COURSE TO 2,400 MEGAWATTS OF OFFSHORE WIND ENERGY app. W (2018), <https://on.ny.gov/31K54SH>.

¹³ *Learning from the Experts, a Webinar Series*, NYSERDA, <https://www.nyserda.ny.gov/osw-webinar-series> (last visited Dec. 9, 2021).

¹⁴ See *Technical Working Groups (TWGs)*, NYSERDA, <https://on.ny.gov/3pLg6PM> (last visited Dec. 9, 2021); see also NYSERDA, GUIDING PRINCIPLES FOR OFFSHORE WIND STAKEHOLDER ENGAGEMENT—OFFSHORE WIND FOR ALL: ENGAGING NEW YORK STAKEHOLDERS (Oct. 2021) [hereinafter GUIDING PRINCIPLES], <https://on.ny.gov/3yfyEm>.

¹⁵ U.S. ENV’T PROT. AGENCY (EPA), GUIDANCE ON CONSIDERING ENVIRONMENTAL JUSTICE DURING THE DEVELOPMENT OF REGULATORY ACTIONS 4 (May 2015), <https://www.epa.gov/sites/default/files/2015-02/documents/team-ej-lexicon.pdf>.

¹⁶ See *Environmental Justice Populations in Massachusetts*, MASS.GOV, <https://www.mass.gov/info-details/environmental-justice-populations-in-massachusetts> (last visited Dec. 9, 2021).

¹⁷ See *Maps & Geospatial Information System (GIS) Tools for Environmental Justice*, N.Y. STATE DEPT. OF ENV’T CONSERV., <https://www.dec.ny.gov/public/911.html> (last visited Dec. 9, 2021).

1. At least 52.42% of the population in an urban area reported themselves to be members of minority groups; or
2. At least 26.28% of the population in a rural area reported themselves to be members of minority groups; or
3. At least 22.82% of the population in an urban or rural area had household incomes below the federal poverty level.

In recent years, a number of other states have enacted laws and policies to strengthen their EJ programs and give affected communities greater say in decisions that affect their local environments.¹⁸ New York and Massachusetts are noted here because they have the highest OSW projected capacities in

the region,¹⁹ and we can clearly see that although many of the same metrics are used, the precise thresholds for designating EJ communities vary. Why is this important? The simple answer is due to the number of potential ports that may be used for each OSW project, and the likelihood that these ports may be in different states. EJ programs are likely to differ from state to state. It is possible for the difference in program requirements to be significant. For example, in 2020, the State of New Jersey passed the first EJ law²⁰ that requires a state to deny permits for certain facilities located in EJ communities that cannot reduce their projected impacts.

At the time of this writing, at least 12 Atlantic and mid-Atlantic states²¹ have begun development of OSW ports or supply chain sites. Each of these sites is in a potential EJ area.²²

Figure 2 presents a summary of socially vulnerable regional demographics according to income level, minority status, education level, and average age of the population. Often, overburdened communities will meet more than one of a state's EJ area criteria, but it is important to note that they only need to meet one.

Region	Low Income (% population)	Minority (% population)	No High School (% population)	65 and Older (% population)
Contiguous U.S. Coast	32	39	13	15
Northwest (Detroit)	26	29	8	15
Northeast (Philadelphia)	26	44	12	15
Southeast-Atlantic	36	51	12	18
Southwest (Los Angeles)	30	63	17	14
Southern Great Plains	37	67	20	11
Southeast-Gulf	35	33	12	20

Figure 2. Current Distribution of Socially Vulnerable Populations in the Coastal Counties of the Contiguous U.S.²³

¹⁸ See Abby Blocker, *State Trends in Environmental Justice Legislation*, WASTE 360 (June 8, 2021), <https://www.waste360.com/legislation-regulation/state-trends-environmental-justice-legislation>.

¹⁹ See OFFICE OF ENERGY EFFICIENCY & RENEWABLE ENERGY, U.S. DEPT. OF ENERGY, *supra* note 3.

²⁰ *Environmental Justice Law, Policy and Regulation*, N.J. DEPT. OF ENV'T PROT., <https://www.nj.gov/dep/ej/policy.html> (last visited Dec. 9, 2021).

²¹ New Jersey, New York, Virginia, Maryland, Connecticut, Massachusetts, Rhode Island, Maine, Delaware, North Carolina, South Carolina, and Pennsylvania.

²² This assumes the New Jersey EJ law model as a representative "most sensitive case."

²³ Chris Whitehead & Michael Kolian, *Do Climate Impacts Have a Greater Effect on EJ Communities?*, Presentation to the A&WMA (2021) (derived from EPA, EPA 430-R-21-003, *CLIMATE CHANGE AND SOCIAL VULNERABILITY IN THE UNITED STATES: A FOCUS ON SIX IMPACTS* (2021), https://www.epa.gov/system/files/documents/2021-09/climate-vulnerability_september-2021_508.pdf).

How Does Environmental Justice Factor into OSW Projects?

Large projects proposed by or receiving funds or land from the federal government, including OSW projects, require a detailed analysis and stakeholder engagement process through the National Environmental Policy Act (NEPA). As noted in the most recent Vineyard Wind Environmental Impact Statement,

agencies are to consider whether there is or will be an impact on the natural or physical environment that significantly and adversely affects a minority population, low-income population, or Indian tribe, including ecological, cultural, human health, economic, or social impacts; and whether the effects appreciably exceed those on the general population or other appropriate comparison group.²⁴

States have been incorporating various EJ and community engagement requirements into their solicitations, with New York recently including section 3.2.8 (*Community Engagement and Prioritizing Disadvantaged Communities*), and New Jersey requiring that subsection 3.16 (*Economic Development Plan*) detail proposed project economic impacts over 20 years and how those investments would benefit local communities and workforce development.²⁵

In addition, under Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, issued in 1994 by President Clinton, and through guidance from the Council on Environmental Quality (CEQ), all federal agencies identify and address, as appropriate, “disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.”²⁶

In 2016, a federal interagency NEPA working group recommended that,

to meaningfully engage minority populations and low-income populations and other interested individuals, communities, and organizations, agencies may consider (as appropriate)

encompassing adaptive and innovative approaches to both public outreach (i.e., disseminating relevant information) and participation (i.e., receiving community input) since minority populations and low-income populations often face different and greater barriers to engagement.²⁷

Such recommendations help move minimum industry practices from notification to engagement and partnership with local communities.

Overview of the OSW Project Development Process

Before we go any further, it may be useful to walk through how these OSW projects come to life, and where the established public input opportunities already exist. The federal government first began the process of identifying various potential outer continental shelf (OCS) lease areas in the Northeast in 2010.²⁸ These areas are in federal waters, usually at least 15–30 nautical miles off the nearest state coastline. They are chosen for their meteorological characteristics, lack of sensitive benthic receptors (limiting potential impact on aquatic biodiversity), and distance from high-density vessel traffic lanes, among other factors. As part of the process of identifying lease areas, BOEM holds regular public meetings before the formal leasing process begins, where the agency summarizes its findings and provides its raw data sources. CEQ has issued guidance for federal agencies such as BOEM on how to best reach out to EJ communities, detailing the sort of community groups to reach out to and potential media to use for the outreach.²⁹

If a state is identified as having a lease area off its coast, the state agencies are then tasked with gathering stakeholders and developing a plan for developing OSW in their state. As these plans are developed, business leaders, advocacy groups, and the public are given the chance to comment. Public notice during this process is given through advertisement across multimedia platforms. Platform popularity and access vary based on location, so outreach planning is necessary on a case-by-case basis.

²⁴ BOEM, BOEM 2021-0012, VINEYARD WIND 1 OFFSHORE WIND ENERGY PROJECT FINAL ENVIRONMENTAL IMPACT STATEMENT: VOLUME IV (Mar. 2021), <https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/Vineyard-Wind-1-FEIS-Volume-4.pdf>.

²⁵ J. Paul Forrester, *ESG in US Offshore Wind (and Not for the Reason That You Are Probably Thinking)*; *Social Considerations for Other Infrastructure Also Likely*, MAYER BROWN (Mar. 23, 2021), <https://www.mayerbrown.com/en/perspectives-events/publications/2021/03/esg-in-us-offshore-wind-and-not-for-the-reason-that-you-are-probably-thinking-social-considerations-for-other-infrastructure-also-likely>.

²⁶ COUNCIL ON ENV'T QUALITY, ENVIRONMENTAL JUSTICE: GUIDANCE UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT (Dec. 10, 1997), <https://ceq.doe.gov/docs/ceq-regulations-and-guidance/regs/ej/justice.pdf>.

²⁷ FED. INTERAGENCY WORKING GRP. ON ENV'T JUSTICE & NEPA COMMITTEE, PROMISING PRACTICES FOR EJ METHODOLOGIES IN NEPA REVIEWS 8 (Mar. 2016), https://www.epa.gov/sites/default/files/2016-08/documents/nepa_promising_practices_document_2016.pdf.

²⁸ Press Release, U.S. Dept. of the Interior, Salazar Launches ‘Smart from the Start’ Initiative to Speed Offshore Wind Energy Development off the Atlantic Coast (Nov. 23, 2010), <https://www.doi.gov/news/pressreleases/Salazar-Launches-Smart-from-the-Start-Initiative-to-Speed-Offshore-Wind-Energy-Development-off-the-Atlantic-Coast>; *see also* NAT'L OCEAN COUNCIL, NORTHEAST OCEAN PLAN (Jan. 17, 2017), https://neooceanplanning.org/wp-content/uploads/2018/01/Northeast-Ocean-Plan_Full.pdf.

²⁹ *See* COUNCIL ON ENV'T QUALITY, *supra* note 26.

BOEM will then coordinate OCS lease auctions where developers will have the chance to bid against each other for rights to develop projects in those locations. After the lease award, states may also discuss potential power purchase agreements (PPAs) or other mechanisms to plan future transmission allocations. BOEM lists the lease and grant information for each area sale dating back to 2013 on its website.³⁰

Once a lease is granted, the lessee then has 12 months to submit a site assessment plan (SAP) that details its investigation plans and provides the foundation for the development team to later submit their construction and operations plan (COP). The COP is a critical document that maps out all associated processes on the project and aims to list all known likely impacts. Impacts to the environment, including air impacts from onroad and offroad vehicles, stationary combustion sources, industrial processes, and marine vessels, are estimated for the life of the project. The developer is then tasked with securing emission offsets for the project from the corresponding state pursuant to Clean Air Act regulations for controlling air pollution from OCS sources.³¹ As part of the COP, the project details their avoided emissions, or the difference between a natural gas power plant of the same power capacity and their OSW project over a set time span. Most emissions from an OSW project occur during the construction phase, the first two to three years of the project. Recently developers have been looking into creative ways to minimize vessel emissions, including Mayflower Wind and Gladding-Hearn agreeing to design/build a new class of hybrid electric crew transfer vessels.³² Through all of this, port facilities will be activity hubs, exposing local communities to new and higher-frequency impacts than the levels of impacts to which they may be accustomed. New Jersey is trying to address this issue in part by installing electric vehicle (EV) charging hubs close to projected port facilities.³³ Power Edison Partners and Huge Neu recently announced plans for the largest such charging station in the country to be located close to the Port of Newark.³⁴

Site assessment and COP development can take up to five years, but once the COP is submitted and deemed complete and sufficient, BOEM conducts NEPA and technical reviews. The completion of the environmental review and approval of the COP allow the developer to begin construction and start contracting along the supply chain.

