

## Appendix A. Required Environmental Permits and Consultations

### A.1. Required Environmental Permits

Table A-1 identifies the environmental permits and approvals that are required for implementation of the EW 1 and EW 2 Projects and the status of each permit or approval. Potential permits and approvals for SBMT are identified in Section 1.4 of the appended Environmental Assessment Form (Appendix Q).

**Table A-1 Required Environmental Permits and Approvals for the Proposed Projects**

Agency/Regulatory Authority	Permit/Approval	Status
<b>Federal (Portions of the Projects within Federal Jurisdiction)</b>		
BOEM	COP Approval	COP filed with BOEM on January 10, 2020. Updates to the COP were submitted on September 25, 2020; July 2, 2021; May 20, 2022; June 13, 2022; and July 21, 2023.
BSEE	Oil Spill Response Plan	Submitted with COP
BSEE	Safety Management System	Submitted with COP
NMFS	MMPA Section 101(a)(5) Incidental Harassment Authorization or Letter of Authorization	Proposed Rule published in <i>Federal Register</i> on April 13, 2023.
USACE	CWA Section 404, RHA Section 10 Individual Permit, and Section 408 Permission	<u>USACE Section 10/404</u> EW 1: Public notice issued November 7, 2022. Supplemental filing sent to USACE June 30, 23. EW 2: Public notice issued November 7, 2022. Supplemental filing sent to USACE June 23, 2023. <u>USACE Section 408</u> Filed with USACE January 13, 2023. Response to USACE clarifying questions in Q3 2023.
USCG	Private Aids to Navigation authorization	30 days prior to construction
USCG	Local Notice to Mariners per Ports and Waterways Safety Act	Planned for Q3 2023
USEPA	CAA OCS Air Permit	Complete OCS Air Permit Application submitted November 10, 2022. Review underway as of May 2023; anticipated permit decision in Q3 2023.

Agency/Regulatory Authority	Permit/Approval	Status
<b>State (Portions of the Projects within State Jurisdiction)</b>		
New York State, Public Service Commission	Certificate of Environmental Compatibility and Public Need under Article VII CWA Section 401 Certification	EW 1: Article VII application filed June 2021 and deemed complete January 2022. Anticipated Article VII certificate issuance September 2023. Anticipated WQC issuance October 2023. EW 2: Article VII Application filed June 2022 and deemed complete December 2022. Anticipated Certificate issuance October 2024. Anticipated WQC issuance February 2024.
New York Office of General Services, Bureau of Land Management	Application for Use of State Submerged Land (easement for cables)	EW 1 application planned for August 2023. EW 2 application planned for Q4 2023.
NYSDEC	State Pollutant Discharge Elimination System Construction Stormwater Permit	EW 1: planned for Q3 2023. EW 2: planned for Q4 2024.
NYSDOS, Division of Coastal Resources, Coastal Management Program	Coastal Zone Management Act consistency certification	Anticipated September 2023.

NYSDOS = New York State Department of State; Q = quarter; WQC = CWA Section 401 Certification

## A.2. Consultation and Coordination

### A.2.1 Introduction

This section discusses public and agency involvement leading up to the preparation and publication of the Final EIS, including formal consultations, cooperating agency exchanges, the public scoping and Draft EIS comment periods, and correspondence. This section discusses public involvement in the preparation of this EIS, including BOEM's consideration of public comments, formal consultations, and cooperating agency exchanges. Interagency consultation, coordination, and correspondence throughout the development of the Final EIS occurred primarily through virtual meetings, teleconferences, and written communications (including email). BOEM coordinated with numerous agencies throughout the development of this document, as listed in Section A.2.3.2, *Cooperating Agencies*.

