

STATE OF NEW YORK

7764

2023-2024 Regular Sessions

IN ASSEMBLY

June 7, 2023

Introduced by M. of A. MITAYNES -- read once and referred to the Committee on Energy

AN ACT to amend the public authorities law, in relation to enacting "the planned offshore wind transmission act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 "the planned offshore wind transmission act".

3 § 2. Legislative intent. In 2019, the Climate Leadership and Community
4 Protection Act was signed into law, requiring that New York reduce econ-
5 omy-wide greenhouse gas emissions by 40 percent from 1990 levels by 2030
6 and by no less than 85 percent by 2050. In addition, the law requires
7 9,000 megawatt (MW) of offshore wind development by 2035. In antic-
8 ipation that the state's mandated offshore wind goal will increase,
9 improved planning and coordination is needed to reduce costs and mini-
10 mize community and environmental impacts of offshore wind expansion in
11 New York state. In addition, a more cohesive approach is needed now to
12 build on the momentum of the Inflation Reduction Act and other once-in-
13 a-generation measures to start the build-out of a lower-cost, lower-im-
14 pact offshore wind transmission system.

15 Independent, shared transmission will minimize seabed cabling and
16 shore crossings, reduce overall costs and impacts to ratepayers, and
17 build an ocean grid that complements the resiliency of the onshore grid.
18 This planned approach is already happening in Europe, and it is imper-
19 ative that New York follows suit. Standards must be established to
20 ensure that offshore wind transmission systems can connect with each
21 other to operate in a network.

22 Furthermore, the legislature finds and declares that the state's
23 planned offshore wind projects are essential to meeting its goal of
24 reducing economy-wide greenhouse gas emissions by 40 percent from 1990
25 levels by 2030 and by no less than 85 percent by 2050, and producing

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 nine thousand megawatts of offshore wind development by the year 2035.
2 Certain land use and alienation actions are necessary procedural compo-
3 nents of effectuating and permitting various projects' landfall by
4 enabling transmission of energy from the offshore wind turbines and
5 connection to transmission facilities on land. These land use actions
6 and infrastructure development must be effectuated in a timely manner;
7 if they are not, various state and federal permitting processes could be
8 jeopardized, causing potential project delays and even materially
9 increasing the projects' risks of failure, either of which would nega-
10 tively impact the state's ability to meet its climate and renewable
11 energy goals under the Climate Leadership and Community Protection Act,
12 negatively impact workforce and economic development associated with
13 offshore wind energy development and interconnection, and risk further
14 adverse climate impacts to communities across the state. As such, the
15 legislature finds and declares that the provisions of this legislation
16 are a matter of substantial state concern.

17 § 3. The public authorities law is amended by adding a new section
18 1885 to read as follows:

19 § 1885. The planned offshore wind transmission act. 1. The authority,
20 in consultation with the New York independent system operator, the
21 department of public service, and other relevant state agencies and
22 authorities, shall, upon the expansion of the state's offshore wind
23 megawatt (MW) goal above the current nine thousand MW, establish a plan
24 for improved transmission planning and coordination systems for an
25 offshore grid.

26 2. The authority shall oversee procurements for independent trans-
27 mission systems to integrate the next round of offshore wind projects
28 and include recommendations in the plan, established pursuant to subdivi-
29 vision one of this section, to the extent reasonable and feasible:

30 a. consider community protection both onshore and offshore;

31 b. balance impacts on the environment;

32 c. balance impacts on local municipalities; and

33 d. streamline the process for the planned transmission process.

34 3. The authority, in consultation with other relevant state agencies
35 and authorities, shall conduct a benefit-cost-analysis and ratepayer
36 impact study to determine the overall costs of implementing planned
37 transmission and coordinated systems for an offshore grid.

38 § 4. Subject to the provisions of this section and sections five
39 through nine of this act, the city of Long Beach is hereby authorized,
40 acting by and through its governing body, and upon such terms and condi-
41 tions as determined by, and in the sole discretion of, such governing
42 body, to: (a) temporarily discontinue the use of the parklands described
43 in section six of this act; and (b) to discontinue the use as parkland
44 and alienate the lands described in section seven of this act, and to
45 convey property interests in such lands to EW Offshore Wind Transport
46 Corporation for the purpose of constructing, maintaining and operating a
47 subterranean conduit and electrical distribution cable system, together
48 with subterranean transition joint bays and link boxes, and appurtenanc-
49 es thereto, under city of Long Beach parkland located at Ocean Beach
50 Park (also known as Long Beach), designated on the city of Long Beach
51 Tax Map as Section 59, Block A, Lot 2 (or Lots 1 - 6).

52 § 5. The authorization contained in section four of this act shall
53 only be effective on the condition that the city of Long Beach dedicate
54 an amount equal to or greater than fair market value of the parklands
55 being alienated pursuant to section four of this act towards the acqui-

1 sition of new parklands and/or capital improvements to existing park and
2 recreational facilities.