Survey Method

While much of the domestic OSW industry has seemed to almost spring up out of nowhere over the past few years, the truth of the matter is we are here today because of work put in by many over the last decade. My goal for this project was to pull in much of that industry expertise to discuss potential best practices on community engagement and how improvements in engagement practices may lead to minimizing potential EJ impacts. The Island Institute published a report on this topic—*Engaging Communities in Offshore Wind: Case Studies and Lessons Learned from New England Islands*³⁵—just before Block Island, the first commercial offshore wind facility in the United States.³⁶ The report detailed three main recommendations: make mutual learning accessible, custom-tailor community benefits, and invest in social science research and communication. What progress has the industry made on their recommendations? What have we since learned that would allow us to update these recommendations and identify current best practices?

We focused this survey on impacts from port operations since ports are the hub for OSW activities. Dedicated marshaling and manufacturing ports will be needed for these projects during the construction phase. The first such port is currently under construction in Southern New Jersey.³⁷ Development of these dedicated ports will be facilitated through state development authorities, with developers being future tenants. During operations and maintenance, activities could potentially be run out of a few slips of an existing marina.

³⁰ *Lease and Grant Information*, BOEM, <https://www.boem.gov/renewable-energy/lease-and-grant-information> (last updated Dec. 9, 2021).

³¹ See 40 C.F.R. §§ 55.13, 55.14; see also *South Fork Wind LLC's - South Fork Windfarm Draft Outer Continental Shelf Air Permit*, EPA, <https://www.epa.gov/caa-permitting/south-fork-wind-llcs-south-fork-windfarm-draft-outer-continental-shelf-air-permit> (last updated Dec. 9, 2021); *Permit Documents for Vineyard Wind 1, LLC's Wind Energy Development Project (800MW Offshore Windfarm)*, EPA, <https://www.epa.gov/caa-permitting/permit-documents-vineyard-wind-1-llcs-wind-energy-development-project-800mw-offshore> (last updated June 14, 2021).

³² Press Release, Mayflower Wind, Mayflower Wind Signs Agreement with Gladding-Hearn for Design/Build of Industry-Leading Hybrid Electric Offshore Wind Crew Transfer Vessel (Oct. 14, 2021), <https://mayflowerwind.com/mayflower-wind-signs-agreement-with-gladding-hearn-for-design-build-of-industry-leading-hybrid-electric-offshore-wind-crew-transfer-vessel/>.

³³ Port electrification will likely be a part of the NJ PACT (Protecting Against Climate Threats) Rules that are expected to be issued in early 2022.

³⁴ Robin Whitlock, *Power Edison Partners with Hugo Neu Realty Management to Develop Largest EV Charging Site in the US*, RENEWABLE ENERGY MAG. (Nov. 11, 2021), https://www.renewableenergymagazine.com/electric_hybrid_vehicles/power-edison-partners-with-hugo-neu-realty-20211111/.

³⁵ SARAH KLAIN ET AL., ISLAND INST., *ENGAGING COMMUNITIES IN OFFSHORE WIND: CASE STUDIES AND LESSONS LEARNED FROM NEW ENGLAND ISLANDS* (Dec. 2015), https://islandedgrid.org/wp-content/uploads/2017/04/EngagingCommunitiesOffshoreWind_2015_web.pdf.

³⁶ Block Island Wind Farm is off the coast of Rhode Island, has a 30 MW capacity, and was the first OSW project in the United States in 2016.

³⁷ *New Jersey Wind Port*, NJ.Gov, <https://nj.gov/windport/about/index.shtml> (last visited Dec. 9, 2021).

Topic: Examining Potential EJ Impacts from OSW Port Activities: Minimizing and Mitigating Impacts through Adaptive Community Engagement

Themes: How does EJ relate to the OSW industry? What sort of impacts can be expected in EJ areas near ports? How has community engagement adapted in OSW over the last decade? What role can the developers play in the community? How have we been doing and how can we improve?

Participants: Four main subgroups were selected within the overall stakeholder survey group: developers, legal, consultants, and EJ/community advocacy groups. Participants were selected based on their experience in OSW, their firm's current efforts in the space, and experience working with or for stakeholder groups. Extensive efforts were made to get an equal breakdown between each participant group, but as you will read in the later acknowledgements section, survey participants lean toward the developer and consulting spaces. The 19 survey participants have an average of just over four years of experience working domestically in OSW, with many having worked in the industry for longer than that internationally. Logically, community group members had less experience with OSW since their areas have only had to consider the question for a few years.

Participants were given the opportunity to review draft survey questions before they committed to the project, and either suggest slight edits to the question wording or skip questions when they deemed necessary. There were no suggested edits submitted. The questions built on various themes related to stakeholder engagement, potential EJ impacts, potential OSW project benefits, and appropriate mitigation measures. Questions comprised multiple choice, ranking, and free form text responses as well as various background affirmations. While the results of the multiple-choice questions will be

discussed later in this article, I have kept this section a blind sample. Findings will be presented based on responses given, and any themes from those responses will be analyzed in later sections. Survey participants are all acknowledged toward the end of this piece, and select quotations from participants were used with permission.

Goals: Community engagement is not a new idea, and neither is environmental justice, but both can and should be supported as the OSW industry develops. My hope is that this project provides useful data for future collaboration and encourages pending projects to learn from previous ones.

Disclaimer: I am not a survey specialist. I crafted this exercise more as an interview with stakeholders. The survey is supported by a lengthy literature review.

Survey Results

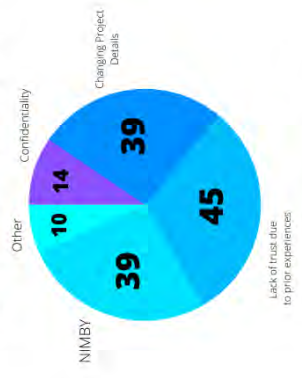
First, there was complete agreement among all participants that all OSW developers should have a community engagement policy, publish it on their website, and have a clear way for the public to ask questions or offer comments. Similarly, all respondents agreed that the OSW developer has a responsibility to educate the public on its processes. This session should assume that the stakeholder is new to offshore wind and include fundamentals on industry processes as well as project-specific details when possible. The latter point may vary a bit as confidentiality and changing project details must be considered. Lastly, nearly all respondents agreed that it was likely for a single OSW project to utilize port facilities in multiple U.S. states.

Figure 3 provides an overview of the results of our survey, detailing the percentage of respondents who chose each option, and ranking the severity of potential impacts and effectiveness of mitigation measures. Responses from community groups and developers varied a bit but saw near uniformity on potential project benefits, namely jobs, training, and educational opportunities for local citizens.

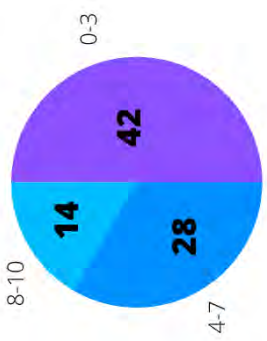
How long have you been associated with the OSW industry? (Internationally/Domestically)

AVERAGE OF 4 YEARS Domestically

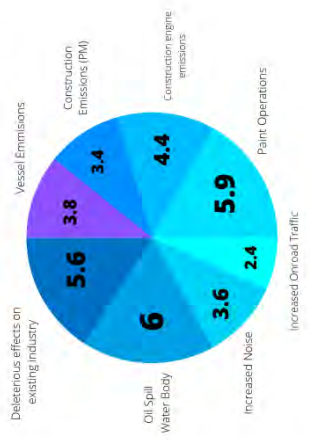
What are potential hindrances to meaningful community engagement on OSW projects? (Check up to Two)



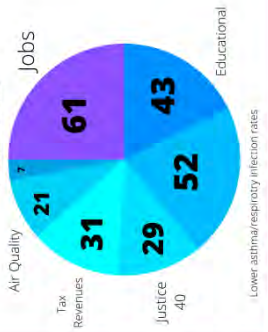
Approximately how many domestic ports would the average OSW project utilize? (Select one range)



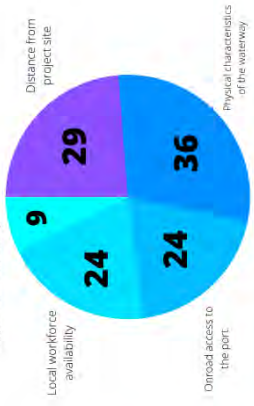
Please rank the following potential impacts from OSW port operations in order of likely impact to area community? (Please rank 1-8)*



What economic benefits do OSW ports directly offer EJ communities? (Which of the following positive impacts from OSW does not get enough focus? Pick up to 3)



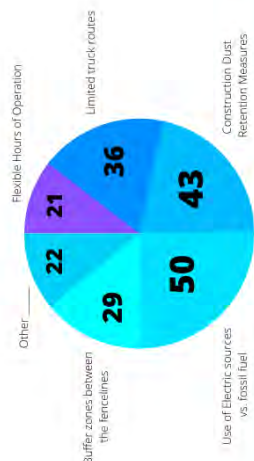
What factors go into deciding to use a port for an OSW project? (Select Up to 3)



If EJ impacts are found, to what extent should a developer go to minimize them? (Please Check One)



What mitigation measures are appropriate to reduce potential EJ impacts? (Select up to three)



Discussion Questions
 The EPA definition of Environmental Justice is provided on the previous tab. How do you see this topic relating to OSW?
 How has community engagement changed since you began in OSW?
 Does grid electrification (the push to "electrify everything") benefit OSW development and potentially EJ impact reduction? Please explain.
 Please quickly comment on the next few years on OSW project development on the East Coast. There are quite a few projects in the pipeline, which will lead to a new energy matrix for our county. How can proactively considering factors as environmental justice help smooth that transition?

*Note: By average ranking from 1-8, with 1 being the biggest concern and 8 being the least concern.
 *Percentages for each question will not add up to 100 in cases where multiple selections were requested...or if a respondent skipped the question
 *The entire example survey is available upon request

*Various NYN questions and participant background questions were included in the survey, and discussed in the text of this paper, but omitted from this graphic.
 *Source: Whitehead Chao (2021), Enviro-Sciences of Delaware, Inc.

Figure 3. Potential EJ Impacts from OSW Port Operations Stakeholder Response Summary (by Percent Selected Unless Otherwise Noted)

The respondents were also asked to complete four freeform answers where they were encouraged to detail their experience with various topics and elaborate on their vision for community engagement. While reviewing these responses, a few themes arose.

The first theme is that the process and buy-in for community engagement have changed over time. BOEM and various state agencies have mandatory public comment periods built in as part of their regulatory compliance processes. However, as Ashley Anderson, a North Carolina attorney, has stated in a non-OSW context:

Some consider community engagement a necessary evil, as opposed to a critical and valuable part of the governing process. It is nothing more than a mandatory part of the statutory decision-making process. In other words, it's a "speed bump" in getting a plan approved. If a public hearing isn't required, then there won't be a public process. If a public hearing is required, then you'll have your "three-minute speeches."³⁸

While perhaps a generalization, most of our survey respondents argued that the modern engagement process has to become more of a partnership between developer and community groups. Such a partnership requires a type of adaptive engagement with the community. Instead of merely processing comments from mandated listening sessions, respondents favored a move toward more of an ongoing dialogue that includes educational opportunities for the community. If stakeholders feel their concerns are being addressed, they will be much more likely to support the project. Similarly, metrics can be developed to track the success of engagement avenues in a particular setting over time. Communities are not all the same, and an engagement matrix that works well in one area may not suffice in another. Census demographics can be quite different depending on location. These differences must be considered so that developers are ready to engage the community in their native languages and via the most accessible media.

