

FAST-41 Permitting Council

[Submitted via email to FAST.FortyOne@fpisc.gov; FAST41initiation@ios.doi.gov]

Equinor reference: 2022-015937

20 June 2022

**Subject: Beacon Wind LLC
Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf, OCS-A 0520
FAST-41 Initiation Notice Request**

Dear FAST-41 Permitting Council,

Beacon Wind LLC (Beacon Wind) proposes to construct and operate an offshore wind facility located in the designated Renewable Energy Lease Area OCS-A 0520 (Lease Area). Beacon Wind submitted its Construction and Operations Plan (COP) to the Bureau of Ocean Energy Management (BOEM) in February 2022. In support of the OCS-A 0520 COP Submittal, Beacon Wind respectfully submits this Fixing America's Surface Transportation Act (FAST-41) Initiation Notice request, in accordance with 42 U.S.C. § 4370m.

This FAST-41 Initiation Notice request contains the information outlined in 42 U.S.C. § 4370m-2, and includes the following:

- **Project Information:**
 - **Title:** Beacon Wind Lease Area OCS-A 0520
 - **Sector:** Renewable Energy Production
 - **Type:** Wind Federal Offshore
 - **Location:** BOEM Lease Area OCS-A 0520

- **Project Sponsor Name and Contact Information:**
 - Beacon Wind LLC
c/o Mr. Scott Lundin
600 Washington Blvd
Suite 800
Stamford, CT 06901
sclu@equinor.com

- **Statement of the purposes and objectives of the project:** The purpose and objective of the Project is to generate renewable electricity from offshore wind farms located in the Lease Area. The Project addresses the need for renewable energy identified by states across the region, including New York, Massachusetts, Rhode Island, and Connecticut. The magnitude of regional targets for offshore wind and

the limited amount of developable area, given current and reasonably foreseeable BOEM leasing activity, demonstrates a need for full-build out of the Lease Area.

In August 2016, the State of New York Public Service Commission adopted the Clean Energy Standard.¹ Under this standard, 50 percent of New York State’s electricity must come from renewable sources of energy by 2030, with 2.4 gigawatts (GW) of electricity generated by offshore wind. The New York State Energy Research and Development Authority (NYSERDA) issued its first competitive solicitation for 800 megawatts (MW) or more of new offshore wind projects on November 8, 2018. In January 2019, former NY Governor Cuomo proposed a plan which would require 70 percent of New York’s electricity to come from renewable sources by 2030 and 100 percent by 2040. As part of this plan, 9 GW of electricity must come from offshore wind by 2035. In July 2019, former Governor Cuomo signed the Climate Leadership and Community Project Act, which codifies the mandate of 9 GW of offshore energy by 2035.

On August 6, 2020, NYSERDA issued its second offshore wind procurement seeking up to 2,500 megawatts of offshore wind development and on January 13, 2021, New York announced Beacon Wind’s 1,230 MW Project (Beacon Wind 1) as a winning bidder, with finalized agreements announced on January 14, 2022. Beacon Wind 1 will deliver power to a substation in Astoria, NY in support of New York’s energy goals. Construction is expected to commence in 2024, with first power expected in 2028. Several northeast states have signalled their intentions to issue additional Offshore Wind Renewable Energy Credits solicitations in the coming years. Beacon Wind may participate in one or more solicitations to secure the opportunity to pursue Project development for Beacon Wind 2.

- **Concise description including general location and/or a summary of geospatial information, if available, and the locations, if any, of environmental, cultural, and historic resources:** Beacon Wind proposes to construct and operate the Project located in the Lease Area, which covers approximately 128,811 acres (ac); (52,128 hectares [ha]) and is located approximately 20 statute miles (mi) (17 nautical miles [nm], 32 kilometers [km]) south of Nantucket, Massachusetts and 60 mi (52 nm, 97 km) east of Montauk, New York (see **Figure 1**).

