



# PUBLIC NOTICE

US Army Corps  
of Engineers  
New York District  
Jacob K. Javits Federal Building  
New York, N.Y. 10278-0090  
ATTN: Regulatory Branch

In replying refer to:  
Public Notice Number: **NAN-2022-00902-EMI**  
Issue Date: **November 7, 2022**  
Expiration Date: **January 6, 2023**

## **ANNOUNCEMENT OF PUBLIC HEARINGS AND REQUEST FOR PUBLIC COMMENT**

To Whom It May Concern:

The New York District, Corps of Engineers has received applications for Department of the Army permit(s) pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Empire Offshore Wind, LLC

ACTIVITY: Construction of an Offshore Wind Farm (Empire Wind 2)

WATERWAY: Atlantic Ocean, Reynolds Channel, Barnums Channel

LOCATION: BOEM Renewable Energy Lease Area OCS-A 0512, export cable landfall in the City of Long Beach, Nassau County, New York and final Point of Interconnection (POI) in Oceanside, Town of Hempstead, Nassau County, New York

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

Bureau of Ocean Energy Management (BOEM) is the lead federal agency for this project, responsible for coordinating review in accordance with the National Environmental Policy Act (NEPA). Pursuant to 40 CFR 1501.8, the Corps of Engineers, New York Division is serving as one of the cooperating agencies involved in the preparation of an Environmental Impact Statement (EIS) by BOEM. The EIS will be used to support the Corps of Engineers Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344) permit decision. A Notice of Availability for the Draft Environmental Impact Statement (DEIS) inclusive of the SBMT, EW1, and EW2 projects will be posted on the BOEM website at <https://www.boem.gov/renewable-energy/state-activities/empire-wind> on November 18, 2022. Comments on the DEIS may be submitted directly to BOEM at <https://www.boem.gov/renewable-energy/state-activities/empire-wind>.

Separate Public Notices for the EW1 and SBMT projects can be found at the following link: <https://www.nan.usace.army.mil/Missions/Regulatory/Regulatory-Public-Notices/>. The public notices will be posted under the following application numbers:

- South Brooklyn Marine Terminal – NAN-2022-00900-EMI
- Empire Wind 1 – NAN-2022-00901-EMI

The decision whether to issue a permit will be based on an evaluation of the probable impact

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including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND EMAILED TO [CENAN.PublicNotice@usace.army.mil](mailto:CENAN.PublicNotice@usace.army.mil) TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE**, otherwise, it will be presumed that there are no objections to the activity. Please include the application number, **NAN-2022-00902-EMI**, in the subject of the email. Please note, this office cannot accept portable drives including but not limited to flash drives, USB drives (thumb drives), external hard drives (sometimes called mini hard drives), and portable CD/DVD-ROM drives.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. Comments provided will become part of the public record for this permit application. All written comments, including contact information, will be made a part of the administrative record, available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof, may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

BOEM will be conducting three (3) virtual public meetings for the Empire Wind Project to receive comments on the DEIS. Pursuant to public hearing requirements described in 33 CFR 327, the Corps of Engineers will jointly participate in all three (3) of the public meetings/hearings, as listed below, to gather information on this proposal to assist in the review of the Department of the Army permit application for the proposed activity and will consider public comments on the material matters at issue with respect to activities regulated by the Corps. Please note that for comments and information specific to the Corps of Engineers action, according to procedures described in 33 CFR 327, the hearing will not include discussion or responses to comments expressed by speakers. The date and time of the joint Corps of Engineers public hearings/BOEM DEIS public meetings are as follows, all hearings are virtual; links to the hearing/meeting information may be found at <https://www.boem.gov/renewable-energy/state-activities/empire-wind>.

Joint Corps of Engineers Public Hearings/BOEM DEIS Public Meeting Dates and Start Times:  
Wednesday December 7, 2022 at 5:00 PM

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Tuesday December 13, 2022 at 5:00 PM  
Thursday December 15, 2022 at 1:00 PM

As the lead federal agency, BOEM is reviewing the project for potential impacts on Federally-listed threatened or endangered species and their designated critical habitat pursuant to section 7 of the Endangered Species Act as amended. BOEM is coordinating with the NMFS and/or U.S. Fish and Wildlife Service on listed species under their jurisdiction and the ESA consultation will be concluded prior to the final decision.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act (Public Law 104-267), requires all Federal agencies to consult with the National Oceanic and Atmospheric Administration Fisheries Service (NOAA/FS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted by BOEM as the lead federal agency and will be concluded prior to the final decision.

Based on their initial review, the BOEM has determined that the proposed work may impact properties listed in, or eligible for listing in, the National Register of Historic Places. Additional review and consultation to fulfil requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occur. For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, One Commerce Plaza, 99 Washington Avenue, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- Bureau of Ocean Energy Management
- New York State Department of Public Service

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have

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any questions concerning this application, you may contact Christopher Minck, of this office at [Christopher.W.Minck@usace.army.mil](mailto:Christopher.W.Minck@usace.army.mil) or (917) 790-8547.