How are community members' questions tracked over time, and is there a strategy for reducing the number of recurring questions? Companies often attempt to address recurring questions by posting a FAQs document on the company website and referring to it via social media posts and at community events. Along these lines, respondents were asked what potential hindrances could slow meaningful engagement on OSW projects and asked to select up to two answers. The options given were confidentiality, changing project details, lack of trust due to prior experiences, NIMBY,³⁹

vocal advocacy groups against the project, and "other." As you can see in Figure 3, the top responses were "lack of trust," changing project details, and NIMBY. Much of this can be alleviated through education, listening to concerns, and highlighting potential benefits. We received several comments that associated NIMBY concerns with potential visual impacts from the turbines, and onshore impacts from landfall location and cable-routing. This presents an interesting paradox as NIMBY was cited both within and outside of EJ communities, but for different reasons—potential environmental impacts for EJ communities and visual or economic impacts for the other communities.

Next, we looked at what sort of impacts can be expected in EJ areas close to the ports. Respondents were asked to rank the severity of the potential impact then discuss the responsibility of the developer to mitigate those impacts. This is a controversial point. OSW projects have extensive long-term economic and climate benefits for local communities, and while some impact is unavoidable from any large-scale utility project, how far should the developer go to further reduce these impacts over time? Will technological advancements such as electrifying traditionally fossil fuel-based processes aid in this mitigation? Are these mitigating measures the responsibility of the developer or of the port operating authority?

The survey form listed potential impacts based on likely OSW operations at port facilities. These impacts included: vessel emissions, construction emissions (particulate matter) and construction engine emissions (these are counted jointly in a COP but separately here to see if one component had more of an impact than another), painting operations, increased on-road traffic, increased noise, oil spills into water bodies, deleterious effects on existing industries, and "other." Respondents were asked to rank potential impacts listed from 1 to 8, with 1 being the biggest concern. Though it did not crack the top three impacts overall, multiple respondents listed noise impacts under "other," by far the highest response for that category. According to our respondents, as listed in Figure 3, the top three potential impacts that may have EJ implications were increased traffic, construction emissions, and vessel emissions. This is logical as each impact has direct potential effects on ambient air quality and climate change. It is perhaps to some a bit surprising, however, to see that vessel emissions ranked third, since they account for by far the largest chunk of emissions from these projects. Interestingly, deleterious effects on existing industry finished with one of the lowest concern rankings. Over the last few years OSW has been a topic of critical importance for the commercial fishing industry, which led us to expect a higher concern ranking in our survey.⁴⁰

³⁸ Ashley Anderson, *Why Your Community Engagement Practices Are Failing to Engage Your Community*, SANFORD HOLSHOUSE (Aug. 3, 2016), <http://shlawgroup.com/201683why-your-community-engagement-practices-are-failing-to-engage-your-community/>.

³⁹ NIMBY stands for "Not In My Back Yard." The term is interesting because it has been used both by EJ groups and by community groups who do not want a project located in a certain place, often for aesthetic concerns. See *NIMBY*, CORP. FIN. INST., <https://corporatefinanceinstitute.com/resources/knowledge/other/nimby/> (last visited Dec. 9, 2021).

⁴⁰ Nichola Groom, *U.S. Studies Plan to Pay Fishing Industry for Offshore Wind Impacts*, REUTERS (July 28, 2021), <https://www.reuters.com/business/sustainable-business/exclusive-us-studies-plan-pay-fishing-industry-offshore-wind-impacts-2021-07-28/>.

Having focused on localized negative impacts, respondents were then asked to pick up to three potential positive impacts that do not get enough focus. The options for this question were jobs, educational opportunities, lower asthma/respiratory infection rates, the Justice40 initiative,⁴¹ tax revenues, air quality, reduction of climate impacts, and biodiversity. The top three responses for this question were jobs, lower asthma/respiratory infection rates, and educational opportunities. Throughout this project we heard a desire from community groups for access to economic benefits from these projects, but to date, with a few exceptions, there does not seem to be the sort of ramping up of job training programs that will be needed to meet these project demands as well as those associated with the recent federal infrastructure law. Various other large-scale domestic infrastructure projects have sought to address this issue by creating community equity agreements to commit the project to various economic benefits for the area.⁴²

Respondents were then asked a background question about the factors in play when deciding on ports to use for an OSW project. If the respondent did not have experience in this area, they left the question blank. The choices offered for this question were distance from project site, physical characteristics of the waterway, road access to the port, local workforce availability, support from the local community, and “other.” The top three responses were physical characteristics of the waterway, distance from project sites, and road access to the port. Developers have objective physical characteristics that they need for these projects and will seek to secure sites with these characteristics as close to the lease area as possible.

If EJ impacts are found, to what extent should a developer go to minimize them? The options were eliminating all impacts over ambient (the baseline), working to reduce impacts where possible, mitigating so that benefits to EJ areas outweigh any potential minimal impacts (no further action needed), and engaging with the community to discuss mitigation plans. The top response for this question was the only one to specifically mention engaging with the community. This makes sense as NEPA requires public engagement in the development, scoping, and permitting of these projects.

What mitigation measures are appropriate to reduce potential EJ impacts? The options were limiting truck routes, flexible hours of operation, construction dust retention measures, use of electric sources instead of direct combustion of fossil fuels, buffer zones between the fence lines, and “other.” The top responses were

use of electric sources instead of fossil fuels, construction dust retention measures, and limiting truck routes. These choices are logical as they closely correlate to the perceived potential impacts discussed earlier.

Conclusions

Survey participants were asked four freeform questions that are listed at the bottom of Figure 3. I will focus on two responses that have been quoted below with permission from each participant. Each shows ambition and a desire to collaborate across the industry. Sharing best practices now and working toward an adaptive engagement model should show increasing benefits for future projects in the pipeline. This project focused on the Northeast and mid-Atlantic regions, but lessons learned here can easily be carried to other geographies. As this writing was being submitted, NYSERDA published their *Guiding Principles for Offshore Wind Stakeholder Engagement*.⁴³ This guidance document shares many of the same themes that have been discussed above and is a great step forward for adaptive engagement as each developer submitting project proposals in response to future OSW solicitations will have to include a stakeholder engagement plan based on the NYSERDA 10 guiding principles. We have all been through public meetings in the past with countless “three-minute speeches.” We can and must do better, and it has been encouraging to see developers and state agencies trying to be smart followers.

The offshore wind industry is in the unique position to be a smart follower and get this right from the start to create meaningful, long-term relationships with overburdened communities. We've heard directly from EJ groups that success for overburdened communities look like access to training, workforce development, and education at all levels of employment opportunities. In order to get there, we need to increase coordination and collaboration among developers, state and federal agencies to streamline training opportunities, to bring MWBEs⁴⁴ into the supply chain and to expand the opportunities available to equip frontline communities with the skills needed to become leaders in clean energy. **(Damian Bednarz, Managing Director, EnBW North America)**

The increase in community outreach and involvement can be leveraged to ensure environmental justice concerns and impacts are front and center. This is especially true given the opportunity for mutually beneficial educational and

⁴¹ Justice40 is a whole-of-government effort to ensure that federal agencies work with states and local communities to make good on President Biden's promise to deliver at least 40% of the overall benefits from federal investments in climate and clean energy to disadvantaged communities. Shalanda Young et al., *The Path to Achieving Justice40* (July 20, 2021), <https://www.whitehouse.gov/omb/briefing-room/2021/07/20/the-path-to-achieving-justice40/>.

⁴² See *Community Benefits Agreements and Organizing for Equitable Development*, POLICYLINK, <https://www.policylink.org/equity-in-action/webinars/community-benefits-agreements> (last visited Dec. 9, 2021).

⁴³ GUIDING PRINCIPLES, *supra* note 14.

⁴⁴ MWBE stands for Minority- and Women-owned Business Enterprise.

vocational programs, as well as mindful and intentional approaches to addressing direct and indirect impacts on the surrounding communities. Those communities will bear the burden of increased traffic, noise, and commercial activity as the flip side to the coin of increased economic opportunities and great progress for everyone in reduced overall emissions from conventional energy sources. Offshore wind developers have shown they are willing to engage in and support a wide range of activities to minimize and mitigate impacts on the local communities. Let's leverage that to greater effect by providing developers with a road map to efforts that would best serve the specific needs of their communities. (Karen Hanley, Executive VP, The Permitting Institute)

Acknowledgments

One of the great joys from this project has been coordinating with so many industry experts and passionate stakeholder groups. Their survey participation and thoughtful responses were critical to this project. I look forward to working with each of them more in the future. Thank you all who participated in the survey or made meaningful contributions to this project.

Debbie Mans, TWENTYTWENTY public affairs; **Justin Krebs and John Neill**, AKRF; **Fred Zalzman**, New York Offshore Wind Alliance; **Kyle Rabin**, ACENY; **Laurie Sands**, Riker Danzig LLP; **Janice Fuller**, Anbaric; **Karen Hanley**, The Permitting Institute; **Laura Smith Morton and Ted Boling**, Perkins Coie LLP; **Damian Bednarz**, EnBW; **Julia Kortrey**, NJEDA; **Jose Almanzar**, New York State Bar Association Environmental & Energy Law Section; **Jim Ferris and Crystal Pruitt**, NJBPU; **Andrew Gohn**, American Clean Power Association; **Maria Belen Power**, Greenroots Chelsea; **Ben Morrow**, McCormick Taylor; **Ana Fisyak**, Equinor; **Madeline Urbish**, Orsted

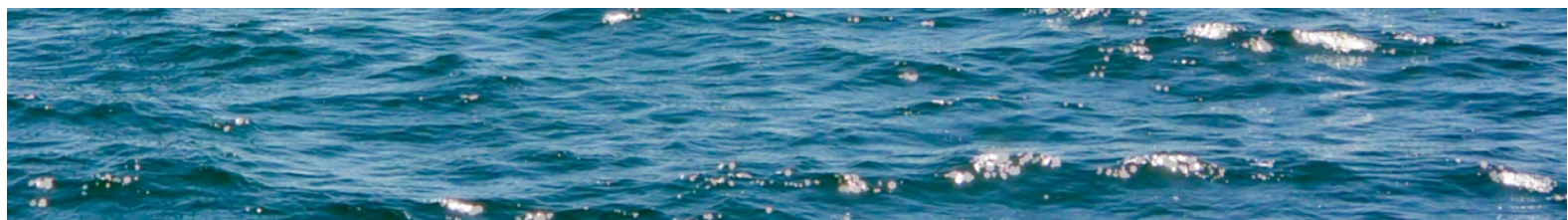
Thank you as well to my reviewers: **David Brewster**, Montrose Environmental, and **Dane Pehrman**, Haley & Aldrich.

Chris Whitehead, QEP, CESM, leads the air practice for Enviro-Sciences, Inc., based in New Jersey. His recent work has focused on offshore wind permitting, environmental justice regulation, and climate change impacts and indicators. He can be reached for questions at cwhitehead@enviro-sciences.com. This project has been accepted as a panel at the International Offshore Wind Partnering Forum, April 26-28, 2022. The presentation will discuss potential next steps for collaboration on this issue.