Beacon Wind proposes to develop the entire Lease Area in two wind farms, known as Beacon Wind 1 (BW1) and Beacon Wind 2 (BW2) (collectively referred to hereafter as the Project). The first phase, BW1, is located in the northern approximately 56,530 ac (22,877 ha) of the Lease Area and the second phase, BW2, is located in the southern approximately 51,610 ac (20,886 ha) of the Lease Area, with a 20,665 ac (8,362 ha) Overlap Area that could be included in either BW1 or BW2. Each wind farm will gather the power from the associated turbines to a central offshore substation (two total) and deliver the generated power via an associated submarine export cable to an onshore substation for final delivery into the local utility distribution system at the selected Point of Interconnection (POI).

Offshore components of the Project will consist of up to 155 wind turbines and up to two offshore substation facilities for a total of up to 157 foundations. In addition, there will be up to 324 nm (600 km) of interarray cable, all of which will be located in federal waters. Within the Lease Area, BW1 will include between 61 and 94 wind turbines and BW2 will include between 61 and 94 wind turbines. The Overlap Area includes 33 wind turbines that could be incorporated into either BW1 or BW2.

BW1 will include up to 202 nm (375 km) of high-voltage direct-current (HVDC) submarine export cable, of which 87 nm (162 km) is in federal waters and 115 nm (213 km) is in state waters. Onshore components of BW1 will include export cable landfall areas, HVDC onshore cables, HVDC converter stations, high-voltage alternating-current (HVAC) interconnection cables, and onshore substation facilities in New York. The export cable route and landfall for BW2 will be determined and evaluated at a future date based on a successful power purchase agreement.

¹ Case 15-E-0302 & Case 16-E-0270

- **Statement regarding the technical and financial ability of the project sponsor to construct the proposed project:** Beacon Wind is a direct wholly owned subsidiary of Beacon Offshore Wind Holdings LLC (“Beacon HoldCo”). Beacon HoldCo is jointly owned by (1) an indirect, wholly owned subsidiary of Equinor ASA (collectively, “Equinor”); and (2) an indirect wholly-owned subsidiary of BP Wind Energy North America Inc. (“bp”). bp acquired ownership interest in Beacon HoldCo in a transaction that closed on January 29, 2021.

Equinor is an international energy company, headquartered in Norway, with operations in 37 countries. Equinor has approximately 22,000 employees worldwide, is listed on the New York and Oslo stock exchanges (NYSE: EQNR, OSE: EQNR) and has a current market capital valuation in excess of \$100 billion.² With an extensive portfolio of offshore wind, oil, and gas facilities developed over its 50-year history, Equinor has a proven track record of successfully developing and operating large-scale energy projects in some of the most challenging ocean environments around the world.

- Equinor has developed, constructed, and operates two major bottom-fixed offshore wind farms in the United Kingdom: (1) the 317 MW Sheringham Shoal offshore wind farm and (2) the 402 MW Dudgeon offshore wind farm.
- Equinor is also the developer, owner, and operator of the 30 MW Hywind Scotland wind farm, the world's first floating offshore wind farm.
- Equinor is a partner in the Arkona Offshore Wind Project, an operational 385 MW wind farm located in the Baltic Sea approximately 22 mi (35 km) from the German coastline.
- Equinor also owns an interest in the Dogger Bank offshore wind farms, a series of projects in the United Kingdom which entered construction in January 2020 with a projected total nameplate capacity of 3.6 GW.

With significant in-house capabilities and resources focused specifically on meeting the challenges of offshore energy development, backed by ample financial resources, Equinor is quickly becoming a leader in the development of offshore wind globally.

In accordance with 30 CFR § 585.515, Beacon Wind provided BOEM with an initial financial assurance bond to facilitate issuance of the Lease. In addition, Beacon Wind provided BOEM with supplemental financial assurances, as set forth in 30 CFR § 585.516 - .517, in support of the Site Assessment Plan (SAP). Furthermore, in accordance with 30 CFR § 585.516, Beacon Wind is required to provide BOEM a supplemental bond, a decommissioning bond, or other financial assurance to assure that lessee obligations can be fulfilled prior to approval of the COP and prior to authorization to commence construction. BOEM, however, has the authority to allow evidence of financial strength and reliability to meet financial assurance requirements, as detailed in 30 CFR § 585.527.