3 § 6. The parklands authorized by section four of this act to be tempo-
4 rarily discontinued as parkland for construction are described as
5 follows:

6 DESCRIPTION OF A PROPOSED LIMITED USE AREA ACROSS A PORTION OF TAX LOT
7 2, BLOCK A, CITY OF LONG BEACH, NASSAU COUNTY, NEW YORK.

8 BEGINNING AT A POINT IN THE DIVIDING LINE BETWEEN TAX LOT 2 BLOCK A
9 AND THE SOUTHERLY TERMINUS OF RIVERSIDE BOULEVARD (100' WIDE R.O.W.),
10 SAID POINT BEING DISTANT SOUTH 86 DEGREES 49 MINUTES 59 SECONDS EAST,
11 8.57 FEET FROM WHERE THE SAME IS INTERSECTED BY TAX LOT 203 BLOCK 272,
12 AND RUNS THENCE

13 1. ALONG SAID DIVIDING LINE BETWEEN TAX LOT 2 BLOCK A AND THE SOUTHER-
14 LY TERMINUS OF SAID RIVERSIDE BOULEVARD, SOUTH 86 DEGREES 49 MINUTES 59
15 SECONDS EAST 84.49 FEET TO A POINT, THENCE

16 2. ACROSS TAX LOT 2 BLOCK A, SOUTH 01 DEGREES 31 MINUTES 22 SECONDS
17 EAST, 488.93 FEET TO A POINT, THENCE

18 3. STILL ACROSS TAX LOT 2 BLOCK A, ALONG THE MEAN HIGH-WATER LINE OF
19 THE ATLANTIC OCEAN, 157.1+/- FEET TO A POINT, THENCE

20 4. STILL ACROSS TAX LOT 2 BLOCK A, NORTH 00 DEGREES 23 MINUTES 41
21 SECONDS WEST, 424.50 FEET TO THE PLACE OF BEGINNING.

22 CONTAINING 43,990 SQUARE FEET OR 1.0099 ACRES OF LAND.

23 BEING SHOWN IN ACCORDANCE WITH A PLAN ENTITLED "LIMITED USE AREA
24 EXHIBIT, PORTION OF TAX LOT 2, BLOCK A, BEACH AT LONG BEACH, CITY OF
25 LONG BEACH, NASSAU COUNTY, NEW YORK "PREPARED BY DPK LAND SURVEYING,
26 LLC, DATED FEBRUARY 17, 2023.

27 The foregoing metes and bounds description include the surface and
28 subsurface of the temporarily discontinued parkland for construction.

29 § 7. The subsurface portion of land authorized by section four of this
30 act to be permanently discontinued as parkland is described as follows:

31 DESCRIPTION OF A PROPOSED LIMITED USE AREA ACROSS A PORTION OF TAX LOT
32 2, BLOCK A, CITY OF LONG BEACH, NASSAU COUNTY, NEW YORK.

33 BEGINNING AT A POINT IN THE DIVIDING LINE BETWEEN TAX LOT 2 BLOCK A
34 AND THE SOUTHERLY TERMINUS OF RIVERSIDE BOULEVARD (100' WIDE R.O.W.),
35 SAID POINT BEING DISTANT SOUTH 86 DEGREES 49 MINUTES 59 SECONDS EAST,
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48 BEING SHOWN IN ACCORDANCE WITH A PLAN ENTITLED "LIMITED USE AREA
49 EXHIBIT, PORTION OF TAX LOT 2, BLOCK A, BEACH AT LONG BEACH, CITY OF
50 LONG BEACH, NASSAU COUNTY, NEW YORK "PREPARED BY DPK LAND SURVEYING,
51 LLC, DATED FEBRUARY 17, 2023.

52 The portion of the property subject to the permanently discontinued
53 parkland will be below the surface of the Earth, with the vertical
54 extents no higher than elevation -30 (Feet, North American Vertical
55 Datum of 1988); the intent being that the proposed cable route will not

1 interfere with or affect the existing boardwalk, boardwalk piles, or
2 jetty on the subject property.

3 § 8. Upon completion of construction, EW Offshore Wind Transport
4 Corporation, as authorized by this act in agreement and in consultation
5 with the New York State Historic Preservation Office, shall restore the
6 surface of the lands more particularly described in section six of this
7 act and such lands shall continue to be used for park purposes.

8 § 9. In the event that the city of Long Beach received any funding
9 support or assistance from the federal government for the purchase,
10 maintenance, or improvement of the parklands set forth in sections six
11 and seven of this act, the discontinuance and alienation of such park-
12 lands authorized by the provisions of this act shall not occur until the
13 city of Long Beach has complied with any federal requirements pertaining
14 to the alienation or conversion of parklands, including satisfying the
15 secretary of the interior that the alienation or conversion complies
16 with all conditions which the secretary of the interior deems necessary
17 to assure the substitution of other lands shall be equivalent in fair
18 market value and usefulness to the lands being alienated or converted.

19 § 10. This act shall take effect immediately.