A STEP ABOVE

An Adaptive Approach to
Community Engagement
for OSW Projects





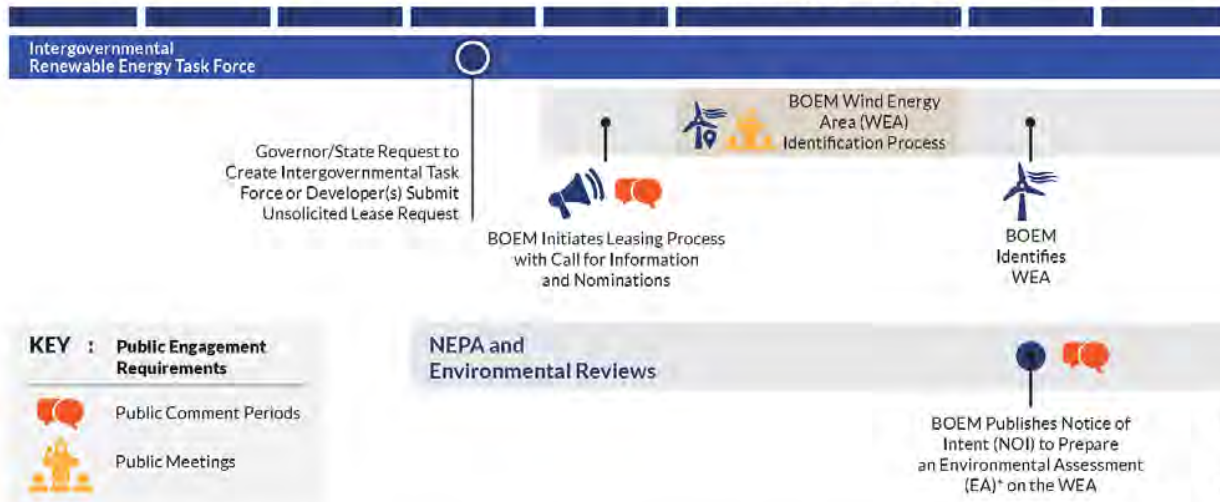
CONGRATULATIONS, YOU JUST WON AN OFFSHORE WIND LEASE AREA. NOW WHAT?

It may sound reductive, but this is a simple question that we have heard from numerous parties. The goal of this checklist is to walk you through what is required, where public input checkpoints have been identified, and to share best practices in maximizing public engagement. There are numerous website links included to pull in as much useful information as possible that will be available in the digital copy of this document.

First, BOEM and various active OSW states have each established their own development schedules. The Special Initiative for Offshore Wind (SLOW) has developed public participation guides for BOEM and many of these states. A timeline from the BOEM guide is included on the following pages,

State guides are available for Massachusetts, Rhode Island, and New Jersey on the SLOW website (<https://sites.udel.edu/ceoe-slow/publications/osw-guides/>).

[Planning & Analysis]



* **Environmental Assessments ("EAs"):** An EA analyzes the environmental effects of a proposed activity to determine the significance of potential impacts to marine life and ecosystems. Any significant impacts identified in an EA must be analyzed in an Environmental Impact Statement ("EIS"). An EA also documents the potential environmental impacts of proposals that do not require an EIS and identifies as early as possible mitigation measures that BOEM may require to avoid or minimize adverse effects of a proposal. There are opportunities for public comment and involvement in the EA process.

🗨️ **Formal Comment Periods:** Allow interested parties, including members of the general public, opportunities to provide formal, written comments on proposed actions published in the Federal Register. Formal comment periods are between 30 and 60 days, and comments must be filed before the specified deadline. Comments filed during formal comment periods will become part of the official public record.

Visit <https://www.boem.gov/submitted-comments/> to see current and upcoming opportunities to comment on BOEM regulatory programs, including offshore wind, oil and gas, and other activities under BOEM's jurisdiction.

AWEA.ORG

[Leasing]

[Site Assessment]

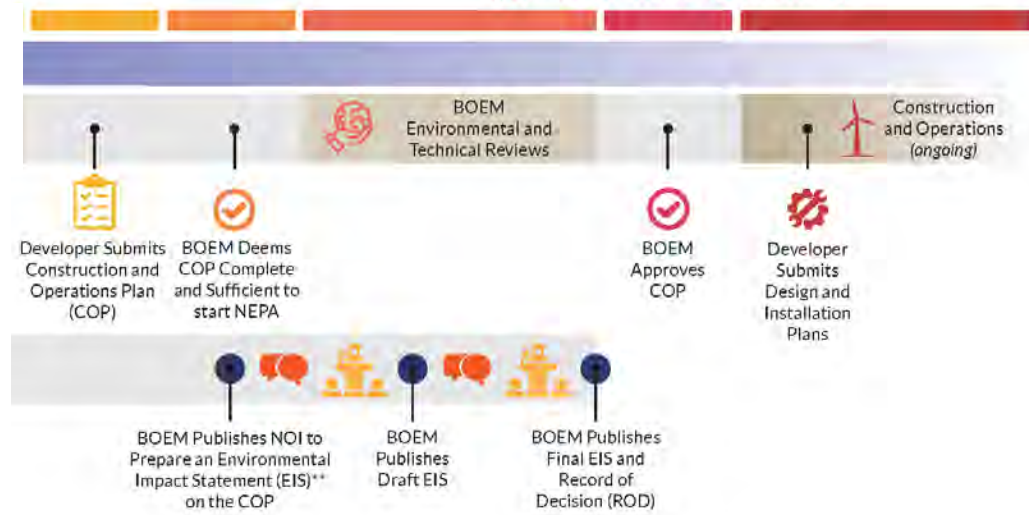


** **Environmental Impact Statements ("EIS"):** Once a wind farm developer submits a formal **Construction & Operations Plan ("COP")**, federal law requires BOEM to conduct a comprehensive, site-specific EIS. To get things started, BOEM publishes a **Notice of Intent ("NOI")** to Prepare an EIS in the Federal Register. This action starts the scoping process in which BOEM and the public collaborate to define the range of issues and possible alternatives to be addressed in the EIS. Public participation is critical to this process. To solicit as much public input as possible, BOEM holds at least one public meeting in the communities that might be affected if leasing or development were to occur. Based on the information received during scoping and other information, BOEM identifies alterna-

🗨️ **Public Meetings:** Gatherings that allow the public a forum to discuss the issues, share information, and get a fuller understanding of the ongoing community engagement process. BOEM holds public meetings as a part of the National Environmental Policy Act ("NEPA") process, but the number will vary depending on the geography and the amount and complexity of other ocean uses in the area. BOEM also regularly participates in public information sessions and Regional Fisheries Management Council meetings, including associated open houses, to communicate BOEM's process and provide an opportunity to submit feedback.

Visit <https://www.boem.gov/Notice-to-Stakeholders/> to see postings for all interested parties, including public meeting notices.

[Construction & Operations]



tives to the COP that might reduce possible impacts. In addition, any reasonable measures suggested to mitigate possible impacts are considered for analysis in the EIS. Through this public participation, in addition to environmental and technical reviews of the COP, BOEM decides whether to approve, approve with modification, or disapprove the COP. The EIS process ends when BOEM issues a **Record of Decision ("ROD")**, which explains its decision, describes the alternatives considered, and discusses plans for mitigation and monitoring, if necessary.

Intergovernmental Renewable Energy Task Forces: BOEM meets with its Intergovernmental Renewable Energy Task Forces, which bring together members of state, local, and tribal governments and federal agencies to discuss issues, exchange data and information, and identify potential conflicts early in the planning and leasing process. These meetings are open to the public, who can provide comment.


Visit <https://boem.gov/Strengthening-the-Task-Forces/> to learn more about the Task Forces.


Visit <http://boem.gov/renewable-energy-state-activities/> to see what's happening in your state.



Now that you have a general idea of the federal and state schedules, we should discuss how to write and implement an **effective community engagement plan**. The overarching goal here should be to develop partnerships with local communities and provide meaningful opportunities for them to learn more about the project and provide feedback. No two communities are identical; their capabilities, socio-economic makeup, and historic environmental conditions will be unique to that area.


GET TO KNOW THE COMMUNITIES YOU WILL BE WORKING IN


 What geographic areas of the country are included in my project? Include cultural resources, important natural areas, and local redevelopment initiatives in your screening.

 Do we pass through any environmental justice or overburdened areas? The EPA ([EJSCREEN](https://ejscreen.epa.gov/mapper/) - <https://ejscreen.epa.gov/mapper/>) and many states have dedicated GIS platforms to easily identify these areas. Recent updates to EJSCREEN include demographic information such as broadband capabilities, risk screening indices, and climate impact indicators.

A list of the 12 EJSCREEN indices is available [here](https://www.epa.gov/ejscreen/environmental-justice-indexes-ejscreen) (<https://www.epa.gov/ejscreen/environmental-justice-indexes-ejscreen>).

- Do those EJ areas have existing state environmental justice programs that require enhanced public participation or regulatory requirements? There are currently 23 states with enacted or proposed EJ regulations, with New Jersey's proposed compliance and permitting program (<https://www.nj.gov/dep/ej/>), often referred to as "The Gold Standard."

 Make sure you include elected officials, planning and engineering staff, and local residents and community leaders in your outreach. Don't assume that one group will comprehensively represent the views of the community.

 Develop a publicly-facing Frequently Asked Questions document based on community feedback.



BE PREPARED TO ADJUST YOUR OUTREACH PLAN AND DO ADAPTIVE ENGAGEMENT

Tailoring your outreach approach to each community based on their specific demographics and capabilities. Once you begin outreach within the community, have regular internal status meetings to judge progress on each media. If you are not getting responses, consider adjusting your external training schedules or reaching out to local community leadership, including faith or civic groups.

Bloomberg recently presented an example of a community fiercely opposing a large solar project, then switching gears completely to support the project after increased local engagement by supporters of the project and consistent educational outreach. There are also instances of “fake news” (<https://www.npr.org/2022/03/28/1086790531/renewable-energy-projects-wind-energy-solar-energy-climate-change-misinformation>) attempting to sway project outcomes. Proactive engagement with communities helps guard against this.

Are there options for virtual meetings or online public commenting portals? Some companies have even set up virtual meeting rooms for participants to explore on their own. Make sure you also have options that make sense in the communities you are working in and the public engagement opportunities are accessible.

Communities often cite potential employment opportunities as a key benefit of OSW projects. What is your company doing to maximize the percentage of local community members who want these jobs to be ready for them? There are numerous large infrastructure projects in the domestic pipeline. If local communities do not have employees with the necessary skill sets, those jobs will go to other sources. Be proactive in announcing available training opportunities and job requirements so that local communities can make themselves ready to meet the needs.

States can assist this process through their infrastructure coordinators (IJA), workforce development divisions, or their Office of Environmental Justice.

The bulk of any environmental impacts from OSW projects will likely occur during the 2-3 year construction phase. Are there opportunities to choose greener options during this phase and minimize impacts? Developers to date have found innovation in this space through the projected use of electric CTVs or commercial truck charging stations near ports. Can your team project similar uses or growth in the use of these vehicles over time?

RESOURCES FOR COMMUNITY ENGAGEMENT



Best Practices for Community Engagement: Groundwork USA - https://groundworkusa.org/wp-content/uploads/2018/03/GWUSA_Best-Practices-for-Meaningful-Community-Engagement-Tip-Sheet.pdf



Community Outreach and Solar Outreach: A Guide for States on Collaborating with Community-Based Organizations - <https://www.cesa.org/wp-content/uploads/Community-Outreach-and-Solar-Equity.pdf>



BENEFITS OF COLLABORATION

“

We need the proactive intervention and engagement of federal, state and local policymakers, companies, NGOs, and community leaders, among others, to ensure that the benefits of this historical transformation are broadly shared across the United States, especially in communities most vulnerable to this change.

American Clean Power's Industry Strategy from the ET4ALL 2022 report.