Equinor has a strong financial standing and a long history of undertaking, self-funding, or obtaining, the necessary financing for large infrastructure projects in a responsible manner. Demonstration of financial assurance, as required by 30 CFR § 585.527 will be provided in the COP.

- **Statement of any Federal Financing, environmental reviews, and authorizations anticipated to be required:** Beacon Wind does not anticipate requesting any federal financing to support the Project. As part of the COP approval process, it is expected that BOEM will prepare an Environmental Impact

² As of September 2020.

Statement (EIS) for the activities detailed in the COP. In addition, the U.S. Army Corps of Engineers' (USACE's) issuance of an Individual Permit under the Rivers and Harbors Act and the Clean Water Act (CWA) and the U.S. Environmental Protection Agency's (EPA) issuance of an OCS Air Quality Permit are also considered federal actions and require NEPA review.

During the NEPA process, BOEM will also consult with other regulatory agencies, including the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Fish and Wildlife Service (USFWS), to ensure compliance with federal regulations including the Endangered Species Act of 1973 (ESA), the Marine Mammal Protection Act of 1972 (MMPA), and the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended.

Additionally, BOEM will ensure that applicable federal statutes, which include the Coastal Zone Management Act of 1972 (CZMA, see Section 1.5.2), National Historic Preservation Act of 1966 (NHPA), and Sections 401, 402, and 404 of the CWA, are properly implemented. A complete list of all environmental reviews and authorizations anticipated to be required is detailed in **Table 1**.

- **Assessment that the project meets the definition of a covered project as defined in 42 U.S.C. §4370m(6)(A) of the FAST Act and a statement of reasons supporting the assessment:** As defined in 42 U.S.C. §4370m(6)(A), the term "covered project" means any activity in the United States that requires authorization or environmental review by a Federal agency involving construction of infrastructure for renewable or conventional energy production, electricity transmission, surface transportation, aviation, ports and waterways, water resource projects, broadband, pipelines, manufacturing, or any other sector as determined by a majority vote of the Council that is:
 - Subject to NEPA;
 - Likely to require a total investment of more than \$200,000,000; and
 - Subject to NEPA and the size and complexity of which, in the opinion of the Council, make the project likely to benefit from enhanced oversight and coordination, including a project likely to require:
 - Authorization from or environmental review involving more than 2 Federal agencies; or
 - The preparation of an Environmental Impact Statement under NEPA.

As the Project meets the definition of the criteria detailed above, as described through the information provided throughout this document, the Project meets the definition of a covered project and therefore qualifies under the FAST Act.

If you have any questions or concerns please do not hesitate to contact Julia Lewis at julew@equinor.com . Thank you for your time and assistance.

Sincerely,



Julia Lewis
 Permitting Director
 Beacon Wind

CC: Josh Gange, Project Coordinator, Bureau of Ocean Energy Management
 Scott Lundin, Matthew Brotmann, Equinor Wind US LLC

