

SFWF and SFEC - Permits, Approvals, and Consultations			
Entity	Permit, Approval, or Consultation	Statutory Basis, Regulations	Schedule
STATE			
NEW YORK			
Comptroller and AG	PPA Approval		Complete
Public Service Commission (PSC), Department of Public Service (DPS)	Certificate of Environmental Compatibility and Public Need (CECPN)	Article VII of the New York Public Service Law 16 NYCRR Parts 85 through 88	Similar timeframe as COP
PSC, DPS	Environmental Management and Construction Plan (EM&CP)	Article VII of the New York Public Service Law 16 NYCRR Parts 85 through 88	Similar timeframe as COP
PSC, DPS	Section 68 Petition (permission to exercise the grants of those municipal rights)	Article VII of the New York Public Service Law 16 NYCRR Section 68(1)	Similar timeframe as COP
New York State Department of Public Service Director of Energy Efficiency	Water Quality Certification	Section 401 of the Clean Water Act, Implementing Regulations 6 NYCRR Parts 701, 702, 704, 754 and Part 800 to 941	Similar timeframe as COP
PSC	Protection of Waters Permit, if required	Protection of Waters Program: Article 15, Environmental Conservation Law (ECL) – Implementing Regulations 6 NYCRR Part 608 and 621	Similar timeframe as COP
PSC	Tidal Wetlands, if required	Article 25, ECL – Implementing Regulations – 6 NYCRR Part 661	Similar timeframe as COP
Department of Environmental Conservation (NYSDEC)	State Pollutant Discharge Elimination System (SPDES) General Permit GP-0-15-002 for Stormwater Discharges from Construction Activity	Implementation of NPDES Program in NYS - 6 NYCRR Part 750-757	Prior to construction
NY Department of Transportation - Region 10 (NYSDOT)	Utility Work Permit - Form Perm 32	New York State Highway Law, Article 3, Section 52	Prior to construction
NYS Department of State (DOS) - Division of Coastal Resources	Coastal Zone Management Program (CZMP) Federal Consistency Certification	Coastal Zone Management Act (CZMA) 16 U.S.C 1451 et seq, 15 CFR Part 930, 30 CFR 585.611(b), 627(b) State Article 42 of the Executive Law, 19 NYCRR Part 600 and 6 NYCRR Part 617	Submitted in similar timeframe as COP, must be received before BOEM can issue approval
NYSDEC	Consultation and review of state-listed threatened and endangered species and unique or significant habitats	ECL Article 11, Section 535 NYSDEC - Natural Heritage Program 6 NYCRR Part 182	Similar timeframe as COP
Office of Parks, Recreation and Historic Preservation (NYS OPRHP) – State Office of Historic Preservation (SHPO)	Consultation and review of cultural and historic resources	Section 106 of the National Historic Preservation Act of 1966 (NHPA), and Section 14.09 of the New York State Historic Preservation Act of 1980 16 USC 470 6 NYCRR Part 617	Similar timeframe as COP
NY Department of Agriculture and Markets (NYS DAM)	Agricultural Data Statement	Article 25-AA of the Agriculture and Markets Law	Similar timeframe as COP
Rhode Island			
Rhode Island Coastal Resources Management Council	CZMP Federal Consistency Determination	CZMA 16 USC 1451 et seq, 15 CFR 930, 30 CFR 585.611(b), 627(b), Rhode Island Coastal Resources Management Program (RICRMP) Section 400	Submitted in similar timeframe as COP, must be received before BOEM can issue approval
Massachusetts			
Massachusetts Office of Coastal Zone Management	CZMP Federal Consistency Certification	CZMA, Section 307, 15 CFR 923, 15 CFR 930, M.G.L. c.21A, § 4A, Consistency Review with the MCZM Program Policies 310 CMR 20.00 and 21.00	Submitted in similar timeframe as COP, must be received before BOEM can issue approval