Make sure you get internal buy-in from your company or client on the goals and expectations for stakeholder engagement. For example, you do not want to over-promise on being able to adjust or modify designs based on community feedback when there is no flexibility. It is also important for internal leadership to understand and value the role of stakeholder participation and put in the resources to do it right. Ultimately, local input is critical to gaining local support.

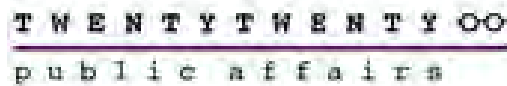
How can offshore wind developers work together to fund and coordinate public participation activities, especially in overburdened communities? The Business Network for Offshore Wind (BNOW) is discussing an EJ working group and possible ways to facilitate community group participation at greatly reduced rates or through sponsorship. New York and select other states have started to require further EJ considerations in their RFPs. Can developers go further and pay into a joint fund to hire local talent and develop workforce training?



CONTRIBUTORS



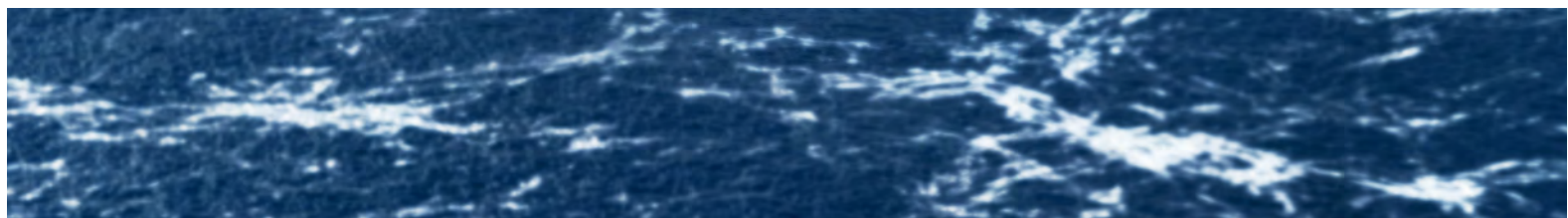
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A Shared Vision on the Development of an Offshore Wind Supply Chain



The Bureau of Ocean Energy Management (BOEM) and the states of New York and New Jersey are proud to announce a collaboration to transition to a clean energy future, creating well-paying, family-supporting jobs and establishing a durable domestic supply chain that will facilitate the responsible development of the offshore wind industry and deliver benefits to residents of New York and New Jersey, including underserved, disadvantaged, and overburdened communities.

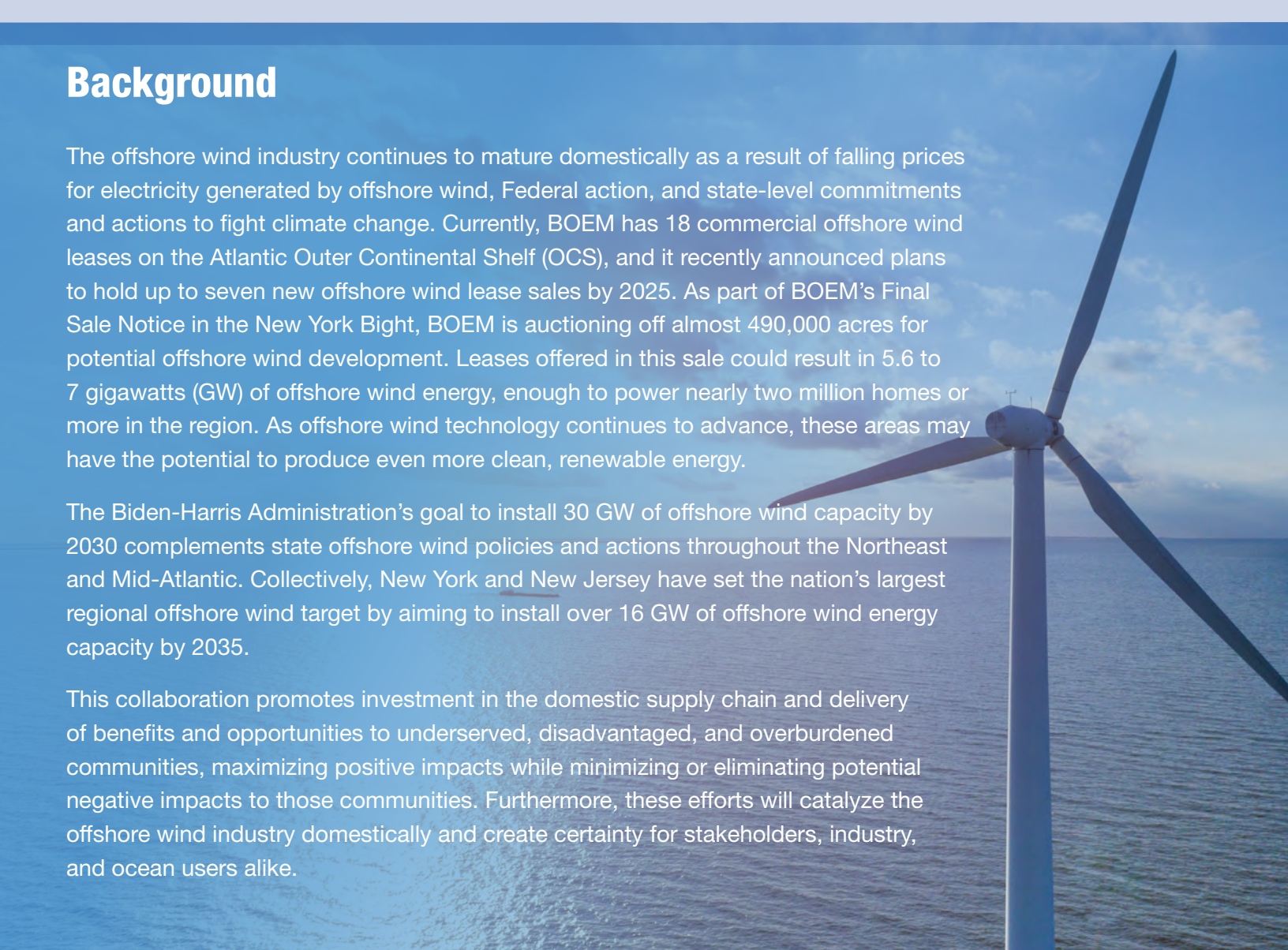
BOEM, New Jersey, and New York will work together to advance common interests and shared values of economic prosperity and energy resilience. This collaboration will serve as a model for future engagement and establish the United States as a global leader in the offshore wind market.

Background

The offshore wind industry continues to mature domestically as a result of falling prices for electricity generated by offshore wind, Federal action, and state-level commitments and actions to fight climate change. Currently, BOEM has 18 commercial offshore wind leases on the Atlantic Outer Continental Shelf (OCS), and it recently announced plans to hold up to seven new offshore wind lease sales by 2025. As part of BOEM's Final Sale Notice in the New York Bight, BOEM is auctioning off almost 490,000 acres for potential offshore wind development. Leases offered in this sale could result in 5.6 to 7 gigawatts (GW) of offshore wind energy, enough to power nearly two million homes or more in the region. As offshore wind technology continues to advance, these areas may have the potential to produce even more clean, renewable energy.

The Biden-Harris Administration's goal to install 30 GW of offshore wind capacity by 2030 complements state offshore wind policies and actions throughout the Northeast and Mid-Atlantic. Collectively, New York and New Jersey have set the nation's largest regional offshore wind target by aiming to install over 16 GW of offshore wind energy capacity by 2035.

This collaboration promotes investment in the domestic supply chain and delivery of benefits and opportunities to underserved, disadvantaged, and overburdened communities, maximizing positive impacts while minimizing or eliminating potential negative impacts to those communities. Furthermore, these efforts will catalyze the offshore wind industry domestically and create certainty for stakeholders, industry, and ocean users alike.



Mutual Principles

1. We are committed to enhancing our domestic supply chain to support the orderly and expeditious development of a robust offshore wind industry. This investment in manufacturing will create well-paying and family-sustaining jobs and deliver benefits to all, including to underserved, disadvantaged, and overburdened communities.
2. We are committed to strengthening state and Federal collaborations to achieve regional offshore wind goals and objectives.

Recent Accomplishments

BOEM

Under the Biden-Harris Administration, BOEM has made significant progress on offshore wind development.

The Bureau:

- Helped establish the nation's first offshore wind energy target of installing 30 GW of capacity by 2030.
- Approved Vineyard Wind 1 and South Fork Wind, the first two major commercial-scale offshore wind energy projects in the United States.
- Issued a Final Sale Notice for the New York Bight – located off the coasts of New Jersey and New York – with a lease sale planned for February 2022.
- Initiated the environmental and technical review of 9 additional offshore wind Construction and Operations Plans in the Atlantic, bringing the total to 11.

The following projects are proposed to provide clean energy to New York and New Jersey:

- **Empire Wind 1 and 2**
- **South Fork**
- **Sunrise Wind**
- **Beacon Wind**
- **Ocean Wind 1 and 2**
- **Atlantic Shores**



New York

- New York State's Climate Act of 2019 established a goal of developing at least 9 GW of offshore wind by 2035.
- The New York State Public Service Commission established requirements, including an economic benefit scoring framework, for the New York State Energy Research and Development Authority's (NYSERDA) procurement of Offshore Wind Renewable Energy Credits (ORECs), with 20% of the score of each project proposal related to economic benefits. Such economic benefits include domestic supply chain and port infrastructure investments, benefits to disadvantaged communities, creation of workforce training opportunities, and job creation.
- New York has five active offshore wind projects and five active port development projects, representing more than 4,300 megawatts (MW), more than 6,800 jobs, \$12.1 billion in economic development, and more than 8.7 million tons of avoided greenhouse gases.
- In 2020, New York committed \$200 million in funding that successfully leveraged \$3 of private funds for every \$1 of public funds with investments of \$644 million for resilient port facilities. Port infrastructure investments to date include:
 - a staging, assembly, and operations and maintenance center at the South Brooklyn Marine Terminal;
 - the nation's first offshore wind tower manufacturing facility at the Port of Albany; and
 - regional operations and maintenance hubs at Port Jefferson and Montauk Harbor.
- On January 5, 2022, Governor Kathy Hochul announced New York's intent to invest an additional \$500 million in ports, manufacturing, and supply chain infrastructure needed to advance its offshore wind industry, leveraging private capital to deliver more than \$2 billion in economic activity while creating more than 2,000 good-paying green jobs.
- New York is committed to requiring developers to pay workers a prevailing wage and to utilize project labor agreements where possible.
- New York has invested \$20 million to establish the Offshore Wind Training Institute in partnership with NYSERDA and SUNY Stony Brook and Farmingdale. This effort will be undertaken in collaboration with Sunrise Wind's \$10 million National Offshore Wind Training Center and SUNY Maritime investments, which, when paired together, will focus on delivering the nation's first Global Wind Organization training centers.
- In addition to establishing the New York State Climate Action Council, New York State's Climate Act of 2019 created the Climate Justice Working Group to identify disadvantaged communities and to help ensure that the benefits of climate change responses accrue to these disadvantaged communities.