Figure 1 Project Area

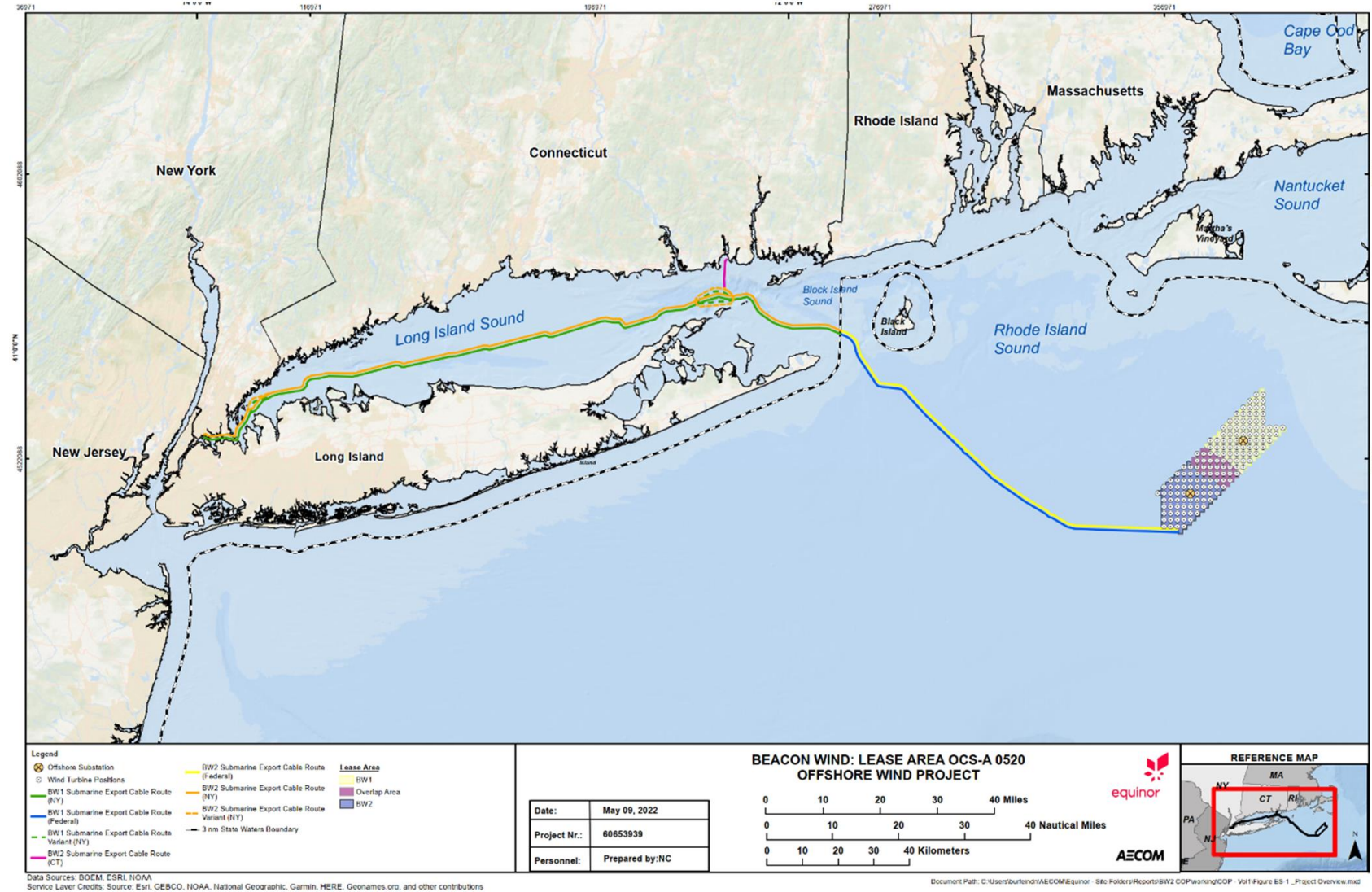


Table 1 Federal, State, and Local Authorizations and Consultations

Regulatory Agency	Permit or Approval	Statutory Basis	Regulations	Applicability
Federal				
BOEM	Outer Continental Shelf Lands Act Commercial Lease, SAP, COP, FDR and FIR	OCSLA 43 U.S.C. § 1337 Energy Policy Act of 2005	BOEM Final Rule on Renewable Energy Development on the OCS 30 CFR § 585	The OCSLA delegated authority to the DOI to manage OCS submerged lands, which extend out to sea from the state seaward boundary (beyond 3 nm [5.6 km] generally, 9 nm [16.7 km] in the Gulf Coast). The Energy Policy Act of 2005 further gave the DOI the authority, subsequently delegated to BOEM, for issuing submerged lands leases for alternative energy development on the OCS (i.e. activities that produce or support production, transportation, or transmission of energy from sources other than oil and gas).
USACE New York and New England District	Section 10 Permit for structure in navigable U.S. waters Section 404 Dredge Discharge Permit in navigable U.S. waters Section 408 Permit for activities in a Civil Works Project	Rivers and Harbors Act – Section 10 33 U.S.C. §§ 333(e), 403 CWA Section 404 33 U.S.C. § 1344	33 CFR §§ 320 <i>et seq.</i>	Section 10 of the Rivers and Harbors Act requires a permit for construction of structures, including the laying of transmission cables, in, under, or over any navigable water or for work affecting those waters. Section 404 of the Clean Water Act requires a permit for the discharge of dredge or fill material into waters of the United States. Section 14 of the Rivers and Harbors Act (33 U.S.C. 408) requires USACE authorization for activities affecting a USACE civil works project.

Table 1 Federal, State, and Local Authorizations and Consultations (continued)

Regulatory Agency	Permit or Approval	Statutory Basis	Regulations	Applicability