### A.2.2 Consultations

#### A.2.2.1. Coastal Zone Management Act

The Coastal Zone Management Act requires that federal actions within the coastal zone or within the geographic location descriptions (i.e., areas outside the coastal zone in which an activity would have reasonably foreseeable coastal effects) affecting any land or water use or natural resource of the coastal zone be consistent with the enforceable policies of a state's federally approved coastal management

program. Because the Lease Area is geographically nearest the coast of New York and certain Project elements would occur within New York State waters, a consistency certification with the New York Coastal Management Program was submitted to the New York State Department of State on June 24, 2021. Empire also filed a voluntary consistency certification with the State of New Jersey on June 24, 2021, due to the geographic proximity of the Lease Area. The consistency certifications for New York and New Jersey are included in Appendix A to Empire's COP (Empire 2023) pursuant to 30 CFR 585.627(9) to assist BOEM with NEPA compliance. Empire's COP provided the necessary data and information under 15 CFR 930.58. The state's concurrence is required before BOEM may approve or approve with conditions the COP per 30 CFR 585.628(f) and 15 CFR 930.130(1).

#### **A.2.2.2. Endangered Species Act**

Section 7(a)(2) of the ESA of 1973, as amended (16 USC 1531 et seq.), requires that each federal agency ensure that any action authorized, funded, or carried out by the agency is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat of those species. When the action of a federal agency may affect a protected species or its critical habitat, that agency is required to consult with either NMFS or USFWS, depending upon the jurisdiction. Pursuant to 50 CFR 402.07, BOEM has accepted designation as the lead federal agency for the purposes of fulfilling interagency consultation under Section 7 of the ESA for listed species under the jurisdiction of NMFS and USFWS. BOEM is consulting on the proposed activities considered in this Final EIS with both NMFS and USFWS and has prepared BAs for listed species under their respective jurisdictions. A Biological Opinion was issued by USFWS on June 22, 2023, concluding ESA consultation with USFWS. ESA consultation with NMFS is ongoing and terms and conditions outlined in the NMFS Biological Opinion will be incorporated into the ROD.

#### **A.2.2.3. Government-to-Government Tribal Consultation**

Executive Order 13175 commits federal agencies to engage in government-to-government consultation with tribes when federal actions have tribal implications, and Secretarial Order No. 3317 requires U.S. Department of the Interior agencies to develop and participate in meaningful consultation with federally recognized tribes where a tribal implication may arise. A June 29, 2018, memorandum outlines BOEM's current tribal consultation policy (BOEM 2018). This memorandum states that "consultation is a deliberative process that aims to create effective collaboration and informed federal decision-making" and is in keeping with the spirit and intent of the NHPA and NEPA, Executive and Secretarial Orders, and U.S. Department of the Interior Policy (BOEM 2018). BOEM implements tribal consultation policies through formal government-to-government consultation, informal dialogue, collaboration, and other engagement.

On April 29, 2021, BOEM initiated formal consultation with tribal nations under the NHPA and invited them to be NHPA Section 106 consulting parties to the Projects through individual letters mailed and emailed to tribal leaders with the Absentee-Shawnee Tribe of Indians of Oklahoma, the Delaware Nation, Delaware Tribe of Indians, Eastern Shawnee Tribe of Oklahoma, Mashantucket Pequot Tribal Nation, Mohegan Tribe of Indians of Connecticut, the Narragansett Indian Tribe, Shawnee Tribe, Stockbridge-Munsee Community Band of Mohican Indians, and the Shinnecock Indian Nation.

On June 24, 2021, BOEM sent another set of letters and emails to tribal leaders notifying them that the Notice of Intent (NOI) to prepare an EIS for the Projects was issued that day and noted that the scoping comment period was open until July 26, 2021. BOEM then sent an email to tribal leaders on July 12, 2021, offering a government-to-government consultation meeting to discuss the public scoping information for the Projects. BOEM held a government-to-government meeting with the following tribal nations on August 3, 2021: Delaware Tribe of Indians, the Delaware Nation, Mashantucket Pequot Tribal Nation, the Shinnecock Indian Nation, and Wampanoag Tribe of Gay Head (Aquinnah). In a letter dated

November 22, 2021, the Mashantucket Pequot Tribal Nation indicated that they no longer wanted to consult on the Projects. A second government-to-government consultation meeting was held on April 28, 2023, that was attended by Delaware Tribe of Indians, the Shinnecock Indian Nation, and Wampanoag Tribe of Gay Head (Aquinnah), and an additional government-to-government consultation meeting was held with Wampanoag Tribe of Gay Head (Aquinnah) on September 7, 2023.