New Jersey

- New Jersey has established a goal of obtaining 7.5 GW from offshore wind by 2035.
- New Jersey is developing the New Jersey Wind Port (NJWP), the first purpose-built offshore wind marshalling and manufacturing port in the United States. To date, New Jersey has committed over \$500 million of funding to the project, which is currently under construction under a Project Labor Agreement. The NJWP is expected to create up to 1,500 permanent manufacturing, assembly, and operations jobs.
- The New Jersey Economic Development Authority created the NJ Wind Port Diversity and Local Engagement Advisory Committee to address diversity and equity. This Committee convenes stakeholders from the nearby communities, diverse suppliers, community and commerce organizations and relevant state agencies to ensure shared community benefits and accessible employment and business opportunities.
- New Jersey published a solicitation schedule for achieving its 7,500 MW goal with solicitations approximately every 2 years. The published schedule provides clarity and transparency to developers, original equipment manufacturers, supply chain, stakeholders and the public. All future solicitations will include specific requirements relative to overburdened communities.
- New Jersey issued two offshore wind solicitations to date, resulting in awards to three projects that have a total capacity of 3,758 MW and committed to develop and fund various programs to support underserved communities. The programs include funding scholarships focused on overburdened communities, funding workforce development programs, providing grants for minority and/or woman owned business enterprises that want to become engaged in the offshore wind industry, and participating in civic and business organizations, such as Boys and Girls Clubs and chambers of commerce.
- The three awards represent \$4.67 billion in economic benefits and include commitments to significant supply chain investments in New Jersey.

Examples include:

- A monopile fabrication facility being built in Paulsboro, NJ.
- Support to small and women- and minority-owned businesses, including establishment of the Pro-NJ Grantor Trust by Ocean Wind.
- Commitments to two manufacturing facilities at the NJWP and to marshalling at the NJWP.
- New Jersey's \$350 million Offshore Wind Tax Credit provides reimbursement for capital investments in offshore wind industry-specific facilities located in New Jersey.
- New Jersey allocated \$4 million in workforce development programs at New Jersey community colleges for Global Wind Organization safety and sea survival training and wind turbine technicians.

Future Commitments

BOEM is -

- Committed to improving the permitting process for future offshore wind energy projects, which includes revising BOEM's guidance to industry, improving outreach, and increasing information accessibility.
- Adopting innovative lease terms and stipulations for the New York Bight Lease Sale that further the goals of the OCS Lands Act, including:
 - Increasing engagement efforts with all communities located within the geographical vicinity of the project, including underserved communities, that may be impacted by the project. Lessees would be encouraged to coordinate their efforts with Federal, state, and local governments, community organizations, and Tribes.
 - A requirement to make every reasonable effort to enter into a project labor agreement covering the construction of any project proposed for the lease area.
 - A requirement for lessees to report on efforts to meaningfully engage with Tribes, ocean users, underserved communities, and other stakeholders to improve communication and to avoid, minimize, and mitigate potential adverse impacts.
 - A requirement that each lessee prepare a statement of goals describing any plans for contributing to the creation of a robust and resilient US-based offshore wind supply chain and annually report on the progress in meeting those goals.
 - A stipulation that incentivizes the lessee to procure major offshore wind energy components domestically. Should the lessee satisfy the terms of the stipulation by meaningfully and substantially assembling or manufacturing major components in the United States, they may be eligible for a 1% operating fee rate for a period of five years.

New Jersey is -

- Establishing the Wind Institute, which will coordinate and advance workforce training, education, research and innovation related to the development of offshore wind in New Jersey and the surrounding region. Wind Institute programs will place an emphasis on fostering diversity and equity in the offshore wind industry.
- Rolling out additional industry education and technical assistance programs to help small businesses access offshore wind supply chain opportunities.
- Promoting specific inclusion of overburdened communities in the benefits to be realized by New Jersey's offshore wind energy economy through past and planned offshore wind energy solicitations. The programs realized from previous solicitations included funding scholarships focused on overburdened communities, funding workforce development programs, and providing grants for minority- and/or woman-owned business to engage in the offshore wind energy industry.
- Pursuing a coordinated offshore wind energy transmission solution with the goals of lowering the cost of offshore wind energy generation and transmission and minimizing environmental impact.

New York is -

- Encouraging economic benefits, supply chain development, and project labor agreement requirements in its OREC procurements.
- Planning a third OREC solicitation to follow BOEM's lease sale in the Bight. This third solicitation will build upon New York's two previous solicitations and will include:
 - prevailing wage and project labor agreement requirements;
 - scoring criteria related to economic benefits, including supply chain investments, such as port improvements;
 - requirements for economic benefits for disadvantaged communities;
 - requirements related to minority- and women-owned business enterprises; and
 - requirements related to service-disabled, veteran-owned businesses.

Implementation

NY/NJ Bight Regional Working Group on Supply Chain Development

BOEM, New York, and New Jersey agree to coordinate in order to meet mutual regional offshore wind energy goals and objectives related to enhancing the domestic supply chain and benefitting underserved, disadvantaged, and overburdened communities. To facilitate this coordination, BOEM, New Jersey, and New York will meet quarterly to discuss:

- recent efforts undertaken related to these goals,
- lessons learned and feedback garnered,
- identified obstacles, challenges, or barriers to achieving these goals; and
- opportunities for coordination, including a forecast of upcoming events and undertakings of relevance or importance.

Together, the parties will strive for regional collaboration that minimizes inefficiencies in the development of a domestic supply chain; delivers benefits and economic opportunities to underserved, disadvantaged, and overburdened communities; and limits any potential negative impacts on offshore wind stakeholders. These discussions will be supplemented by input from stakeholders, Tribes, the offshore wind industry, ocean users, and other state and Federal agencies, including the Department of Energy to provide its analyses of domestic supply chain needs.

Publishing Best Practices

As a result of this initiative, BOEM, New York, and New Jersey will endeavor to undertake complementary actions, policies, and guidance that will help achieve a domestic supply chain and drive benefits to underserved, disadvantaged, and overburdened communities. To that end, the NY/NJ Bight Regional Working Group on Supply Chain Development will develop best practices and guidance that will:

- identify whether a community potentially impacted by offshore wind energy development is underserved, disadvantaged, or overburdened, based on each state's definitions;
- in dialogue with stakeholders, define what constitutes mitigation and opportunities for underserved, disadvantaged, and overburdened communities and best practices for engaging these communities;
- define what constitutes domestic/local supply chains;
- develop metrics for supply chain development goals;
- develop a roadmap for improving and utilizing existing regional coordination and outreach to avoid stakeholder fatigue; and
- promote accountability by identifying best practices for sharing information on how developers are meeting supply chain and underserved, disadvantaged, and overburdened community goals.

These best practices can serve as a model to other states and regions with similar supply chain and environmental justice goals and policies.

Guiding Authorities

BOEM

- ***Executive Order (E.O.) 14008:*** It is the policy of the Biden-Harris Administration to organize and deploy the full capacity of its agencies to combat the climate crisis and to implement a Government-wide approach that reduces climate pollution in every sector of the economy; increases resilience to the impacts of climate change; protects public health; conserves our lands, waters, and biodiversity; delivers environmental justice; and spurs well-paying union jobs and economic growth, especially through innovation, commercialization, and deployment of clean energy technologies and infrastructure.
- ***E.O. 13985:*** It is the policy of the Biden-Harris Administration that the Federal government pursue a comprehensive approach to advance equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality.
- ***Justice 40:*** A whole-of-government effort to ensure that Federal agencies work with states and local communities to make good on President Biden's promise to deliver at least 40 percent of the overall benefits from Federal investments in climate and clean energy to disadvantaged communities.

New York

- ***NYSERDA Offshore Wind Master Plan:*** The Master Plan sets forth a series of more than twenty studies that analyzed critical elements of deploying offshore wind energy in the New York Bight, including “The Workforce Opportunity of Offshore Wind in New York,” as updated to reflect 9 GW of energy by 2035 and to include 10,000 jobs. In addition, NYSERDA created four Technical Working Groups on the environment, fishing, maritime commerce, and jobs and the supply chain that inform New York’s approach.
- ***Climate Leadership and Community Protection Act (“Climate Act”):*** New York’s Climate Act set renewable energy and decarbonization targets, including developing 9 GW of offshore wind by 2035. It also established the Climate Action Council to undertake the development of New York’s scoping plan, including a rigorous stakeholder engagement process. Finally, it formed the Climate Justice Working Group to help ensure that the benefits of climate change responses accrue to disadvantaged communities.
- ***Orders of the New York State Public Service Commission:*** New York’s development of offshore wind has been guided largely by the Orders of the Public Service Commission, under cases 18-E-0071 and 15-E-0302. Specifically, (1) July 12, 2018, Order Establishing Offshore Wind Standard and Framework for Phase 1 Procurement, (2) April 23, 2020, Order Establishing Offshore Wind Solicitation, and (3) October 15, 2020, Order Adopting Modifications to the Clean Energy Standard.

New Jersey

- ***New Jersey Clean Energy Act:*** On May 23, 2018 Governor Murphy signed the Clean Energy Act P.L.2018, c.17. The Clean Energy Act takes several critical steps to improve and expand New Jersey’s renewable energy programs.
- ***New Jersey’s Environmental Justice Law:*** New Jersey’s Environmental Justice Law finds that all New Jersey residents, regardless of income, race, ethnicity, color, or national origin, have a right to live, work, and recreate in a clean and healthy environment; that, historically, New Jersey’s low-income communities and communities of color have been subject to a disproportionately high number of environmental and public health stressors, including pollution from numerous industrial, commercial, and governmental facilities located in those communities; and that, as a result, residents in the state’s overburdened communities have suffered from increased adverse health effects.
- ***New Jersey Energy Master Plan:*** On January 27, 2020, Governor Murphy unveiled the state’s *Energy Master Plan*, which outlines key strategies to reach the Administration’s goal of 100 percent clean energy by 2050.
- ***The New Jersey Offshore Wind Strategic Plan:*** The Plan serves as a guide to establishing a new offshore wind industry to benefit New Jersey residents and mitigate climate change by developing a clean, renewable energy source.

- **Executive Order No. 8:** Governor Murphy directed the New Jersey Board of Public Utilities to fully implement New Jersey's Offshore Wind Economic Development Act and begin the process of moving the state toward its 2030 goal of 3,500 MW of offshore wind energy generation.
- **Executive Order No. 23:** On April 20, 2018, Governor Murphy directed all executive branch departments and agencies to consider Environmental Justice in implementing their diverse statutory and regulatory responsibilities.
- **Executive Order No. 79:** Governor Murphy established the Wind Council, a cross-governmental coordinating effort to develop a plan for creating the Wind Institute, which will serve as a center for education, research, innovation, and workforce training related to the development of offshore wind energy in New Jersey, the Northeast and Mid-Atlantic region.
- **Executive Order No. 92:** In November 2019, Governor Murphy raised the goal for offshore wind energy generation to 7,500 MW by 2035.



Guiding Principles for Offshore Wind Stakeholder Engagement

Offshore Wind for All: Engaging New York Stakeholders





Credit: MHI Vestas Offshore Wind

New York State is committed to the most aggressive clean energy and climate agenda in the country.

In 2019, the Climate Leadership and Community Protection Act (Climate Act) was signed into law to empower New Yorkers to work together to secure a clean, sustainable future and to set the bar for others to do the same in our fight on climate change. In addition to advancing our efforts to obtain 70 percent of New York State’s electricity from renewable sources by 2030 and 100 percent zero-emissions electricity by 2040, the Climate Act codifies New York’s pledge to a just transition and an equitable clean energy future by requiring that at least 35 percent of the benefits from clean energy investments are delivered to disadvantaged communities. It also commits New York to generating 9,000 megawatts of offshore wind energy by 2035 and driving the growth of an inclusive clean energy economy.

The word “inclusive” is key.