In order for us to better serve you, please complete our Customer Service Survey located at <http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>.

A handwritten signature in black ink, appearing to read "Stephan A. Ryba". The signature is fluid and cursive, with a horizontal line extending from the end.

Stephan A. Ryba  
Chief, Regulatory Branch

Enclosures

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**WORK DESCRIPTION**

The applicant, Empire Offshore Wind, LLC, has requested Department of the Army authorization for the construction of an offshore wind energy farm, referred to as Empire Wind 2 at the BOEM Renewable Energy Lease Area OCS-A 0512 with a submarine export cable making landfall in the City of Long Beach, Nassau County, New York with final a Point of Interconnection in Oceanside, Town of Hempstead, Nassau County, New York.

Empire Wind 2 Offshore Lease Area: Construct a wind farm in the Atlantic Ocean on the Outer Continental Shelf (OCS) within the approximately 79,350-acre BOEM Renewable Energy Lease Area OCS-A 0512. Lease Area OCS-A 0512 is located approximately 14 miles south of Long Island, New York and approximately 19.5 miles east of Long Branch, New Jersey. The wind farm will consist of up to ninety (90) offshore wind turbine generators (WTGs) on steel monopile foundations at up to ninety-six (96) locations, scour protection around the base of the WTGs, up to approximately 144 nautical miles (nm) of submarine interarray cables connecting the WTGs and one (1) offshore substation (OSS) with a pile jacketed foundation. The Empire Wind 2 (EW2) Wind Farm Development Area (WFDA), within OCS-A 0512, is approximately 36,725 acres. Each monopile foundation diameter would be up to approximately 36 feet in base diameter and installed by pile driving with a hydraulic hammer. Each monopile foundation would be protected with rock scour protection up to 207 feet in diameter (inclusive of the monopile foundation). With scour protection, the proposed footprint of each monopile foundation would be approximately 39,902 square feet. The total maximum footprint for the monopile foundations would be approximately 82.4 acres. The OSS will be constructed on a four- or six-legged pile jacketed foundation which would consist of up to twelve piles in total. Each pile for the OSS piled jacket foundation would be up to approximately 8 feet in diameter. The OSS would be protected with rock scour protection over approximately 93,560 square feet (inclusive of the piled jacket foundation).

The submarine interarray cables between the WTGs and the OSS will consist of 66kV 170 millimeter (mm) diameter HVAC cables and will total up to approximately 144 nm over a total maximum footprint of 662.8 acres. The cables have a target burial depth of six feet below the existing seabed. The interarray cables are proposed to be installed using jetting, plowing, and/or trenching methods. If the six-foot-burial depth is not achievable, cable protection measures may be used. It is estimated that approximately 10% of the interarray cable length (approximately 14.4 nm) would require remedial cable protection, over a total footprint of up to approximately 32.2 acres. The cable protection would be approximately 16 feet wide at the base and three feet wide at the top with a depth of approximately three feet. The OSS would collect the electric energy generated by the WTGs through the interarray cables for transmission through the EW2 export cables and interconnection cables to the onshore interconnection facility at an expansion of the E.F. Barrett Power Station 138-kV Substation in Oceanside, New York.

Empire Wind 2 Export Cables: Install three (3) approximately 300 mm diameter 230kV HVAC submarine export cables. The submarine export cables would be approximately 26 nm in length within a single corridor from the OSS to the cable landfall area in the City of Long Beach, New York. Approximately 18 nm would be located in federal waters and approximately 7.7 nm would be located in New York State (NYS) waters. The target burial depth for the export cables in areas is six feet below the existing seabed. The total maximum footprint for the export cables would be 281 acres in federal waters and the total maximum footprint for the export cables in NYS waters would be 105 acres. The export cables are proposed to be installed using jetting, plowing, trenching, and/or dredging methods. If the six-foot burial depth is not achievable, cable protection measures may be used. It is estimated that up to approximately 10% of the export cables would require remedial cable protection (approximately 1.8 nm along each of the three cables in federal waters and approximately 0.77 nm along each of the three cables in NYS waters). The cable protection would be up to approximately 36 feet wide at the base and five feet wide at the top with a depth of approximately

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five feet. The proposed temporary seabed disturbance for the export cable protection, beyond the disturbance for cable installation, would be approximately 0.9 acres in federal waters and approximately 2.57 acres in NYS Waters. Approximately 54,550 cubic yards of scour protection would be discharged below the plane of Spring High Water over approximately 11.5 acres for remedial cable protection measures within NYS waters.