#### **A.2.2.4. National Historic Preservation Act**

Section 106 of the NHPA (54 USC 306108) and its implementing regulations (36 CFR 800) require federal agencies to consider the effects of their undertakings on historic properties and afford the Advisory Council on Historic Preservation (ACHP) an opportunity to comment. BOEM has determined that the proposed Projects is an undertaking subject to Section 106 review. The construction of WTGs and OSS, installation of interarray cables, and development of staging areas are ground- or seabed-disturbing activities that may adversely affect archaeological resources. The presence of WTGs may also introduce visual elements out of character with the historic setting of historic structures or landscapes; in cases where historic setting is a contributing element of historic properties' eligibility for the NRHP, the Projects may adversely affect those historic properties.

The Section 106 regulations at 36 CFR 800.8 provide for use of the NEPA substitution process to fulfill a federal agency's NHPA Section 106 review obligations in lieu of the procedures set forth in 36 CFR 800.3 through 800.6. This process is commonly known as "NEPA substitution for Section 106" and BOEM is using this process and documentation required for the preparation of this EIS and the ROD to comply with Section 106. Appendix N of this Final EIS contains BOEM's Finding of Adverse Effect, which includes a description and summary of BOEM's consultation to date. BOEM will continue consulting with the New York SHPO, New Jersey SHPO, ACHP, federally recognized tribes, and the consulting parties regarding the Finding of Adverse Effect and the resolution of adverse effects.

BOEM conducted Section 106 consultation meeting(s) on the Finding of Adverse Effect and the resolution of adverse effects, and the agency has requested that the consulting parties review and comment on the Finding of Adverse Effect and proposed resolution measures. Four NHPA Section 106 consultation meetings were held with consulting parties on September 12, 2022; December 9, 2022; June 23, 2023; and August 15, 2023. BOEM fulfilled public involvement requirements for Section 106 of the NHPA through the NEPA public scoping and public meetings process, pursuant to 36 CFR 800.2(d)(3). The Scoping Summary Report (BOEM 2021), available on BOEM's Project-specific website, summarizes comments on historic preservation issues.

On April 29, 2021, BOEM initiated consultation with federally recognized tribes: Absentee-Shawnee Tribe of Indians of Oklahoma, the Delaware Nation, Delaware Tribe of Indians, Eastern Shawnee Tribe of Oklahoma, Mashantucket Pequot Tribal Nation, Mohegan Tribe of Indians of Connecticut, the Narragansett Indian Tribe, Shawnee Tribe, Stockbridge-Munsee Community Band of Mohican Indians, and the Shinnecock Indian Nation. (Section A.2.2.3). BOEM requested information on sites of religious and cultural significance to the tribes that the proposed Projects could affect and BOEM offered its assistance in providing additional details and information on the proposed Projects to the tribes. However, in a letter dated November 22, 2021, the Mashantucket Pequot Tribal Nation indicated that they no longer wanted to consult on the Projects.

On April 29, 2021, BOEM contacted representatives of local governments, state and local historical societies, and other federal agencies to solicit information on historic properties and determine their interest in participating as consulting parties. Participants that have accepted consulting party status for the NHPA Section 106 Consultation are listed in Table A-2.

