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:

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

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

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

Furthermore, the legislature finds and declares that the state's planned offshore wind projects are essential to meeting its goal of reducing economy-wide greenhouse gas emissions by 40 percent from 1990 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.

LBD09754-06-3

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

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

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

2. The authority shall oversee procurements for independent transmission systems to integrate the next round of offshore wind projects and include recommendations in the plan, established pursuant to subdivision one of this section, to the extent reasonable and feasible:

a. consider community protection both onshore and offshore;

b. balance impacts on the environment;

c. balance impacts on local municipalities; and

d. streamline the process for the planned transmission process.

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

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

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

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

§ 6. The parklands authorized by section four of this act to be temporarily discontinued as parkland for construction are described as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 10. This act shall take effect immediately.