For the last decade, stakeholders have been central to every area of the New York State Energy Research and Development Authority’s (NYSERDA’s) offshore wind program. We have hosted more than 40 large-scale public meetings and open houses; dozens of roundtable meetings with experts; and hundreds of meetings with local leadership representatives. Stakeholder engagement informs our foundational studies, research priorities, and our procurement designs for offshore wind energy. We have established forums for ongoing coordination between developers, key ocean users, and subject-matter experts to develop adaptive mitigation plans to steward the responsible and cost-effective development of this important resource and projects. But we can’t do this work alone: we need strong and committed partners in industry.

Offshore wind development offers tremendous opportunities for job creation and community investment, demonstrates New York’s leadership in the fight against climate change, and has the potential to create more resilient and equitable communities across our State. With these great opportunities come challenges. Offshore wind will interact with many New York communities and ocean users – from manufacturing activities along the Hudson River up to the Capital Region, to assembly and maintenance port facilities and cable interconnection points in New York City and Long Island, to impacts many miles offshore in the Atlantic Ocean. To bring this incredible effort to bear, comprehensive stakeholder engagement efforts must permeate every aspect of project design, planning, development, and operations. NYSERDA has laid out this set of Guiding Principles as “gold standard” expectations for the offshore wind industry to meaningfully involve multifaceted stakeholders in all aspects of offshore wind project development from start to finish.

In publishing these Guiding Principles, NYSERDA emphasizes its commitment to prioritize future offshore wind projects that demonstrate authentic involvement of impacted communities and ensure equitable access to the many opportunities this growing industry has to offer. These Guiding Principles are intended to support developers as they design their Stakeholder Engagement Plans, which, similar to existing Environmental and Fisheries Mitigation Plans, will be required in future NYSERDA solicitations for Offshore Wind Renewable Energy Certificates (ORECs). The Guiding Principles provide a framework for effectively and meaningfully engaging with New York’s diverse and vibrant communities as we work together to develop our State’s robust offshore wind infrastructure. We are eager to involve all New Yorkers in this exciting and prosperous new industry.

We look forward to working alongside our communities and developers to achieve a healthier and more prosperous clean energy future for all New Yorkers.

Why is Stakeholder Engagement Important for this Industry?

Stakeholder engagement is the foundation for successful projects and an inclusive clean energy economy. Early and consistent engagement with community members by an offshore wind developer and its contractors and suppliers cultivates community understanding of offshore wind projects, promotes mutual understanding of community priorities, and provides opportunities to build upon shared objectives. Similarly, engagement with other affected parties can help identify nuanced challenges and opportunities to improve project outcomes. Done well through all stages of project development – design, planning, permitting, construction, and operations of offshore wind projects – stakeholder engagement cultivates trusting relationships and provides transparency between developers, local communities, and other stakeholders. Early and consistent stakeholder engagement delivers stronger, and more socially, environmentally, and economically responsible projects that ultimately maximize its economic benefits.

Stakeholders contribute valuable local and expert knowledge to offshore wind development processes and can offer feedback that promotes successful project outcomes. A collaborative relationship between developers, ocean, and coastal stakeholders and adaptive thinking throughout the lifecycle of a project is crucial for building support for this renewable resource and its many opportunities.

Key Reasons for Early and Consistent Engagement

1

Support **inclusive decision making** and knowledge building

3

Build support for the offshore wind industry and clean energy transition

2

Identify, **avoid, minimize, or mitigate potential conflicts** before they arise

4

Meet the critical goals of the Climate Act



Key Terms Definitions

Just Transition: A framework wherein advancement of the clean energy economy involves proactive steps to bring new clean energy investments, jobs, and training programs primarily to communities that have experienced the greatest environmental and health consequences from the fossil fuel industry.

Stakeholder Outreach: The first step toward engagement. Meaningful engagement can only happen with the right people at the table. Outreach involves establishing relationships with stakeholders and making sure they have all the relevant and necessary information to take part in the project.

Stakeholder Engagement: A process whereby decision makers collaborate with people who have an interest in a project through communication, consultation, negotiation, and relationship building. Stakeholder engagement is used across sectors and with varied outputs, but is typically intended as a tool to involve those impacted by a project or who have influence over it to participate in a planning or implementation process.

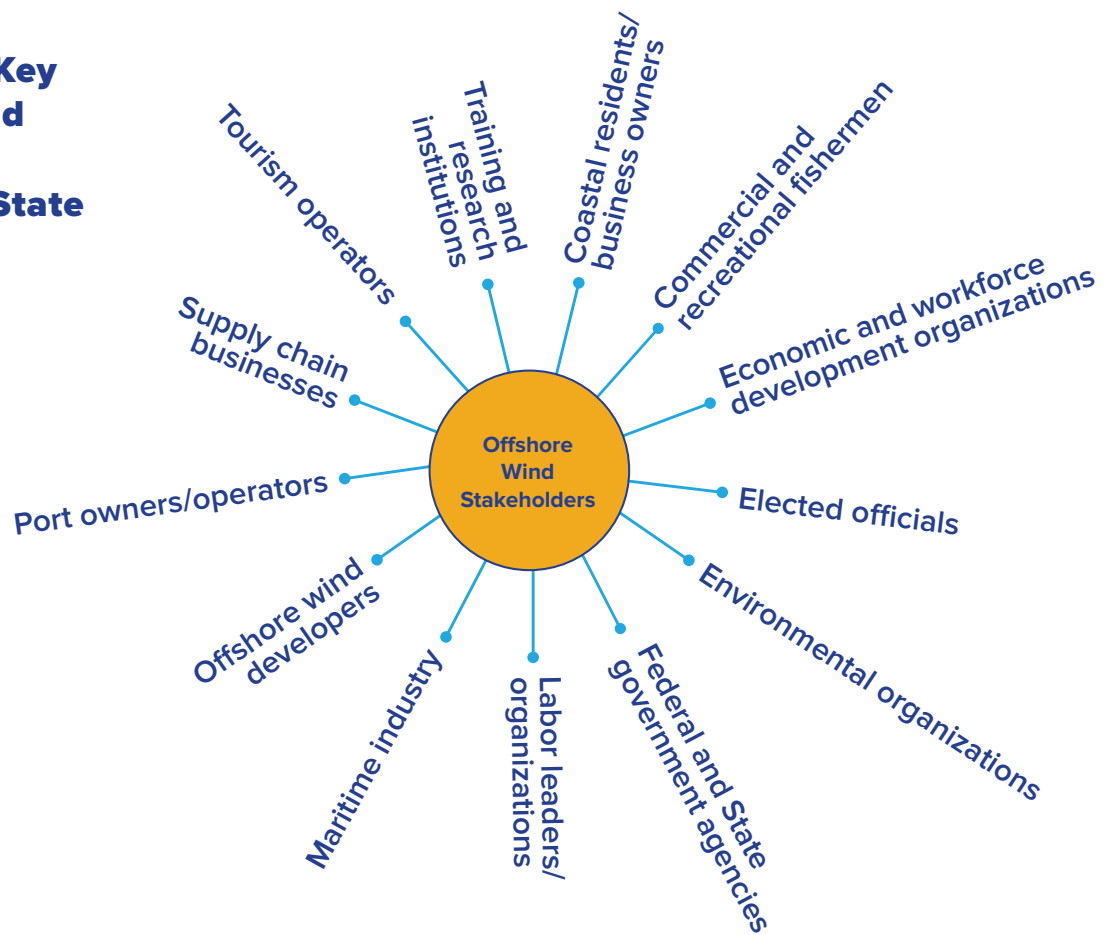
Clean Energy Economy: Economic system in which supply chains are transformed to meet demand for low-carbon energy technologies.

Disadvantaged Communities (as defined by the Climate Act): Communities that bear burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high concentrations of low- and moderate- income households.

Who are New York's Offshore Wind Stakeholders?

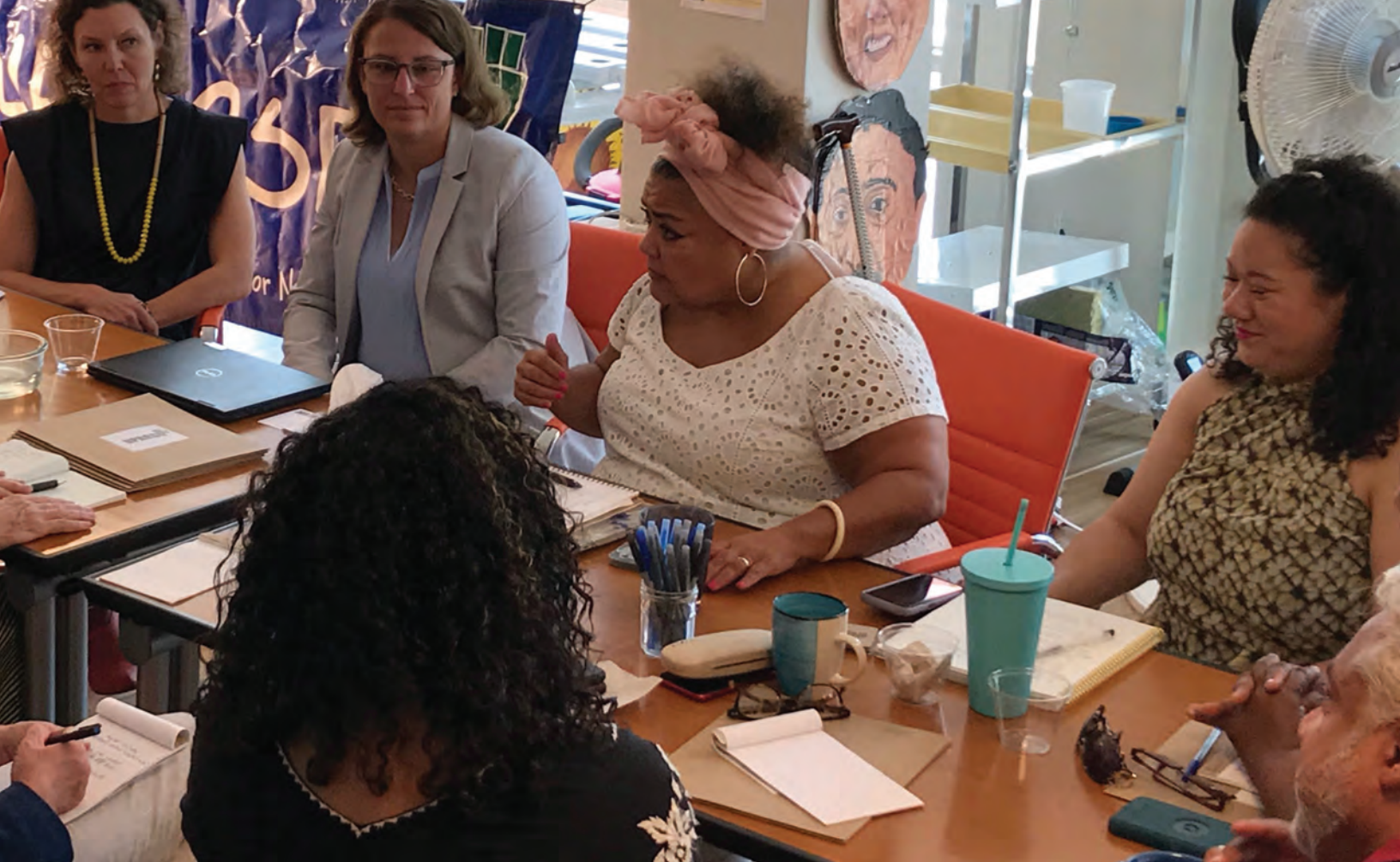
Offshore wind is bringing bold changes to New York State — changes that intersect with a wide range of individuals, groups, organizations, and businesses. These stakeholders may experience the positive economic and environmental impacts that the transition to clean energy will have on their communities, as well as experience the physical changes from new onshore and offshore infrastructure. Each stakeholder represents a unique perspective and can offer meaningful insights for the development and implementation processes.