The proposed cable route would cross four (4) in- and out-of- service existing cables and/or pipelines within NYS waters. The applicant estimates that the four existing cables and pipelines may require pre-installation sediment disturbance and/or cable protection measures, which shall be subject to final crossing agreement with the crossed asset owner(s). Cable protection at cable and pipeline crossings could be approximately 53 feet wide by at the base and 6.6 feet wide at the top with a depth of approximately 6.6 feet. Alternatively, marine matting with either rock or concrete could be used for protection of the existing utility either by laying a protective mattress on top of the utility or both on top of the utility and above the cable. Approximately 8,820 cubic yards of sediment may be disturbed around asset crossings and approximately 7,344 cubic yards of scour protection, below the plane of Spring High Water may be placed in these existing cable and pipeline areas.

The submarine export cable corridor is approximately 900 feet wide to allow the applicant to microsite the cables based on preferable conditions. The three cables will be spaced between 33 to 300 feet apart within the 900-foot-wide corridor. The total submarine export cable siting corridor in federal waters is approximately 2,211 acres and in NYS Waters is approximately 933 acres.

In certain areas along the export cable route, pre-sweeping activities are necessary for cable laying activities where megaripples and sandwaves are present. Pre-sweeping will occur in up to an approximately 164-foot width along the length of the megaripples and sandwaves; the length of clearance will vary along the submarine export cable route. Megaripple and sandwave height vary depending on localized seabed and current characteristics. Along the submarine export cable route, approximately 88,127 cubic yards of sediment are anticipated to be disturbed as a result of these pre-sweeping activities. Sediment disturbance for both pre-sweeping activities and existing utility crossings would be performed using a mass flow excavator from a construction vessel.

Additional activities include pre-trenching along the submarine export cable route in areas where deeper burial depths are not suitable for traditional cable burial methods. Pre-trenching involves running cable burial equipment over portions of the route to soften the seabed and/or by using a suction hopper dredge to excavate additional sediment. It is anticipated that the applicant will pre-trench areas with medium to high strength clay.

Empire Wind 2 Onshore Cable Landfall:

The export cable route is planned to make landfall in the City of Long Beach, New York within Riverside Boulevard and an adjacent vacant parcel. Three (3) Horizontal Directional Drill (HDD) installations are proposed from an upland entry point in the City of Long Beach. The HDD will require the installation of three offshore cofferdams to be installed around an approximately 150-foot-wide by 150-foot-long footprint. Approximately 4,900 cubic yards of material would be dredged from each pit within the cofferdam area to a depth of approximately -44 feet NAVD88 to create each offshore HDD pit. Dredged material may be sidecast or placed in a barge and be removed for beneficial reuse or disposal at an approved upland facility.

Reynolds Channel Crossing:

Construct, via Horizontal Directional Drilling (HDD), three (3) approximately 1,200-foot-long HDPE conduits from an upland entry point in the City of Long Beach to an upland punchout point at the proposed onshore substation site, located at 15 Railroad Place in the Village of Island Park, Town

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of Hempstead, New York. The cable conduits are proposed to be installed approximately 52 feet below the existing seabed of Reynolds Channel.

Onshore Substation:

An onshore upland substation is proposed at 15 Railroad Place in the Village of Island Park, New York. The existing upland facilities will be demolished and a new substation will be constructed. Approximately 650 linear feet of bulkhead would be installed approximately 15-inches seaward of the existing timber piles and bulkhead and backfilled. Additionally, three existing boat slips are proposed to be filled by the new bulkhead. In total approximately 395 cubic yards of clean fill will be discharged into the boat slips and behind the new bulkhead over approximately 3,040 square feet. The existing marina structures will be removed.

Barnums Channel Crossing:

An approximately 25-foot-wide by 300-foot-long above-water cable bridge crossing will be constructed across Barnums Channel to carry the cables over the waterway. The construction of the cable bridge crossing is regulated by U.S. Coast Guard under Section 9 of the Rivers and Harbors Act of 1899. The U.S. Coast Guard has determined that this reach of the waterway meets the Coast Guard criteria for advance approval for bridges over waterways navigable in law, but not actually navigated other than by logs, log rafts, rowboats, canoes, and small motorboats under 33 CFR 115.70; therefore, a Coast Guard bridge permit is not required in advance of construction. Two temporary cofferdams are proposed to be installed during construction of the cable bridge.

The three cable bundles will continue in the upland to the final Point of Interconnection (POI) at an expansion of the E.F. Barrett Power Station in Oceanside, New York.

The applicant has designed the project to avoid and minimize impacts to Waters of the United States. No impacts to onshore wetlands are proposed as part of the Project. Impacts are anticipated to consist of structures, fills, and temporary construction impacts with minimal permanent losses of Waters of the United States. Horizontal Directional Drilling (HDD) will be utilized to install export cables in near shore areas minimizing direct physical disturbances to aquatic resources. Best Management Practices including turbidity reduction measures will be utilized to minimize impacts. Timing restrictions for in-water work will be implemented as specified by permit conditions and/or in coordination with state and federal agencies.

The applicant's stated purpose of this project is to develop a commercial-scale offshore wind energy facility in Lease Area OCS-A 0512 with wind turbine generators, an offshore substation, and electric transmission cables making landfall in Long Beach, New York to support the achievement of New York's renewable energy mandates.