



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-2022-00901-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 1 (EW1)

WATERWAY: Atlantic Ocean, Upper and Lower Bay, and Bay Ridge Channel

LOCATION: BOEM Renewable Energy Lease Area OCS-A 0512, export cable landfall at South Brooklyn Marine Terminal (SBMT), Borough of Brooklyn, Kings County, City of New York, 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 Empire Wind 2 (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 EW2 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 2 – NAN-2022-00902-EMI

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The decision whether to issue a permit will be based on an evaluation of the probable impact 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 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-2022-00901-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:

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Wednesday December 7, 2022 at 5:00 PM
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

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persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact Christopher Minck, of this office at 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, reading "Stephan A. Ryba" with a horizontal line extending to the right.

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 1 at the BOEM Renewable Energy Lease Area OCS-A 0512 with a submarine export cable making landfall in the Borough of Brooklyn, Kings County, City of New York, New York.

Empire Wind 1 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 Empire Wind 1 (EW 1) Wind Farm Development Area (WFDA), within OCS-A 0512, is approximately 28,733 acres. The wind farm will consist of up to fifty-seven (57) offshore wind turbine generators (WTGs) on steel monopile foundations located at up to seventy-eight (78) potential locations, scour protection around the base of the WTGs, up to approximately 116 nautical miles (nm) of submarine interarray cables connecting the WTGs and one (1) offshore substation (OSS) with a pile jacketed foundation. 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 52.2 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 116 nm over a total maximum footprint of 534 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 11.6 nm) would require remedial cable protection, over a total footprint of up to approximately 25.9 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 EW 1 export cables and interconnection cables to the onshore interconnection facility at the existing Gowanus 345-kV Substation in Brooklyn, New York.

Empire Wind 1 Export Cables: Install two (2) approximately 300 mmm diameter 230kV HVAC submarine export cables. The submarine export cables would be approximately 40 nm in length within a single corridor from the OSS to the South Brooklyn Marine Terminal (SBMT) in Brooklyn, New York. Approximately 25 nm would be located in federal waters and approximately 15 nm would be located in New York State (NYS) waters. The target burial depth for the export cables in areas located outside of Federal Navigation Channels is six feet below the seabed. The target burial depth for the export cables within Federal Navigation Channels and/or Anchorages is 15 feet below the authorized depth of existing seabed (whichever is deeper). The total maximum footprint for the export cables would be 236 acres in federal waters and the total maximum footprint for the export cables in NYS waters would be 138 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 cable length would require remedial cable protection (approximately 2.5 nm along each of the two cables in federal waters and approximately 1.5 nm along each of the two cables in NYS waters). The

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cable protection would be approximately 36 feet wide at the base and five feet wide at the top with a depth of approximately five feet. The proposed temporary seabed disturbance for the export cable protection, beyond the disturbance for cable installation, would be approximately 2.1 acres in federal waters and approximately 1.2 acres in NYS Waters. Approximately 80,770 cubic yards of scour protection would be discharged below the plane of Spring High Water over approximately 15.7 acres for remedial cable protection measures within NYS waters.

The proposed cable route would cross nineteen (19) in- and out-of- service existing cables and/or pipelines within NYS waters. The applicant estimates that twelve (12) of the 19 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 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 10,774 cubic yards of sediment may be disturbed around asset crossings and approximately 14,688 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 500 feet wide to allow the applicant to microsite the cables based on preferable conditions. The two export cables will be spaced between 33 to 300 feet apart within the 500-foot-wide corridor. The total submarine export cable siting corridor in federal waters is approximately 1,598 acres and in NYS Waters is approximately 1,081 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 116,044 cubic yards of sediment is 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 and where burial requirements are a minimum of 15-feet.

Empire Wind 1 Landfall at SBMT: Remove an existing low level relieving platform and install a new steel bulkhead landward of the existing. Replace the low-level relieving platform with a new high level platform ranging from approximately 29.5 to 35 feet wide by approximately 208 feet long supported by approximately sixteen (16) 24-inch diameter hollow steel pipe piles between 32nd Street north to the southwestern corner of the 29th Street Pier. A new approximately 74-foot long sheet pile toe wall will be installed in front of the platform.

Three areas at SBMT on the north side of 35th Street Pier and will be mechanically dredged to allow for the landfall segment of the export cable to be installed. A total of approximately 98,350 cubic yards will be dredged to depths ranging from over approximately 2.79 acres and placed in a scow, dewatered onsite and transported for disposal at an approved upland facility. The three dredge area

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include an approximately 0.079 acres area at the seaward end of the 35th Street Pier that will be dredged to -57.86 feet NAVD88 with two feet of additional over dredge depth for the transition of the cable from beneath the Bay Ridge Channel, the main 2.79 acres area for the export cable which will be dredge to -39.36 feet NAVD88 with two feet of additional over dredge depth, and an approximately 12-foot-wide by 82-foot-long dredge pit to a depth of 22 feet NAVD88 for the installation of the conduit at the landfall area along the 32nd Street Bulkhead. Once the cable is installed the approximately 2.79 acre dredge area would be backfilled with approximately 62,650 cubic yards of clean fill to protect the cable.

Approximately 298 cubic yards of material will be dredged immediately in front of the existing relieving platform and bulkhead over approximately 1,370 square feet for the cable landfall and will be backfilled with clean stone and scour protection to create a foundation to support the lower, seaward end of the conduits. Two (2) 30-inch diameter conduits are proposed to be installed beneath the platform and into the approximately 12-foot-wide by 82-foot-long dredge pit. Additional stone fill will be placed around and above the opening of the conduit. The export cables will then be pulled through the angled steel conduits and extend from the shoreline to the cable terminations or to a vault within the onshore substation approximately 263 feet onshore. Approximately 202 cubic yards of scour protection would be discharged below the plane of Spring High Water for the cable landfall protection. An approximately 100-foot-wide area of additional stone and scour would be placed over the cables extending from the edge of the relieving platform.

In front of the existing outfall approximately 112 cubic yards of riprap scour will be placed over an approximately 24-foot-wide by 26.5-foot-long area.

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 Brooklyn, New York to support the achievement of New York's renewable energy mandates.