National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS)	ESA section 7 Consultation	ESA 16 U.S.C. § 1536	50 CFR § 402	NMFS has jurisdiction over federally-listed marine species. Section 7 of the ESA requires that federal agencies consult with NMFS to ensure their actions are not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat to the extent that the species or habitat are within NMFS jurisdiction.
	MMPA Incidental Take Authorization	MMPA 16 U.S.C. §§ 1361 <i>et seq.</i>	50 CFR § 216	An incidental take authorization pursuant to section 101(a)(5) of the Marine Mammal Protection Act is required for activities resulting in the take of marine mammals incidental to otherwise lawful activities.
	EFH Consultation under Magnuson-Stevens Fishery Conservation and Management Act	Magnuson-Stevens Fishery Conservation and Management Act 16 U.S.C. §§ 1801 <i>et seq.</i>	50 CFR § 600	The Magnuson-Stevens Fishery Conservation and Management Act, reauthorized in 2005, set forth the EFH provisions to identify and protect important habitats of federally-managed marine and anadromous fish species. Federal agencies that fund, permit, or undertake activities that may adversely affect EFH are required to consult with the NMFS regarding the potential effects of their actions on EFH.
US Fish and Wildlife Service (USFWS) Northeast Region (Region 5)	ESA section 7 Consultation	ESA 16 U.S.C. §1531	50 CFR §§ 13, 17, 402 50 CFR §§ 10, 22	The USFWS has jurisdiction over federally-listed non-marine species. Section 7 of the ESA requires that federal agencies consult with USFWS to ensure their actions are not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat to the extent that the species or habitat are within USFWS jurisdiction.
Advisory Council on Historic Preservation (ACHP)	NHPA Section 106 Consultation	NHPA 16 U.S.C. § 470	36 CFR §§ 60, 800	Section 106 of the NHPA requires federal agencies to take into consideration the effects of their actions, including permit approvals, on cultural resources listed on, nominated to, and eligible for the National Register of

Table 1 Federal, State, and Local Authorizations and Consultations (continued)

