



Charter for the New York State Offshore Wind Environmental Technical
Working Group (E-TWG):
A Stakeholder Engagement and Advisory Process to Advance the
Environmentally Responsible Development of Offshore Wind Energy

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Produced by:

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Contents

Glossary.....	4
Introduction	5
Mission and Scope	5
Organizational Framework	6
E-TWG Operations	9
Ground Rules for E-TWG Meetings.....	13
Guiding Principles for the E-TWG	13
Literature Cited	15

Glossary

Term/Acronym	Name
BMP	Best Management Practice
BOEM	Bureau of Ocean Energy Management
BRI	Biodiversity Research Institute
Charge	The scope of work defined for each Specialist Committee, including the intended goal and final product of the group, any desired communications or outreach efforts, and the degree of interaction or communication expected between the SC and the E-TWG during product development
Consensus	Within the context of E-TWG decision making, group consensus means that group members confirm support for, or can live with, an action or recommendation of the group
E-TWG	Environmental Technical Working Group
eNGO	Environmental Non-governmental Organization
F-TWG	Fisheries Technical Working Group
Guidance	Findings and recommendations produced by the E-TWG that are used to inform NY State decisions about offshore wind-related activities
MA CZM	Massachusetts Department of Coastal Zone Management
Meeting summary	Written summary of discussions from each E-TWG meeting that describes areas of agreement and the range of perspectives/comments communicated during discussions
NGO	Non-governmental Organizations
NJ DEP	New Jersey Department of Environmental Protection
NOAA	National Oceanic and Atmospheric Administration
NYS	New York State
NYSDEC	New York State Department of Environmental Conservation
NYSDOS	New York State Department of State
NYSDPS	New York State Department of Public Service
NYSERDA	New York State Energy Research and Development Authority
OWMP	New York Offshore Wind Master Plan
RI CRMC	Rhode Island Coastal Resources Management Council
SC	Specialist Committee
SME	Subject Matter Expert
Stakeholder	Party interested in environmental issues related to offshore wind energy development. Includes members of the public, as well as regulators, subject matter experts, and other informed stakeholders with relevant expertise
TWG	Technical Working Group
USFWS	U.S. Fish and Wildlife Service

Introduction

As part of New York State's efforts to responsibly develop offshore wind energy, the New York State Energy Research and Development Authority (NYSERDA) convened the Environmental Technical Working Group (E-TWG) to provide input to the state on environmental topics and advance common understanding among offshore wind stakeholders. This is one of several Technical Working Groups (TWGs) called for in the New York Offshore Wind Master Plan, or OWMP; other TWGs include Jobs and Supply Chain, Maritime, and Commercial and Recreational Fisheries (NYSERDA 2018).

The framework for the E-TWG and related activities was informed by stakeholder input received during development of the OWMP (NYSERDA 2018), as well as informal stakeholder interviews conducted by NYSEDA and the Biodiversity Research Institute (BRI; Williams et al. 2018). In addition to the E-TWG, Specialist Committees (SCs) and public workshops inform the State of New York regarding the environmentally responsible development of the State's offshore wind energy resources.

This charter defines the E-TWG mission and scope, framework and organizational structure, operational processes, and guiding principles. This charter document has been reviewed and accepted by the E-TWG, and will be updated periodically as needed. As such, it should be regarded as a "living" document rather than a static description of the E-TWG and its activities.

Mission and Scope

The E-TWG shall assist the State to improve our understanding of, and ability to manage for, potential effects of offshore wind energy development on wildlife. This will involve the development of transparent, collaborative processes for identifying and addressing priority issues relating to wildlife monitoring and mitigation, with the goals of both improving outcomes for wildlife and reducing permitting risk and uncertainty for developers. E-TWG activities will be largely comprised of advising and reviewing activities and products developed by Specialist Committees, who will advance technical work supporting this mission.

To achieve these objectives, the E-TWG is expected to advance topics identified in the New York Offshore Wind Master Plan (NYSERDA 2018) and by the E-TWG itself. The Master Plan mentions several specific areas that the Working Group could address:

- (1) Developing Best Management Practices (BMPs) for wildlife monitoring and mitigation at offshore wind energy projects. These BMPs would build off of existing knowledge and BMPs for offshore wind or other relevant industries, and focus on the species and habitats relevant to offshore wind energy development in the New York region.
- (2) Helping the state identify additional research needs, and support coordination of research activities between stakeholder groups.
- (3) Encouraging coordination and dialogue among regional planning bodies, state and federal managers, scientists, and other stakeholders in the development of offshore wind-specific adaptive management plans.
- (4) Recommending a framework for the funding and administration of an environmental conservation fund, to be paid into by developers, that contributes to regionally prioritized research, technology development, and conservation efforts.

