

Case 21-T-0366 – Empire Wind 1 Project

Joint Proposal

APPENDIX G

MARINER NOTIFICATION AND PUBLIC INPUT PROCESSES

CASE 21-T-0366
EMPIRE OFFSHORE WIND LLC

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Empire Offshore Wind LLC (the Certificate Holder), consistent with the requirements of Condition E8, shall abide by the following notification and public input processes for each of the periods and for the activities delineated below.

1. Notice to Certificate Holder’s Project Website

The Certificate Holder agrees to post any and all of the notices to its Project Website in conformance with the timelines for issuance, as set forth in Table 6-1 below.

2. Notice to United States Coast Guard Notice to Mariners

The Certificate Holder agrees to post any and all of the notices to United States Coast Guard (USCG) for posting in conformance with the timelines for issuance and within a reasonable time for the USCG to post such notices.

3. Definitions

For the purposes of the Mariner Notification and Public Input Processes, the following definitions apply:

- “NYSDEC-Licensed Fishermen” includes fishermen that hold a New York State marine commercial fishing license from the New York State Department of Environmental Conservation (NYSDEC);
- “Recreational Fishermen” include persons engaged in fishing activities that are not NYSDEC commercial fishing license holders; and
- “Mariners” includes commercial vessel operators (such as tankers, cargo, tugs, ferries, cruise liners), governmental vessel operators, recreational boaters, out-of-state commercial fisherman, and commercial touring operations (for example, commercial whale watching).
- A “Fisheries Liaison Officer (FLO)” serves as the primary point of contact between the Project and the commercial and recreational fishing fleets and communities. Responsibilities include and are not limited to: consult and engage with the fishing industry throughout all stages of Project development, disseminate project related activities, advise projects of relevant fishing activities and concerns and support efforts of gear and fishing avoidance during Project’s offshore activities.

- The “Marine Affairs Manager (MAM)” supports Certificate Holder with fisheries management, maritime law, waterway management, search and rescue and port state control issues and will serve as a primary point of contact between the Project and the maritime transportation sector. The MAM also supports FLO with fisheries issues and engagements.
- A “Fishing Industry Representative (FIR)” assists and supports with fisheries communications of questions and concerns and disseminates project updates, news and information. The FIR should be an independent third-party agent with extensive fishing experience and industry relationships. The FIR will provide unbiased representation of the fishing industry, with the primary goal of making fishermen’s concerns and views known to Certificate Holder.
- “Offshore Fisheries Liaison Representatives (OFLRs)” sail aboard survey and installation vessels to ensure good communications with fishing vessels encountered on site via disseminating Project information and responding to queries from fishing vessels. OFLRs also monitor work area for static gear and communicate with OSW vessel bridge crew of locations of such gear. The OFLR acts as a conduit for offshore information and provides data in real time to the FLO and MAM.

4. Consultation with Local Mariners

The Certificate Holder shall make a good faith effort to conduct outreach to Mariners, NYSDEC-Licensed Fisherman and Recreational Fisherman who are known or anticipated to operate within the vicinity of the Project. Outreach will occur prior to Commencement of Construction of the Project and will continue through all subsequent Project phases. Such outreach activities will include:

- Maintenance and quarterly update of a comprehensive contact database for local and regional fisheries associations, societies, groups, individual fishermen and the different industry organizations which serves as the basis for distributing electronic communication materials to the fishing communities;
- Contacting fishing industry leaders known through the combined Fisheries Liaison Officers’ and Marine Affairs Manager’s liaison and industry experience;
- Presenting on the Project to fishing organizations (for example, lobsterman associations, industry fisheries groups, and regional research organizations such as the Freeport Tuna Club, Atlantis Anglers Association, Long Island Flyrodders Association, Operation Splash, Responsible Offshore Development Alliance and Responsible Offshore Science Alliance);
- Presenting or providing update memo(s) to maritime organizations (for example Maritime Association of the Port of NY/NJ Harbor, Safety, Navigation, and Operations [Harbor Ops] Committee) and pertinent government agencies (*e.g.*,

New York State Department of State, New York City Department of Transportation (NYCDOT), New York City Department of Environmental Protection (NYCDEP), New York City Police Department (NYPD), NYC Department of Sanitation, and New York City Fire Department (FDNY));

- Attending Fishery Management Council meetings;
- Automatic Identification System (AIS) monitoring including ship identification;
- Regular port and dock visits within the fishing and mariner community;
- Routinely review Local Notice to Mariners for events occurring in the vicinity of the Project that may be affected;
- Project dissemination via Fishing Industry Representatives (FIR); and
- Project dissemination via attendance at fishing shows and expos.