**Table A-2 Participating Consulting Parties for NHPA Section 106 Consultation**

<b>Participants in the Section 106 Process</b>	<b>Participating Consulting Parties</b>
SHPOs and state agencies	<p>New Jersey Office of Planning Advocacy NJDEP, Historic Preservation Office New York SHPO New York State Parks, Recreation, and Historic Preservation New York State Parks, Recreation and Historic Preservation, Long Island State Parks Region 9 New York State Parks, Recreation and Historic Preservation, Region 9, Gilgo State Park New York State Parks, Recreation and Historic Preservation, Region 9, Jones Beach State Park New York State Parks, Recreation and Historic Preservation, Region 9, Robert Moses State Park</p>
Federal agencies	<p>ACHP BSEE U.S. Maritime Administration National Park Service U.S. Naval History and Heritage Command USACE USEPA</p>
Federally recognized tribes	<p>The Delaware Nation Delaware Tribe of Indians Mashantucket Pequot Tribal Nation Stockbridge-Munsee Community, Wisconsin/Band of Mohican Indians Shinnecock Indian Nation Wampanoag Tribe of Gay Head (Aquinnah)</p>
Local governments	<p>Atlantic Highlands Borough City of Long Beach Highlands Borough Lake Como Borough Long Branch Middletown Township Nassau County New York City Landmarks Commission Ocean County Sea Grit Borough Suffolk County Town of Babylon Town of Hempstead Town of Islip Village of Amityville Village of Bellport</p>

Participants in the Section 106 Process	Participating Consulting Parties
Nongovernmental organizations or groups	Bay Shore Historical Society Equinor Wind US LLC Historical Society of Highlands Ocean Grove Camp Meeting Association Point O'Woods Association Romer Shoal Light The League of Historical Societies of New Jersey

#### **A.2.2.5. Magnuson-Stevens Fishery Conservation and Management Act**

Pursuant to Section 305(b) of the MSA, federal agencies are required to consult with NMFS on any action that may result in adverse effects on EFH. NMFS regulations implementing the EFH provisions of the MSA can be found at 50 CFR 600. As provided for in 50 CFR 600.920(b), BOEM has accepted designation as the lead agency for the purposes of fulfilling EFH consultation obligations under Section 305(b) of the MSA. Certain OCS activities authorized by BOEM may result in adverse effects on EFH and, therefore, require consultation with NMFS. BOEM developed an EFH Assessment concurrent with the Draft EIS and transmitted the EFH Assessment to NMFS on August 12, 2022. NMFS anticipates receipt of the complete EFH Assessment from BOEM and initiation of the EFH consultation on March 13, 2023.

#### **A.2.2.6. Marine Mammal Protection Act**

Section 101(a) of the MMPA (16 USC 1361) prohibits persons or vessels subject to the jurisdiction of the United States from taking any marine mammal in waters or on lands under the jurisdiction of the United States or on the high seas (16 USC 1372(a)(1), (a)(2)). Sections 101(a)(5)(A) and (D) of the MMPA provide exceptions to the prohibition on take, which give NMFS the authority to authorize the incidental but not intentional take of small numbers of marine mammals, provided certain findings are made and statutory and regulatory procedures are met. Incidental Take Authorizations may be issued as either (1) regulations and associated Letters of Authorization, or (2) an Incidental Harassment Authorization. Letters of Authorizations may be issued for up to a maximum period of 5 years, and Incidental Harassment Authorizations may be issued for a maximum period of 1 year. NMFS has also promulgated regulations to implement the provisions of the MMPA governing the taking and importing of marine mammals (50 CFR 216) and has published application instructions that prescribe the procedures necessary to apply for an Incidental Take Authorization. Applicants seeking to obtain authorization for the incidental take of marine mammals under NMFS' jurisdiction must comply with these regulations and application instructions in addition to the provisions of the MMPA.

Once NMFS determines an application is adequate and complete, NMFS has a corresponding duty to determine whether and how to authorize take of marine mammals incidental to the activities described in the application. To authorize the incidental take of marine mammals, NMFS evaluates the best available scientific information to determine whether the take would have a negligible impact on the affected marine mammal species or stocks and an immitigable impact on their availability for taking for subsistence uses. NMFS must also prescribe the "means of effecting the least practicable adverse impact" on the affected species or stocks and their habitat, and on the availability of those species or stocks for subsistence uses, as well as monitoring and reporting requirements.

Empire submitted a final Letter of Authorization application to NMFS on July 28, 2022. The application was reviewed and considered complete on August 12, 2022, and NMFS published a Notice of Receipt in the *Federal Register* on September 9, 2022. NMFS published the proposed Letter of Authorization in the *Federal Register* on April 13, 2023.