In line with this guidance, the E-TWG has a broad scope of possible topics on which to focus efforts. Topics will be prioritized by NYSERDA, in consultation with the E-TWG.

Mission Statements

The E-TWG serves as a long-term advisory body to the State of New York, providing advice and guidance to help steer the State's efforts to advance offshore wind development in environmentally responsible ways.

Under the direction of New York State and the E-TWG, topically-focused Specialist Committees bring together science-based subject matter expertise to develop collaborative guidelines or other products that inform or advance the environmentally responsible development of offshore wind.

Scope

The geographic region of interest for the E-TWG includes areas from Massachusetts to North Carolina. This matches the geographic range of New York State's existing grid connections within the United States (NYS DPS and Ecology and Environment, Inc. 2018).

Within the E-TWG's mission (defined above), the E-TWG's work is focused on the biological and physical environment in relation to offshore wind energy development. This scope includes land-based issues around cable landfall as well as marine ecosystems, and potential positive as well as negative impacts of development. Viewshed considerations and archaeological and fisheries issues are outside this group's purview, though topics relating to fish populations, fish biology, and fish habitat are within the group's scope and may be addressed independently of, or jointly with, the New York State Fisheries Technical Working Group.

Organizational Framework

NYSERDA's approach in bringing together a team of offshore wind energy developers, technical eNGOs, government agencies, and other subject matter experts incorporates three major categories of stakeholder engagement (Figure 1):

- **Environmental Technical Working Group (E-TWG):** The E-TWG is convened by NYSERDA and provides advice and guidance to help steer the State's efforts to advance offshore wind development in environmentally responsible ways. The E-TWG advises the State about convening Specialist Committees, and provides guidance to NYSERDA to help identify session topics and speakers for "State of the Science" workshops to improve coordination and information dissemination to the broader stakeholder community.
- **Specialist Committees (SCs):** With advice and support from the E-TWG, the State of New York convenes Specialist Committees comprised of stakeholders with specific technical expertise. The Committees develop collaborative, science-based products focused on priority issues, which are presented to the State of New York and the E-TWG, who provide review and comment.
- **State of the Science Workshops:** With advice from the E-TWG, the State of New York plans and convenes annual or biennial State of the Science workshops for the broader stakeholder community. These workshops inform stakeholders about New York State's progress, and provide a forum to review and discuss science areas that the E-TWG and Specialist Committees are advancing.