Snapshot of Key Offshore Wind Stakeholders in New York State



Indigenous Nations

Indigenous Nations near offshore wind projects have an important role in offshore wind development, unique from stakeholders. These centuries-old communities have unique relationships with natural forces and a legacy of reliance on coastal and marine environments. Working in partnership with these sovereign nations ensures that projects reflect the needs and interests of indigenous citizens and territories.



While it is critical to include a wide range of voices, including the key stakeholder groups illustrated on the previous page, it is also necessary to direct engagement efforts toward lifting up and including those historically left out of development decisions.

In particular, engaging disadvantaged communities, minority- and women-owned business enterprises (MWBEs) and service-disabled veteran-owned businesses (SDVOBs) in the development process is important to an inclusive outreach and engagement process, and consistent with the equity-driven Climate Act.

Disadvantaged Communities

The Climate Act calls for the energy sector to prioritize the safety, health, and economic growth of disadvantaged communities and adopt practices that enable and empower these communities to thrive in the clean energy future. Disadvantaged communities can provide historical knowledge and local expertise to inform workforce training and development opportunities and community investments that would best serve their neighborhoods and offshore wind projects.

Minority- and Women-Owned Business Enterprises (MWBEs) and Service-Disabled Veteran-Owned Businesses (SDVOBs)

New York State's commitment to a just transition requires that energy industries reflect diverse business owners, including those historically underrepresented in government-sponsored projects and the clean energy workforce. Ensuring that MWBE and SDVOB contractors have meaningful roles in the offshore wind development supply chain creates new procurement partnerships that build wealth and strengthen entire communities.

How does NYSERDA Prioritize Stakeholder Engagement?

Since 2016, New York State has engaged a wide range of stakeholders to chart a course for the responsible and cost-effective advancement of offshore wind. Through public meetings and collaborative workshops, forums for expert working groups, briefings and consultations, in-place one-on-one meetings and more, New York State continues to solicit input from and partner with diverse stakeholder groups in an adaptive approach to offshore wind development. Prioritizing stakeholder outreach and engagement using a range of methods allows the State and the offshore wind industry to better understand and respond to the diverse perspectives, needs, and concerns of stakeholders at every stage of the development process and ensures that New Yorkers are positioned to maximize the benefits of offshore wind while minimizing risks.

NYSERDA has used the following forums to connect with thousands of New Yorkers whose involvement and input has shaped the future of offshore wind:



Digital Communications

NYSERDA shares e-blasts about major announcements, including offshore wind project awards, upcoming events and initiatives, and engagement opportunities to its network of over 3,000 recipients, and posts regularly on social media to its more than 14,000 followers.



Briefings with Elected Officials and Local Leadership

NYSERDA has met with more than 100 elected officials, their staff, and other community leaders to discuss major offshore wind announcements and what it means for their constituents.



Workshops and Conferences

NYSERDA has brought together hundreds of stakeholders from industry, academia, labor, workforce development, commercial and recreational fishing, environmental advocates, technical non-profits, the maritime industry, and local governments in workshops and conferences to discuss opportunities and challenges in offshore wind development, including State of the Science, transit lane, and workforce development workshops.



Public Meetings, Webinars, and Open Houses

Between 2017 and 2021, NYSERDA led over 40 public meetings, webinars, and open houses across the State. From the Capital Region to Long Island, and via online platforms that reach statewide audiences, NYSERDA has conducted outreach to thousands of New Yorkers around offshore wind development.



Offshore Wind Technical Working Groups (TWGs)

NYSERDA and other state agency partners host between four and seven working group meetings each year with each of its TWGs. TWGs bring together experts in commercial fishing, the environment, maritime commerce, and jobs and supply chain into a facilitated forum to proactively discuss offshore wind development local to New York and in the Northeast— reflecting the fact that many important stakeholders and resources (commercial fishing, maritime industry, marine wildlife) don't differentiate between state lines. These dialogues bring key stakeholder groups together with state and federal regulators and offshore wind industry leaders to make important decisions that shape offshore wind development to maximize benefits and avoid, minimize, and mitigate adverse impacts.



Supplier Forums

NYSERDA has connected with hundreds of people across the state to promote new business opportunities in the offshore wind pipeline. Events in New York City and Albany connect global industry representatives with local service, component, and materials providers.



Offshore Wind Youth Action Program (OWYA)

NYSERDA is supporting young people across the state to learn about offshore wind and take action in their communities. By providing resources for youth, educators, and organizations, NYSERDA is supporting its network to connect hundreds of young people to the State's clean energy goals.



Focus Groups

In-depth conversations with members of the global offshore wind industry happen several times each year to take a pulse on the industry and plan for the future.



Spotlight on the Fisheries Technical Working Group

New York's four offshore wind TWGs — Maritime, Fisheries, Environmental, and Jobs and Supply Chain — were initiated out of a desire for offshore wind stakeholders to learn from one another and in an environment where NYSERDA and New York State agencies are peers in exploration, feedback, and decision-making. The outcomes from these dynamic conversations are wide-ranging — sometimes it leads to TWG members advocating for a decision or policy with their elected official, while at other times, it leads to new research or solicitations. TWGs foster knowledge building across regions and disciplines that their members and NYSERDA can utilize in shaping offshore wind development.

In 2019, the Fisheries Technical Working Group (F-TWG) sought to understand and assess how offshore wind developers were planning to approach measures to mitigate impacts to fishing activities when building and operating offshore wind farms. In response, developers put forth mitigation proposals, presenting solutions to a range of issues. This stressed to the group that appropriate mitigation would be performed and that there was a record to hold developers accountable to.

NYSERDA, in partnership with the Environmental Technical Working Group (E-TWG), refined the list of tactics drafted by developers into a mitigation plan template, which lays out the baseline actions all future developers are expected to take. NYSERDA has also engaged the E-TWG and F-TWG to evolve current mitigation plans to enhance environmental and fisheries mitigation approaches so that they meet future needs.

What began as an exploration to understand and assess the plans of developers has turned into an actionable tool for ensuring that offshore wind works with stakeholders to engage in critical dialogue and actions to preserve and protect fishing and environmental interests.



Stakeholder Engagement Guiding Principles for Offshore Wind

NYSERDA is committed to advancing offshore wind development that prioritizes meaningful and transparent stakeholder engagement. The following ten guiding principles reflect the expectation of OSW developers, as supported by NYSERDA. Offshore wind stakeholder engagement initiated by New York State and offshore wind developers should be:

1

Collaborative

- Engaging early and often
- Seeking shared interests across all parties to develop actionable goals
- Encouraging cooperative dialogue
- Partnering on policy development and program planning, implementation, and evaluation

2

Pursuing Equity

- Seeking to understand the structural and systemic causes of energy and environmental injustice and inequity
- Creating space for and elevating voices of those with less power, resources, and privilege (recognizing systemic racism and other prevailing inequities)
- Identifying barriers to participation or access to program benefits for diverse communities
- Publicly acknowledging the expertise of and contributions made by stakeholders
- Recognizing the benefits of engaging communities as partners in determining their role in the clean energy transition

3

Outcomes-Driven with a Bias Toward Action

- Developing well-defined goals and desired outcomes through collective understanding of shared interests
- Supporting a clear organizational structure and approach including metrics for both process and outputs

4

Inclusive and Accessible

- Considering the full scope of potentially affected parties and appropriate geographic scale and, when appropriate, promoting regional collaboration
- Considering accessibility factors, especially for disadvantaged communities, including convenience of meeting times and accessibility of locations or virtual platforms, childcare needs, language and interpretation needs, and variety of opportunities to participate and ways to provide input

5

Open, Transparent and Accountable

- Acknowledging the knowns and unknowns, clarifying assumptions and intentions upfront and throughout the process
- Identifying impediments to progress, tracking and reporting commitments and progress
- Making materials and resources available to the public to the greatest extent feasible
- Clearly communicating decisions made and reasons why to all participants as well as the general public

6

Diverse and Representative

- Considering and incorporating a variety of interests, points of view and expertise
- Seeking broad representation across impacted geographies, industries, socio-economic groups, races, ethnicities, cultures, and organizations of differing sizes

7

Supported

- Demonstrating an understanding of the importance of a long-term commitment to stakeholder engagement and allocating resources to continuously support strong engagement and project initiatives

8

Driven by Whole-Systems Thinking

- Acting as local stewards alongside communities in helping communities meet their self-determined goals with regard to community health, resiliency, local emissions, and a green economy in a way that reflects and respects local wisdoms, traditions, and cultures
- Working across sectors to implement solutions with sustainable and mutually-reinforcing benefits

9

Flexible

- Identifying multiple pathways to the desired outcomes and adapting approaches to address emerging issues as needed and in different ways based on what works best within the agreed-upon organizational structure

10

Proactive in Decision Making

- Considering all aspects of offshore wind energy resources, ecosystems, and stakeholders
- Considering the relative impacts, risks, and challenges against the benefits and opportunities provided by cost-effective and responsible offshore wind energy

These Guiding Principles should serve as a framework for approaching stakeholder engagement — a launching pad for creative and dynamic engagement that encourages all voices to be heard and works in partnership with communities to realize benefits from clean energy.

Stakeholder Engagement Plans

NYSERDA will require offshore wind developers to submit Stakeholder Engagement Plans as part of their project proposals in future offshore wind solicitations. The plan template will require developers to describe their approach to key elements of stakeholder engagement, similar to current Fishing and Environmental Mitigation Plans.

Stakeholder Engagement Plans will be made publicly available upon bid submission to NYSERDA's future OREC solicitations and should therefore utilize language accessible to the general public that demonstrates an understanding of New York's diverse stakeholders, unique coastal and marine resources, and local indigenous communities.

In keeping with NYSERDA's consideration of Fisheries and Environmental Mitigation Plans, NYSERDA will prioritize projects in its bid evaluation process that are supported by comprehensive Stakeholder Engagement Plans, which will be appended to the executed contracts of awarded projects.

What will the Stakeholder Engagement Plans Entail?

Stakeholder Engagement Plans should reflect developers' commitment to the Guiding Principles outlined in this document and should consider the following:

- The developer's overall approach to stakeholder identification and outreach
- How the developer intends to define the project and stakeholder engagement goals in collaboration with stakeholders
- Options for engagement activities and potential partnerships with community members, institutions, local businesses, and nonprofit organizations
- An explicit strategy for engaging and delivering benefits to disadvantaged communities consistent with the Climate Act's focus on building an inclusive, clean energy economy
- The developer's approach to decision-making and identifying opportunities for collaborative decision-making throughout the development process
- The developer's plan for providing consistent follow-up with the stakeholders they have engaged to make clear how their input was considered and its impact on the project



Prioritizing stakeholder engagement is a keystone of NYSERDA's work in building a clean energy future. The Guiding Principles outlined in this document formalize NYSERDA's commitment to stakeholder engagement in advancing offshore wind development.

Engagement is an iterative process. Establishing opportunities for collaborative project development is key to building long-lasting relationships with stakeholders, positioning projects to be successful in the long term, and facilitating an equitable transition to New York's clean energy future.

This moment presents important opportunities for stakeholders to be active participants in the fight on climate change. The best results come when we all work together.

Learn more about New York State's clean energy goals and how NYSERDA is advancing offshore wind opportunities at nyserda.ny.gov/offshore-wind.