### **A.2.3 Development of Draft Environmental Impact Statement**

This section provides an overview of the development of the Draft EIS, including public scoping, cooperating agency involvement, and distribution of the Draft EIS for public review and comment.

#### **A.2.3.1. Scoping**

On June 24, 2021, BOEM issued an NOI to prepare an EIS consistent with NEPA regulations (42 USC 4321 et seq.) to assess the potential impacts of the Proposed Action and alternatives (83 *Federal Register* 13777). The NOI commenced a public scoping process for identifying issues and potential alternatives for consideration in the EIS. The formal scoping period was from June 24 through July 26, 2021. BOEM held three virtual public scoping meetings to solicit feedback and to identify issues and potential alternatives for consideration in the EIS. Throughout this timeframe, federal agencies, state and local governments, and the general public had the opportunity to help BOEM identify potential significant resources and issues, IPFs, reasonable alternatives (e.g., geographic, seasonal, or other restrictions on construction and siting of facilities and activities), and potential mitigation measures to analyze in the EIS, as well as provide additional information. BOEM also used the NEPA scoping process to initiate the Section 106 consultation process under the NHPA (54 USC 300101 et seq.), as permitted by 36 CFR 800.2(d)(3), which requires federal agencies to assess the effects of projects on historic properties. Additionally, BOEM informed its Section 106 consultation by seeking public comment and input through the NOI regarding the identification of historic properties or potential effects on historic properties from activities associated with approval of the COP. The NOI requested comments from the public in written form, delivered by hand or by mail, or through the [regulations.gov](https://www.regulations.gov) web portal.

BOEM held three virtual scoping meetings on June 30, July 8, and July 13, 2021. BOEM reviewed and considered all scoping comments in the development of the Draft EIS and used the comments to identify alternatives for analysis. A Scoping Summary Report (BOEM 2021) summarizing the submissions received and the methods for analyzing them is available on BOEM's website at <https://www.boem.gov/renewable-energy/state-activities/empire-wind>. In addition, all public scoping submissions received can be viewed online at <http://www.regulations.gov> by typing "BOEM-2021-0038" in the search field. As detailed in the Scoping Summary Report, the resource areas or NEPA topics most referenced in the scoping comments include commercial fisheries and for-hire recreational fishing; mitigation and monitoring; alternatives; birds; NEPA/Public Involvement Process; cumulative effects; climate change; marine mammals; and others.

#### **A.2.3.2. Cooperating Agencies**

BOEM invited other federal agencies and state, tribal, and local governments to consider becoming cooperating agencies in the preparation of the Draft EIS. According to CEQ guidelines, qualified agencies and governments are those with "jurisdiction by law or special expertise" (CEQ 1981). BOEM asked potential cooperating agencies to consider their authority and capacity to assume the responsibilities of a cooperating agency, and to be aware that an agency's role in the environmental analysis neither enlarges nor diminishes the final decision-making authority of any other agency involved in the NEPA process. BOEM also asked agencies to consider the "Factors for Determining Cooperating Agency Status" in Attachment 1 to CEQ's January 30, 2002, Memorandum for the Heads of Federal Agencies (CEQ 2002). BOEM held interagency meetings on November 18, 2020, and on May 13, May 21, June 7, August 19,

and November 3, 2021, to discuss the environmental review process, schedule, responsibilities, consultation, and potential EIS alternatives.