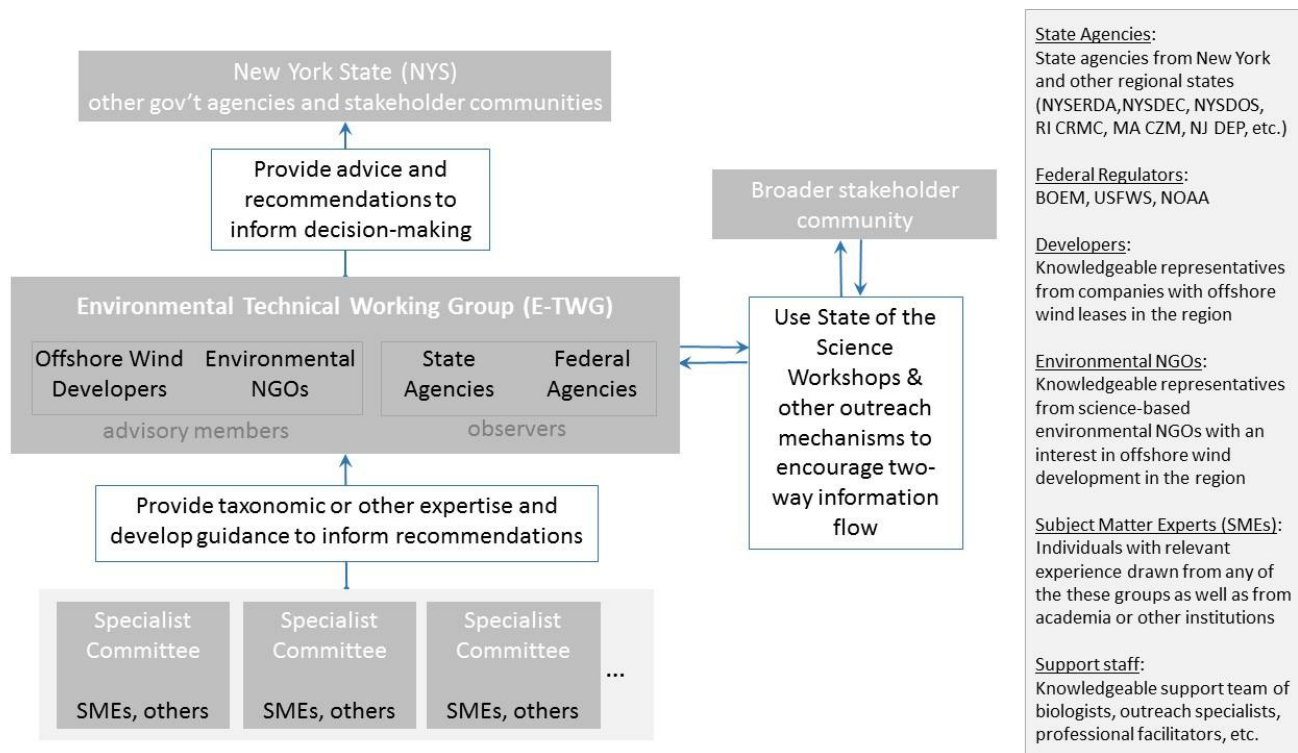


Figure 1. Information flow between stakeholder groups.

Environmental-Technical Working Group (E-TWG)

The E-TWG is intended to be highly collaborative and science-focused. Led by NYSERDA, the group includes:

- Advisory members, including a single point person from offshore wind energy developers, technical eNGO organizations with wildlife and offshore wind expertise, and a nonpartisan NGO with a shared perspective. Numbers of advisory members are balanced between developer and eNGO members; the original formulation of the E-TWG included five advisory members representing offshore wind developers, five representing science-focused eNGOs, and one nonpartisan NGO (Table 1).
- Observer members from state and federal agencies, who provide their expertise and technical input to the group, coordinate with ongoing regulatory processes as appropriate, and ensure transparency. Observer members report information from group discussions back to their respective organizations, but are not directly involved in making recommendations to the State.

Criteria for E-TWG member selection include geographic relevance, technical expertise, balanced participation among developer and eNGO advisory members, and transparency and engagement among observer members. Members of the group are at a high enough level within their respective organizations to be able to speak confidently for their constituents during meetings, and have technical expertise related to the subject matter of E-TWG activities.

NYSERDA and the E-TWG will decide when and whether to add new representatives to the E-TWG, based on the above criteria, and how best to maintain balance and a reasonable group size. All developers with geographically relevant leases, as well as representatives of state agency staff from all states within the geographic scope of the E-TWG, will be invited to participate.

Table 1. Composition of the Environmental Technical Working Group, chaired by NYSERDA (as of June 2018)

Role in E-TWG	Stakeholder Type	# of seats	Specifics
Advisory member	Developer	5	Representatives from companies with geographically relevant lease holdings for the State of New York
Advisory member	eNGO	5	Representatives from organizations with a strong scientific grounding and involvement in a range of wildlife and offshore wind issues
Advisory member	Nonpartisan NGO	1	Representative from a NGO that includes both developers and eNGOs as members
Observer	State agencies	5 or more	Representatives from NYSERDA, NYSDEC, NYSDOS, and agencies in other regional states
Observer	Federal agencies	3 or more	Representatives from BOEM, U.S. Fish and Wildlife Service (USFWS), and National Oceanic and Atmospheric Administration (NOAA)

Specialist Committees (SCs)

With direction from the E-TWG and the State, topically-focused SCs bring together science-based subject matter expertise to develop products and recommendations that inform or advance the environmentally responsible development of offshore wind. SCs may include non-E-TWG members as well as Subject Matter Experts (SMEs) from a range of backgrounds, as appropriate for each committee's charge (e.g., from eNGOs, developers or consultants, regulatory agencies, academia, or other groups). The SCs will advance work as defined in charges, work plans, and other direction provided by the State of New York and the E-TWG, and informed through State of the Science workshop discussions. Committee products will be reviewed by the E-TWG, which will provide feedback to inform collective decision making by the State.

The State of New York, in consultation with the E-TWG, will develop and apply criteria for the selection of committee topics. NYSERDA will continue to consider E-TWG input during development of additional operational processes, including timelines, criteria for committee member selection, and structures for SC products and reporting.

