



Department of  
Environmental  
Conservation

# ***NYSDEC's Role in Offshore Wind***

Why Wind Works for New York

*November 30, 2023*

# NYSDEC Panel



Cassie Bauer, Bureau Chief  
Bureau of Marine Habitat  
Division of Marine Resources (DMR)

Oversees marine habitat units, including Estuary Management, Ocean Program, Tidal Wetlands Regulatory Program, Habitat Restoration and Planning, and Offshore Wind and Energy.



Karen Gaidasz, Bureau Chief  
Bureau of Energy Project Management  
Division of Environmental Permits (DEP)

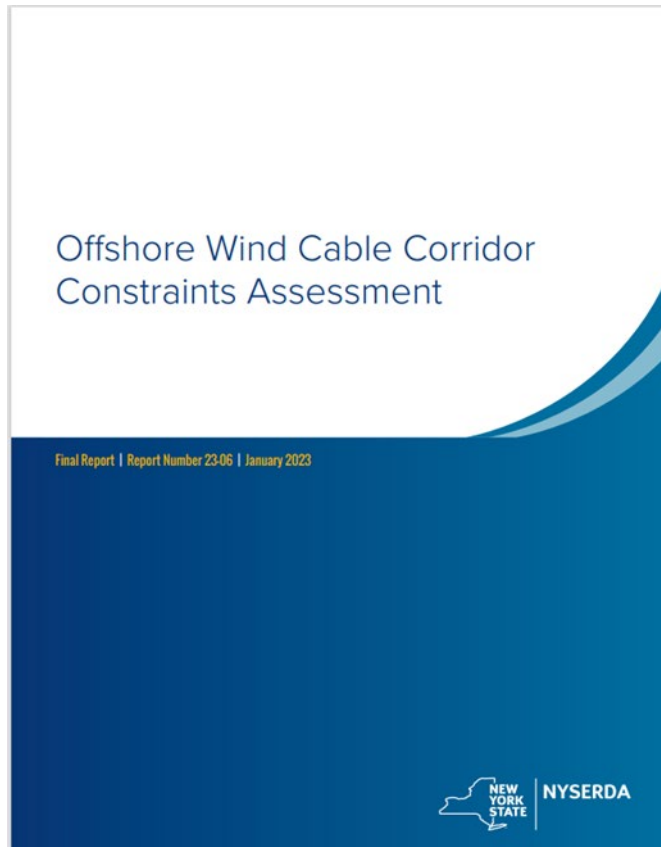
Oversees the Large-Scale Renewables & Transmission Section and the Offshore Wind & Hydroelectric Section.

# NYSDEC's Mission



*"To conserve, improve and protect New York's natural resources and environment and to prevent, abate and control water, land and air pollution, in order to enhance the health, safety and welfare of the people of the state and their overall economic and social well-being."*

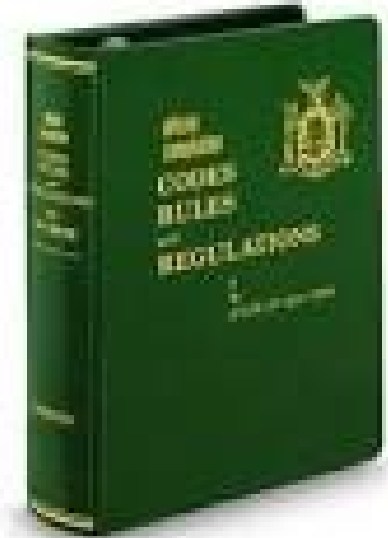
# NYSDEC's Involvement in Offshore Wind Planning and Working Groups



- **TWGs** - NYSDEC co-chairs NYSERDA's Fisheries Technical Working Group (FTWG) and participates in other TWGs including NYSERDA's Environmental Technical Working Group (ETWG).
- **Interagency Working Groups** - NYSDEC participates in several NYS interagency working groups, including the Cable Working Group which developed the *Offshore Wind Cable Corridor Constraints Assessment Report*.
- **BOEM NEPA Reviews** - NYSDEC participates as a NEPA Cooperating Agency for projects that have a connected action in NYS.

# NYSDEC's Involvement in Offshore Wind Regulatory

- NYSDEC reviews all project elements in New York State, including manufacturing, staging, and assembly areas; transmission cables and points of interconnections; and operation and maintenance facilities.
- NYSDEC ensures that all project activities are consistent with the Environmental Conservation Law (ECL) and its implementing regulations in Title 6 of the New York Codes, Rules and Regulations (NYCRR).



# Siting of OSW Transmission Cables

## Public Service Law Article VII

The Certification Review Process  
For Major Electric and Fuel Gas  
Transmission Facilities



Under Article VII of  
The New York Public Service Law

A Guide from the  
New York State  
Public Service Commission

- Article VII provides a single forum for reviewing the need for, and environmental impact of, major electric transmission facilities.
- Applicants must receive a *Certificate of Environmental Compatibility and Public Need* from the PSC prior to constructing a major transmission facility.
- NYSDEC is a statutory party in the Article VII proceedings.
- In this role, NYSDEC ensures that transmission projects meet the substantive requirements of the ECL and its implementing regulations.



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# Major Transmission Facility Siting in New York State

## Article VII Process Flow Chart

### PRE-APPLICATION PHASE

Applicant may meet and consult with various state agencies to introduce a project and gather information on certification requirements.

Applicant may publicly announce its project and launch a public involvement program.

### APPLICATION PHASE

The applicant publishes newspaper notice of its intent to file an Article VII application at least once a week for the two weeks prior to the filing in all areas through which the facility would pass.

Applicant files the Article VII application with the PSC and serves copies on officials of local municipalities and on the area's State legislators. The public can file for party status and take an active role in the evidentiary process.

PSC/DPS may hold public meeting(s) to explain the Article VII Process and encourage public involvement.

### HEARING AND DECISION PHASE

Once the application is deemed to be complete, the assigned Administrative Law Judge will set dates for:

- a Pre-hearing Conference to determine the issues, if any, and to set the schedule for the evidentiary hearings and
- a Public Statement Hearing to receive public comments.

Active parties participate in Evidentiary Hearings before hearing examiners.

Initial Briefs to the Administrative Law Judge.

Reply Briefs to the Administrative Law Judge.

The examiner makes a recommended decision based on the record of the hearings.

Initial Briefs on Exceptions may be filed.

Reply Briefs on Exceptions may be filed.

PSC makes the final decision as to Certificate.

### POST - CERTIFICATION PHASE

If a Certificate is issued, the applicant submits environmental management and construction and other post-certification filings.

Final right-of-way acquisitions completed. The construction phase begins.



# Siting of OSW Transmission Cables

## Main Areas of NYSDEC Focus for Article VII Reviews



- Water Quality
- Sediment Management
- Benthic Resources
- Fisheries
- Protected Species
- EMF
- Wetlands and Waterbodies
- Invasive Species
- Stormwater



# Siting of OSW Port Infrastructure Projects

## Environmental Permitting / SEQR

- NYSDEC retains permitting authority over project elements such as manufacturing, assembly, and staging facilities and operation and maintenance facilities.
- Environmental reviews are conducted under the *State Environmental Quality Review Act* (SEQR) and applications are reviewed under the *Uniform Procedures Act* (UPA)
- Projects must meet permit issuance standards.
- Review of permit applications involves coordination with federal and state agency partners.



Credit: Equinor

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