At least 90 days prior to commencing any construction activities in New York State Waters in each construction season, the Certificate Holder will consult with mariner groups defined above through the methods identified above and the executive director of the Long Island Commercial Fishing Association (LICFA), NYCDOT, NYCDEP, NYPD, FDNY, NYC Department of Sanitation, Port Authority of New York and New Jersey (PANYNJ), and Harbor Safety, Navigation and Operations Committee (Harbor Ops Committee) or their designee regarding an approximate schedule of activities in New York State Waters and existing uses of the submarine export cable corridor(s) defined in Condition A2 as shown in Appendix B to the Joint Proposal.

The Certificate Holder will make good faith efforts to accommodate those existing uses, including avoiding traditional fishing grounds, peak periods of use, federal navigation channels, and ferry operations during peak hours of traffic to the extent practicable without causing undue delay to the Project's schedule. The results of these good faith consultations will be summarized in a report prepared by Certificate Holder and filed with the Secretary to the Commission prior to the start of each construction season.

5. Requests for Contact Information of New York State Commercial Fishing License Holders:

To facilitate the transmission of notice of upcoming activities including but not limited to survey, study, construction, or other such work, the following outlines the process for soliciting the list of mailing and e-mail addresses associated with the NYSDEC-Licensed Fishermen:

- i. Beginning one month prior to filing a copy of the EM&CP with the Secretary to the Commission, the Certificate Holder shall make an initial request to NYSDEC seeking the list of mailing and email addresses associated with the NYSDEC-Licensed Fishermen.

- ii. On the 1st of every month following the initial request, the Certificate Holder shall request an updated list from NYSDEC. The Certificate Holder shall continue to make the request on the 1st of every month until the Project is energized.
- iii. Once the Project has been energized, the Certificate Holder shall request an updated list from the NYSDEC as needed to carry out mariner communications for any post-construction in-water activities. Absent emergent circumstances (*i.e.*, to protect health and safety of persons and property), the Certificate Holder shall make the request for the updated list from NYSDEC at least 14 days prior to any post-construction mariner communication, and the Certificate Holder agrees to utilize the updated list for any post-construction mariner communications.
- iv. If NYSDEC fails to provide such notification information within 7 business days of Certificate Holder's request, the last available contact list will be used for notifications and once a new contact list has been provided, that list will be used for notifications.

The Certificate Holder acknowledges that the list of mailing and email addresses associated with NYSDEC-Licensed Fishermen requested from NYSDEC shall remain confidential and must only be used to provide notice to license holders as required by Condition E8 and the processes delineated in Appendix G.

6. Notices and Documents to be Provided:

The Certificate Holder agrees to provide documents and other reports to Joint Proposal signatories in Case 21-T-0366 and specified recipients consistent with the dates, triggering events, and in conformance with the requirements set forth below. Further the Certificate Holder agrees that the notices and documents provided, as set forth below, will identify and include as appropriate (1) the general dates of work; (2) general types of work (*e.g.*, survey, submarine cable installation, and onshore construction, etc.); (3) the general vicinity of the work, with a National Oceanic Atmospheric Administration (NOAA) work zone chart with coordinates or its closest equivalent; (4) the vessel(s) conducting the work (which are subject to change); (5) accessible link to the Certificate Holder's Project Website; and (6) contact information of an employee or agent of the Certificate Holder who will be knowledgeable about the noticed work and able to timely contact the appropriate person(s) conducting the work.