State of the Science Workshops

A State of the Science Workshop provides opportunities for highly collaborative conversations among stakeholders and could be instrumental in (a) ensuring that stakeholders are aware of past efforts, and (b) that they can make informed recommendations to the E-TWG and SCs about future work. Holding such a workshop on a regular (such as biennial) basis will help maintain cohesion within the stakeholder community and foster communication about study results and ongoing efforts.

The State of the Science Workshop has three interrelated goals:

- **Regional coordination** of research studies, guidelines development, and other efforts along the eastern seaboard (Massachusetts to North Carolina)

- **Expert information exchange and discussion** to promote collaboration and inform E-TWG and Specialist Committee activities.
- **Public engagement and education** about ongoing efforts to understand, minimize, and mitigate environmental impacts from offshore wind energy development.

Within these broader goals, specific objectives for the E-TWG include:

- Establish a baseline for future discussions by familiarizing attendees with the current state of the science with regard to offshore wind energy development’s impacts on wildlife
- Engage the broader stakeholder community in E-TWG activities
- Identify and discuss prioritization of topics and key data gaps, providing a forum for expert information exchange and discussion to inform E-TWG and Specialist Committee activities
- Inform NYSERDA and the E-TWG about potential subject matter experts to serve on SCs

NYSERDA is the initial workshop host, with input from the E-TWG to identify create the desired opportunities for communications and engagement with interested stakeholders. Future State of the Science Workshops could be hosted by other organizations in collaboration with NYSERDA, if desired.

E-TWG Operations

E-TWG Activities and Time Commitment

E-TWG members will review agendas, meeting summaries, and other documents for the E-TWG; advise New York State on priority topics and information needs; identify candidates with technical expertise to serve on Specialist Committees, and help direct SC efforts; review the products developed by the SCs, and provide the State with recommendations and feedback; and disseminate information about E-TWG efforts and accomplishments to other stakeholders (Figure 2). Yearly responsibilities of E-TWG members include attendance at up to four in-person E-TWG meetings and one workshop, participation in up to four conference calls, and review of E-TWG and committee documents. E-TWG members may also be asked to be involved with a periodic self-assessment of E-TWG operations.

Convening Specialist Committees

The E-TWG will follow several steps prior to the state’s convening of a committee:

- Prioritize topics for SCs: The E-TWG discusses potential topics for SCs and makes a topic recommendation to NYSERDA.
- Define the committee’s charge: The E-TWG recommends a specific charge and scope for each SC, including the intended goal and final product, any desired communications or outreach efforts, and the degree of interaction or communication expected between the SC and the E-TWG during product development.
- Avoid duplication: The E-TWG and support staff review existing information on the proposed topic to ensure that a new SC builds off of existing knowledge.
- Coordinate with other Technical Working Groups (TWGs): Communicate the potential topic to other TWGs formed by New York State and identify coordination strategies as needed.
- Identify potential committee members: The E-TWG suggests SMEs with relevant expertise.

Following receipt of E-TWG input, the State will assess budgetary constraints and how well the identified priority fits the selection criteria, and either move forward with convening the SC, make adjustments to