The following federal agencies and state, tribal, and local governments have supported preparation of the Draft EIS as cooperating or participating agencies, or cooperating tribal nations:

**Federal Cooperating Agencies**

- BSEE
- NMFS
- National Park Service
- USACE
- USCG
- USEPA
- U.S. Maritime Administration

**State Cooperating Agencies**

- NYSDEC
- New York State Department of State
- NYSERDA

**Local Cooperating Agencies**

- New York City Mayor's Office of Environmental Coordination

**Federal Participating Agencies**

- ACHP
- Department of Navy
- DOD
- USFWS

**Cooperating Tribal Nations**

- The Shinnecock Indian Nation

NMFS is serving as a cooperating agency pursuant to 40 CFR 1501.8 because the scope of the Proposed Action and alternatives involve activities that have the potential to affect marine resources under its jurisdiction by law and special expertise. As applicable, permits and authorizations are issued pursuant to the MMPA, as amended (16 USC 1361 et seq.); the regulations governing the taking and importing of marine mammals (50 CFR 216); the ESA (16 USC 1531 et seq.); and the regulations governing the taking, importing, and exporting of threatened and endangered species (50 CFR 222–226). In accordance with 50 CFR 402, NMFS also serves as the Consulting Agency under Section 7 of the ESA for federal agencies proposing action that may affect marine resources listed as threatened or endangered. NMFS has additional responsibilities to conserve and manage fishery resources of the United States, which includes the authority to engage in consultations with other federal agencies pursuant to the MSA and 50 CFR 600 when proposed actions may adversely affect EFH. The MMPA is the only authorization for NMFS that

requires NEPA compliance, which, after independent review, may be via adoption of BOEM's EIS and issuance of the ROD.

USACE is serving as a cooperating agency pursuant to 40 CFR 1501.8 because the scope of the Proposed Action and alternatives involves activities that could affect resources under its jurisdiction by law and special expertise. As applicable, permits and authorizations are issued pursuant to Sections 10 and 14 of the RHA and Section 404 of the CWA. Issuance of Section 10 or Section 404 permits requires NEPA compliance, which will be met via adoption of BOEM's EIS and issuance of the ROD.

BSEE is serving as a cooperating agency pursuant to 40 CFR 1501.8 because the scope of the Proposed Action and alternatives involves activities that could affect marine resources under its jurisdiction by law and special expertise.

USEPA is serving as a cooperating agency pursuant to 40 CFR 1501.8 because the scope of the Proposed Action and alternatives involves activities that could affect resources under its jurisdiction by law and special expertise, including air quality and water quality.

USCG is serving as a cooperating agency pursuant to 40 CFR 1501.8 because the scope of the Proposed Action and alternatives involves activities that could affect navigation and safety issues that fall under its jurisdiction by law and special expertise and because the Proposed Action could affect other USCG missions such as SAR, Inspections, Investigations, and Marine Environmental Response.

The National Park Service is serving as a cooperating agency pursuant to 40 CFR 1501.8 because the scope of the Proposed Action and alternatives involves activities that could affect National Park Service resources under its jurisdiction by law and special expertise. The National Park Service, as a bureau within the Department of the Interior and cooperating agency for the preparation of this EIS, has special expertise regarding the regulation of uses on National Park Service units and management of park system resources that includes compliance with the Park System Resource Protection Act (Public Law 113–287, December 2014). The National Park Service also is participating in the consultation under Section 106 of the NHPA.

ACHP is serving as a participating agency because the scope of the Proposed Action and alternatives involves activities that could affect historic properties under its jurisdiction by law and special expertise. ACHP also is participating in the consultation under Section 106 of the NHPA.

USFWS is serving as a participating agency because the scope of the Proposed Action and alternatives involves activities that could affect resources under its jurisdiction by law and special expertise. USFWS also serves as the consulting agency under Section 7 of the ESA for federal agencies proposing actions that may affect terrestrial resources listed as threatened or endangered.

DOD and Department of the Navy are serving as participating agencies because they have special expertise with respect to potential impacts that may occur as a result of the Proposed Action, including regarding potential impacts on special use airspace and radar used for air defense.

New York State Department of State is serving as cooperating agencies pursuant to 40 CFR 1501.8 because it has special expertise with respect to potential impacts that may occur as a result of the Proposed Action.

NYSDEC is serving as a cooperating agency pursuant to 40 CFR 1501.8 because the scope of the Proposed Action, connected actions, and alternatives involve activities that could affect resources under its jurisdiction by law and special expertise. NYSDEC intends to rely upon BOEM's EIS for its compliance with the New York State Quality Review Act. NYSDEC's interest in the connected SBMT

Project is related to NYSDEC regulatory authority, including, but not limited to, 401 water quality certification, and Environmental Conservation Law Article 15 (Water Resources).