Regulatory Agency	Permit or Approval	Statutory Basis	Regulations	Applicability
				<p>Historic Places (NRHP). It also requires federal agencies to consult with the State Historic Preservation Office (SHPO) of the state in which Federal actions are to take place, or with the Tribal Historic Preservation Office (THPO), as applicable.</p>
<p>US Coast Guard (USCG), Sector Southeast New England, Sector New York, Sector Long Island Sound, and First District</p>	<p>Approval for Private Aids to Navigation (PATON)</p> <p>Local Notice to Mariners (LNM)</p> <p>Captain of the Port (COTP) Letter</p>	<p>49 U.S.C. § 44718</p> <p>33 U.S.C. § 1221</p>	<p>33 CFR § 66</p>	<p>The USCG has jurisdiction over marine traffic and national security out to 12 nm (22 km) from shore. As part of the USCG programs for overseeing boating safety, the USGC oversees the placement of PATONs, which are buoys, lights, or day beacons owned and maintained by any individual or organization other than the USCG. The USCG determines the type of aid, lighting, and marking for privately owned marine obstructions or other similar hazards to navigation. The USCG is also responsible for establishing any restricted zones around the facilities that may be desirable and for coordinating traffic during construction of the Project.</p> <p>The USCG has completed the Atlantic Coast Port Access Route Study (ACPARS) to determine future shipping lanes and port access routes. At this time, the implementation plan for the draft ACPARS fairways is unknown. The USCG should be consulted regarding preferred buffer zones to Traffic Separation Schemes (TSS) and any final ACPARS routes, should any routes be delineated.</p> <p>Request for a LNM is appropriate prior to construction. The request is generally made about 2 weeks prior to commencement of activity.</p> <p>Upon review and approval of the Project's Navigation Safety Risk Assessment, the USCG, as a consulting agency to the Lead Agency, will issue a COTP letter outlining both approval of the assessment and any required additional mitigations.</p>

Table 1 Federal, State, and Local Authorizations and Consultations (continued)

Regulatory Agency	Permit or Approval	Statutory Basis	Regulations	Applicability
U.S. Department of Defense (DoD)	Consultation	Public Law 114-92, National Defense Authorization Act (NDAA) of 2016, Amendment to § 358, FY11 NDAA	32 CFR § 211	<p>Consultation with the DoD regarding the proposed location of the offshore wind turbines and interconnection cables is anticipated to be required. Per DoD Instruction 4180.02 (March 31, 2016; updated August 31, 2018), the DoD will complete its planning assessments for renewable and conventional energy development projects on the OCS when requested by BOEM or on an as-needed basis within 50 days of receiving the request. The review will address any DoD stipulations that BOEM should include in its lease sale agreement with the project proponent.</p> <p>The DoD may review the proposed structures for potential obstruction and radar interference in coordination with the Federal Aviation Administration (FAA), although turbines are likely to be outside of the FAA's 12 nm (22.2 km) jurisdictional boundary. The DoD has a central Siting Clearinghouse to facilitate communication of offshore wind turbine and cable siting, and the Navy has a cable liaison official who also will provide guidance on potential cable routes across sensitive military areas.</p>
Environmental Protection Agency (EPA), Region 1 and Region 2	OCS Air Quality Permit and General Conformity Determination	Clean Air Act 42 U.S.C. §§ 7401 <i>et seq.</i>	40 CFR § 60	Section 328(a) of the Clean Air Act requires that the EPA establish requirements to control air pollution from OCS sources located within 25 mi (40.2 km) of States' seaward boundaries that are the same as onshore requirements. Construction of a commercial offshore wind facility will likely warrant an OCS air permit based on the likelihood that marine vessels or other equipment used to construct and/or operate the facility will be considered an "OCS source" and the potential emissions from the OCS source would trigger Federal and/or State permitting rules as if the source were located onshore.

Table 1 Federal, State, and Local Authorizations and Consultations (continued)

Regulatory Agency	Permit or Approval	Statutory Basis	Regulations	Applicability
EPA Region 1	National Pollution Discharge Elimination System (NPDES) Individual Permit	Clean Water Act (CWA) Section (§) 316(b)	40 CFR § 122, 125, 33 U.S.C. §§1251 et seq.	EPA regulates point sources that discharge pollutants to waters of the United States pursuant to the CWA (Section 316(b), 40 CFR § 122, 125, 33 U.S.C § 1251 the EPA retains authority over point sources on the OCS. Cooling water intake systems associated with the offshore substation facilities will be located in federal waters and do not fall within any specific state's jurisdiction. The offshore substation facilities will be considered new facilities and it is anticipated that an individual permit will be administered through EPA Region 1