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FEDERAL			
Bureau of Ocean Energy Management (BOEM)	Site Assessment Plan (SAP) Approval	BOEM Regulations, 30 CFR 585.606, 610, 611	Approved, October 2017
BOEM	Construction and Operations Plan (COP)	BOEM Regulations, 30 CFR 585.626	COP submission: Q1 2018, approval Q1 2020
U.S. Army Corps of Engineers (USACE)	Section 10 Permit (or Nationwide Permit, if applicable)	Rivers and Harbors Act Section 10 33 USC. 333(e), 403	Same timeframe as COP
U.S. Army Corps of Engineers (USACE)	Section 404 Permit (or Nationwide Permit, if applicable)	Clean Water Act Section 404 33 USC 1344	Same timeframe as COP
National Marine Fisheries Service (NMFS)	As necessary for surveys and construction only. Letter of Authorization (LOA) or Incidental Harassment Authorization (IHA)	MMPA - 16 USC 1361 et seq 50 CFR 216	IHA to be obtained, as necessary, prior to surveys or construction
U.S. Coast Guard	Approval for Private Aids to Navigation	Coast Guard Regulation, 33 CFR 64.11	To be obtained pre-construction
U.S. Environmental Protection Agency (EPA) - Region 1	Outer Continental Shelf Air Permit - Prevention of Significant Deterioration (PSD) permit	Clean Air Act 42 USC 7627 40 CFR Part 55, 60	During COP review, expected to take 12 months
BOEM	National Environmental Policy Act (NEPA) Environmental Impact Statement (EIS)	National Environmental Policy Act 42 USC 4321 et seq. Outer Continental Shelf Lands Act, 43 USC 1337 NEPA Regulations: 40 CFR 1500 et seq. BOEM Regulations: 30 CFR Part 585.628	During COP review, expected to take 12 months
U.S. Fish and Wildlife Service (USFWS)	Consultation under Section 7 of the Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA), Bald and Golden Eagle Protection (BGEP)	Federal ESA 16 USC 1531 et seq MBTA 16 USC 703 - 712 BGEP 16 USC 668 - 668c 50 CFR Parts 10, 13, 17, 21, 22, 402 50 CFR Part 10 50 CFR Part 22	During COP review, expected to take 12 months
National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS)	Consultation for Essential Fish Habitat	Magnuson-Stevens Fishery Conservation and Management Act 16 USC 1801 et seq 50 CFR Part 600	During COP review, expected to take 12 months
NMFS	Consultation under Section 7 of the ESA	Federal ESA 16 USC 1531 50 CFR Part 13, Part 17, Part 402	During COP review, expected to take 12 months
NMFS	Review and Consultation under Marine Mammal Protection Act (MMPA)	MMPA - 16 USC 1361 et seq 50 CFR 216	During COP review, expected to take 12 months
BOEM	Review and Consultation under Section 106 of the National Historic Preservation Act of 1966 (NHPA)	Section 106 of the National Historic Preservation Act of 1966 (NHPA)	During COP review, expected to take 12 months
National Park Service	Consultation and Determination under Abandoned Shipwreck Act	Abandoned Shipwreck Act, 43 USC 2101 - 2106	During COP review, expected to take 12 months
U.S. Coast Guard	Consultation with USCG regarding safety zones and communication plans for construction and waterway usage schedule	33 USC 1231 33 CFR Part 165	During COP review, expected to take 12 months
U.S. Department of Defense	Consultation with DOD regarding the proposed location of the offshore wind turbine and interconnection cable is required by BOEM during the NEPA review and in the Leases.	32 CFR Part 211, if applicable if informal review envisioned pursuant to 49 USC 44718 (Structures Interfering with Air Commerce or National Security)	During COP review, expected to take 12 months
Federal Aviation Administration	Determination of No Hazard to Air Navigation	14 CFR Part 77	Not applicable since WTGs are outside FAA jurisdiction

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COUNTY/LOCAL			
SUFFOLK COUNTY, NEW YORK			
Division of Planning	County Planning Referral	Section 239 of NYS General Municipal Law	Pre-empted by PSL §130
TOWN OF EAST HAMPTON, NEW YORK			
Highway Department	Road Opening Permit	Township of East Hampton Code Chapter 217, Article 1, Section 217-1	Pre-empted by PSL §130
Zoning Board of Appeals	Natural Resources Special Permit	Township of East Hampton Code Section 255-4-20b	Pre-empted by PSL §130
Waterfront Advisory Committee	Local Waterfront Revitalization Program (LWRP) Consistency Review	Town of East Hampton Code Chapter 149	Pre-empted by PSL §130
Building Department	Building Permit Below Gradework or Town Beach Parking Lot	Town of East Hampton Code Section 102-7	Pre-empted by PSL §130
Zoning	Article V - Special Use Permit Article VI - Site Plan Review Article VII - Architectural and Design Review	Town Code - Chapter 255 Zoning	Pre-empted by PSL §130
TOWN OF EAST HAMPTON FOR SUBSTATION			
Building Department	Building Permit	Town Code Section 102-7	Pre-empted by PSL §130
Planning Board	Site Plan Approval	Site Plan Chapter 255, Article VI (standards are in section 255-6-60)	Pre-empted by PSL §130
Planning Board	Special Permit, Public Utility	General Standards 255-5-40; Specific Standards 255-5-50	Pre-empted by PSL §130
Architectural Review Board	Approval	Town Code 255-7-30; 255-7-60	Pre-empted by PSL §130
Zoning Board of Appeals	Variances if Necessary, Natural Resources Special Permit if Necessary		Pre-empted by PSL §130
VILLAGE OF EAST HAMPTON - Applicable to Hither Hills Alternative Only			
Department of Code Enforcement	Site plan and special use permit for substation (for Hither Hills Alternative with LIRR)	Village of East Hampton Code Chapter 278	Pre-empted by PSL §130
Department of Public Works	Excavation Permit Application (for Hither Hills Alternative with LIRR)	Village of East Hampton Code Chapter 250	Pre-empted by PSL §130
NYS OPRHP (Parks)	Construction Permit (for Hither Hills)	Parks, Recreation and Historic Preservation Law §3.09	Similar timeframe as COP
NYSDEC	Coastal Erosion Management Permit (for Hither Hills)	Article 70 - 6 NYCRR Part 505 Coastal Erosion Management Regulations	Pre-empted by PSL §130