The U.S. Maritime Administration and NYSERDA are serving as cooperating agencies pursuant to 40 CFR 1501.8 because the connected action at SBMT would involve federal and state funding that is subject to environmental review under NEPA and the New York State Quality Review Act, respectively. NYSERDA has signed a conditional grant agreement with SBMT Asset LLC (an Equinor/BP joint venture), under which NYSERDA would, if the conditions set forth in the grant agreement are satisfied, provide grant funding for upgrades to the SBMT to make it suitable for WTG staging and assembly and to serve as an O&M hub for the Empire Wind and other offshore wind projects. The conditions in the grant agreement include satisfactory completion of environmental impact review for the SBMT Project. The U.S. Maritime Administration is reviewing the SBMT Project related to a 2021 Port Infrastructure Development Grant application.

BOEM is coordinating with The Shinnecock Indian Nation as a cooperating Tribal Nation under 40 CFR 1501.8. Cooperating Tribal Nations are asked to provide information to BOEM for portions of the EIS for which they have special expertise, including identifying resources that are significant to The Shinnecock Indian Nation, impacts of the Projects on those resources, and potential mitigation of adverse effects.

#### **A.2.3.3. Distribution of the Draft Environmental Impact Statement for Review and Comment**

A list of agencies, organizations, and persons to whom copies of the Draft EIS were sent is provided in Appendix K. The Draft EIS is also available in electronic format for public viewing at <https://www.boem.gov/renewable-energy/state-activities/empire-wind>.

Publication of the Draft EIS initiated a 60-day comment period where government agencies, members of the public, and interested stakeholders provided comments and input. BOEM accepted comments in any of the following ways:

- In hard copy form, delivered by mail, enclosed in an envelope labeled “Empire Wind COP Draft EIS” and addressed to Program Manager, Office of Renewable Energy, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, Virginia 20166.
- Through the [regulations.gov](https://www.regulations.gov) web portal by navigating to [https://www.regulations.gov/](https://www.regulations.gov) and searching for docket number “BOEM-2022-0053.” Click the “Comment Now!” button to the right of the document link. Enter your information and comment, then click “Submit.”
- By attending one of the public hearings at the locations and dates listed in the notice of availability and providing written or verbal comments.

BOEM considered comments received during the public comment period to inform its preparation of the Final EIS, as appropriate.

### A.3. References Cited

Bureau of Ocean Energy Management (BOEM). 2018. *Tribal Consultation Guidance*. June 29, 2018. Available: <https://www.boem.gov/sites/default/files/about-boem/Public-Engagement/Tribal-Communities/BOEM-Tribal-Consultation-Guidance-with-Memo.pdf>.

Bureau of Ocean Energy Management (BOEM). 2021. *Empire Wind Construction and Operations Plan Scoping Report*. August. Available: <https://www.boem.gov/renewable-energy/state-activities/empire-wind>.

Council on Environmental Quality (CEQ). 1981. Memorandum to Agencies: Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulation. Amended 1986. Available: <https://www.energy.gov/sites/prod/files/2018/06/f53/G-CEQ-40Questions.pdf>. Accessed: August 2021.

Council on Environmental Quality (CEQ). 2002. Memorandum for the Heads of Federal Agencies: Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act. Available: [https://www.energy.gov/sites/prod/files/nepapub/nepa\\_documents/RedDont/G-CEQ-CoopAgenciesImplem.pdf](https://www.energy.gov/sites/prod/files/nepapub/nepa_documents/RedDont/G-CEQ-CoopAgenciesImplem.pdf). Accessed: September 11, 2020.

Empire Offshore Wind, LLC (Empire). 2023. *Empire Offshore Wind: Empire Wind Project (EW1 and EW2), Construction and Operations Plan*. Available: <https://www.boem.gov/renewable-energy/empire-wind-construction-and-operations-plan>.

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