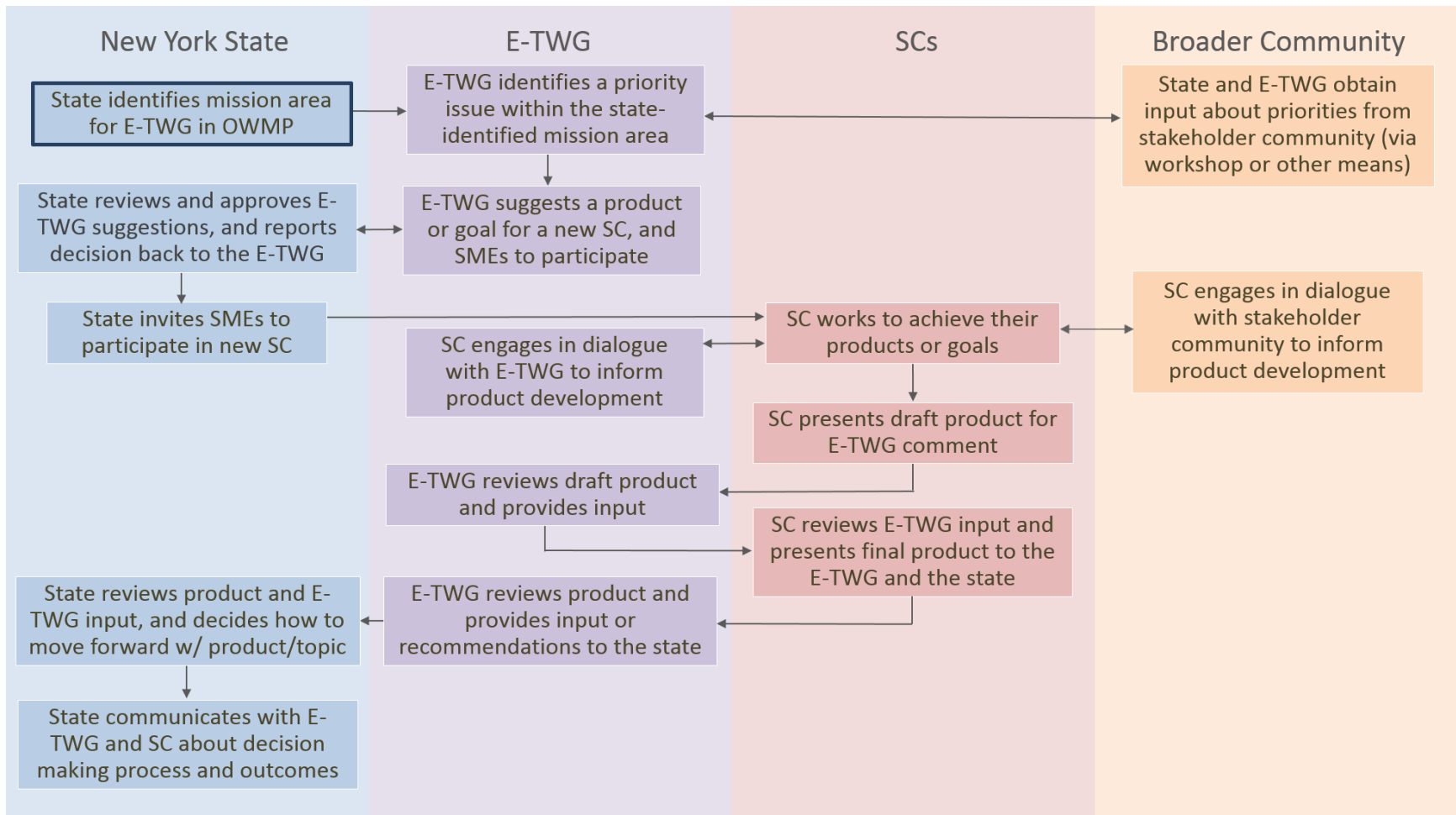


Figure 2. Generalized process diagram for E-TWG activities in relation to the State of New York, Specialist Committees, and the broader stakeholder community. The exact process flow may vary depending on the specific priority topic of focus.

the scope of the SC, or decide not to convene the SC at that time. If the E-TWG's recommendations are not followed, the State will clearly explain the reasoning to E-TWG members.

E-TWG Review of SC Products and Communication of Input to the State

After a Specialist Committee develops a report or other product, the E-TWG reviews the product and provides input on it to the State of New York. Sufficient time will be set aside in E-TWG meetings to go through reports in detail. The review process will also leverage online tools to share and review documents in advance of meetings.

The E-TWG will strive for consensus on SC products. If consensus is not possible, disagreements will be clearly captured in meeting summaries, and other products as defined by the E-TWG. Everyone who contributes to the process will be named as participating, and disagreement, if it occurs, will be respectful.

Each SC's charge will define the format for E-TWG review and response to the committee's product(s). At minimum, E-TWG input will be communicated via in-person E-TWG discussions and written summaries of those meetings. Representatives from NYSERDA, the New York Department of Environmental Conservation (NYSDEC), and the Department of State (NYSDOS) will listen to E-TWG conversations and bring those findings back to their respective departments to inform internal state discussions, and meeting summaries will describe areas of agreement and the range of perspectives/comments communicated during discussions at each meeting. The E-TWG could also choose to communicate their input via some other format, such as an editorial to accompany an SC report, so long as the editorial brings value to the accompanying reports (for example, by expressing multiple perspectives and the diversity of opinions on the report topics or findings).

State Use of E-TWG Input in Decision Making

NYSERDA and other state agencies will represent the State of New York in providing the E-TWG with oversight and direction, and will use E-TWG input in state decision making. NYSERDA will be as responsive as possible to E-TWG input. Implementation of E-TWG suggestions will depend on the issue, the nature of E-TWG guidance, and the level of control NYSERDA has over that particular topic or decision point. State agency responses to E-TWG and Specialist Committee products could include acceptance of recommendations, or requests for alternative suggestions or further input. Regardless of outcome, NYSERDA will report back to the E-TWG at in-person meetings regarding how their input was used in decision making and, if possible, why those decisions were made.