Table 6-1: Notices and Documents to be Provided

<u>Project Period:</u>	<u>Document(s) to be Provided:</u>	<u>Recipients:</u>	<u>Timeframe of issuance:</u>	<u>Single Instance or Reoccurring Obligation:</u>	<u>Method of Transmission or Submittal</u>	<u>Other Requirements or Criteria:</u>
Within 24 hours of filing each Environmental Management & Construction Plan (EM&CP) for offshore construction	EM&CP Filing Notice	Joint Proposal signatories, NYSDEC-Licensed Fishermen, NYCDOT, local officials including the City of New York Mayors office, PANYNJ, and Harbor Ops Committee.	Within Twenty-Four (24) hours of filing the EM&CP with the Secretary to the Public Service Commission	Single Instance	E-mail and mail to NYSDEC-Licensed Fishermen.	The notification will indicate where electronic and hard copies of the EM&CP can be inspected. The notification will also describe the communication channels to be used for EM&CP changes and other notifications throughout Project construction and operations. The notification will provide a contact address where recipients can request to opt-out of future communications by mail.
After an EM&CP for offshore construction has been filed	Any notice of proposed changes to the EM&CP which have the potential to impact vessel traffic patterns and/or fishing resources or activity	Joint Proposal signatories, NYSDEC-Licensed Fishermen, NYCDOT, PANYNJ, and Harbor Ops Committee	Upon any proposed change to the EM&CP	Reoccurring	E-mail and Project Website	(1) describe the original conditions and the requested change; (2) state that documents supporting the request are available for inspection at a specified electronic location; and (3) state that persons may comment by writing or calling (followed by written confirmation) to the Commission within 21 days of the notification date.
Prior to Commencement of Construction	Notice of Intent (NOI) to Commence Work	Joint Proposal signatories, NYSDEC Licensed Fishermen, NYCDOT, NYPD, FDNY, PANYNJ, and Harbor Ops Committee	No less than fourteen (14) days before the Commencement of Construction	Single Instance prior to commencement of any approved, phased EM&CP	E-mail and mail to NYSDEC-Licensed Fishermen.	Provision of the NOI to Commence Work will comply with the Requirements of Condition E4. The notification will provide a contact address where recipients can request to opt-out of future communications by mail.
Prior to Commencement of Construction	Notice that authorized cable corridor is available on Electronic Navigation Charts	Joint Proposal signatories, NYSDEC Licensed Fishermen, NYCDEP, NYPD, FDNY, NYCDOT, PANYNJ, and Harbor Ops Committee	No less than fourteen (14) days before the Commencement of Construction	Single Instance prior to commencement of any approved, phased EM&CP	E-mail and Project Website	Provide coordinates in notices and on the Project Website, which shall include an accessible graphic/geo-referenced repository for all such information. Submit project corridor specifications to National Oceanic and Atmospheric Administration (NOAA), as applicable, so they may initiate the appropriate nautical chart and Coast Pilot corrections. The notification will provide a contact address where recipients can request to opt-out of future communications.

<u>Project Period:</u>	<u>Document(s) to be Provided:</u>	<u>Recipients:</u>	<u>Timeframe of issuance:</u>	<u>Single Instance or Reoccurring Obligation:</u>	<u>Method of Transmission or Submittal</u>	<u>Other Requirements or Criteria:</u>
During Construction	Status reports indicating construction activities and locations for the following fourteen (14) days	Joint Proposal signatories, NYSDEC Licensed Fishermen, NYCDOT, NYCDEP, NYPD, FDNY, NYC Department of Sanitation, PANYNJ, and Harbor Ops Committee	Every fourteen (14) days during construction.	Reoccurring	E-mail and Project Website	Provide US Coast Guard Broadcast to Mariners and Certificate Holder Safety or Guard Vessels make security calls on VHF channel 16 three times per day at approximately 6 AM, 12 PM and 6 PM during in water activities.
During Construction	Notice of recommencement of any seabed preparation, and backfill, and cable installation activities suspended for more than 14 days.	Joint Proposal signatories, NYSDEC- Licensed Fishermen, NYCDOT, NYPD, FDNY, NYC Department of Sanitation, PANYNJ, & Harbor Ops Committee	At least seven (7) days prior to recommencement of any seabed preparation, and cable installation activities suspended for more than 14 days.	Reoccurring	E-mail; and mail initial notice to NYSDEC Licensed fishermen.	Provide US Coast Guard Broadcast to Mariners and Certificate Holder Safety or Guard Vessels make security calls on VHF channel 16 three times per day at approximately 6 AM, 12 PM and 6 PM during in water activities. The notification will provide a contact address where recipients can request to opt-out of future communications by mail.
During Construction and Operations	Notice of cable protection measures, areas where cables are less than Target Burial Depth, location of cables outside of the New York State Office of General Services (NYSOGS) easement, and other obstructions in accordance as set forth in Condition E10.	Joint Proposal signatories, NYSDEC- Licensed Fishermen, NYCDOT, PANYNJ and Harbor Ops Committee	No later than five (5) business days of each occurrence as specified in Condition E10.	Post-construction and reoccurring	E-mail; and mail initial notice to NYSDEC Licensed Fishermen.	Provision of the Notice of Protection Measures will comply with the requirements of Condition E10. Provide coordinates in notices and on the Project Website, which shall include an accessible graphic/geo-referenced repository for all such information. Submit specifications to NOAA, as applicable, so they may initiate the appropriate nautical chart and Coast Pilot corrections. The notification will provide a contact address where recipients can request to opt-out of future communications by mail.
Prior to any in-water research studies	Status reports indicating study activities and locations for the following fourteen (14) days	Joint Proposal signatories, NYSDEC- Licensed Fishermen, NYCDOT, NYPD, FDNY, PANYNJ, and Harbor Ops Committee	Every fourteen (14) days during in-water research studies.	Reoccurring	E-mail; and mail initial notice to NYSDEC Licensed fishermen.	Provide US Coast Guard Broadcast to Mariners and Certificate Holder Safety or Guard Vessels make security calls on VHF channel 16 three times per day at approximately 6 AM, 12 PM and 6 PM during in water activities. Provide coordinates for any research equipment to be left on the ocean floor with dates of deployment and retrieval. The notification will provide a contact address where recipients can request to opt-out of future communications by mail.

<u>Project Period:</u>	<u>Document(s) to be Provided:</u>	<u>Recipients:</u>	<u>Timeframe of issuance:</u>	<u>Single Instance or Reoccurring Obligation:</u>	<u>Method of Transmission or Submittal</u>	<u>Other Requirements or Criteria:</u>
Routine in-water maintenance activities during operations	Notice of in-water maintenance activities indicating anticipated activities and locations scheduled for the following fourteen (14) days	Joint Proposal signatories, NYSDEC-Licensed Fishermen, NYCDOT, NYCDEP, NYPD, FDNY, NYC Department of Sanitation, PANYNJ, and Harbor Ops Committee	Fourteen (14) days before and reoccurring during in-water maintenance activities, except in the case of emergency situations	Reoccurring	E-mail; and mail initial notice to NYSDEC Licensed fishermen.	Provide US Coast Guard Broadcast to Mariners and Certificate Holder Safety or Guard Vessels make security calls on VHF channel 16 3 times per day at approximately 6 AM, 12 PM and 6 PM during in water activities. The notification will provide a contact address where recipients can request to opt-out of future communications by mail.
Emergency in-water maintenance activities during operations	Notice of emergency in-water maintenance activities indicating anticipated activities and locations	Joint Proposal signatories, NYSDEC-Licensed Fishermen, NYCDOT, NYPD, FDNY, NYC Department of Sanitation, PANYNJ, and Harbor Ops Committee	As soon as possible	Reoccurring	E-mail and Project Website; mail to NYSDEC Licensed fishermen when possible in advance of or concurrently with work activities	Provide US Coast Guard Broadcast to Mariners and Certificate Holder Safety or Guard Vessels make security calls on VHF channel 16 3 times per day at approximately 6 AM, 12 PM and 6 PM during in water activities. The notification will provide a contact address where recipients can request to opt-out of future communications by mail.
Decommissioning	Notice of Intent (NOI) for Decommissioning	Joint Proposal signatories, NYSDEC-Licensed Fishermen, NYCDOT, PANYNJ, and Harbor Ops Committee		Single	Written Notice by Certified Mail to Joint Proposal Signatories; E-mail and mail to NYSDEC-Licensed Fishermen, NYCDOT, PANYNJ and Harbor Ops Committee.	Provision of the NOI for Decommissioning will comply with the requirements of conditions in Section Z. The notification will provide a contact address where recipients can request to opt-out of future communications by mail.