Coordination with Other Technical Working Groups

The E-TWG will coordinate activities as needed with the other Technical Working Groups formed by New York. The form that this coordination takes will depend on the membership and structure of the other groups and their potential for topical overlap with the E-TWG, but could include email updates, joint meetings, the development of joint Specialist Committees, or other approaches as suggested by NYSERDA and the E-TWG. As part of the process to develop each Specialist Committee, the SC's intended focus will be communicated to the leads of the other Technical Working Groups so that coordination approaches can be defined as needed.

Communications and Outreach

Transparency is important for the E-TWG process, and finalized meeting summaries and other E-TWG review products such as editorials will be made publicly available on the project website. The E-TWG

shall have a Communications and Outreach Plan that further defines how the group will (a) communicate their efforts to the broader stakeholder community, and (b) obtain input from the community on E-TWG efforts and priorities. This Plan will be reviewed and accepted by the E-TWG, with periodic revisions as needed.

Internal communications

Internal communications include how E-TWG and SC participants engage with one another and how support staff facilitate those communications. Most communications between support staff, E-TWG, and SC members shall occur via email. Support staff will use Gmail distribution lists for internal E-TWG, SC, and workshop communications. Group members will be provided with email/phone contact information for other members of their groups to facilitate communications. E-TWG meetings shall occur in person, but a conference line/webinar or video conferencing capability will be made available to E-TWG members and observers who cannot attend in person. Each SC will define its own meetings and communications strategy, including number of meetings held per year and in their use of remote participation vs. in-person interactions, with input from the E-TWG and the State. The type and degree of coordination between the E-TWG and each Specialist Committee will be defined as part of the committee's charge.

A summary report shall be produced following each meeting, which synthesizes meeting outcomes for a public audience as well as for group members. The report will include a summary of the meeting agenda, discussions and outcomes, and planned next steps. E-TWG summary reports shall be generated by support staff; SC summary reports may be written by support staff or by SC members themselves, depending on the structure of each SC. Draft reports will be circulated to the E-TWG/SC for review to ensure accuracy. Meeting summaries, as well as agendas and other information about the E-TWG, SCs, and State of the Science meeting, will be posted to the E-TWG webpage.

External communications and handling of E-TWG materials

Draft E-TWG materials, including but not limited to draft meeting agendas, meeting summaries, E-TWG reports, SC charges, and SC reports and other draft products, are to be considered confidential until such time as they are finalized and made public via posting on the E-TWG webpage.

If E-TWG members are approached by members of the media or other stakeholders about internal E-TWG discussions or draft products, they are encouraged to redirect questions to NYSERDA.

NYSERDA Facilitation and Support of E-TWG Operations

Members of the E-TWG do not receive financial compensation from the State of New York, with the potential exception of limited travel reimbursements to attend meetings. However, NYSERDA supports the E-TWG in the following ways:

- Financial support for hired support staff, meeting costs, and subcontracts for SC activities as needed
- Technical support: hired support staff will provide expertise to the E-TWG and SCs and carry out activities as directed by NYSERDA, the E-TWG, and SCs
- Logistics support, including coordination and management of the E-TWG and SCs, and meeting facilitation services as needed
- Support for communications and outreach activities, as defined in the Communications and Outreach Plan

E-TWG support staff will draft meeting minutes, editorials, and other products for E-TWG review. The E-TWG will review and comment on these products for accuracy. As the convener, NYSERDA will oversee the process.

Ground Rules for E-TWG Meetings

Ground rules for E-TWG meetings, enforced by a facilitator, can provide mechanisms for managing challenging discussions. Ground rules may be tailored to individual meetings as needed; the facilitator will present ground rules and seek consent or modifications at the onset of each meeting. Template ground rules include:

- Honor the agenda
- Participants should be willing to interact openly, honestly, and respectfully with all other members
- Focus comments and speak concisely
- Speak in order; facilitator will mind the queue
- Limit side conversations or take them outside
- Cell phones off/silent
- No attribution – meeting summaries will not identify the affiliation of a speaker unless required for context, and with approval from the speaker

Guiding Principles for the E-TWG

The work of the E-TWG shall be:

Predicated on New York’s commitment to pursuing environmentally responsible offshore renewable energy development. The inclusion of a wide range of stakeholders on the E-TWG and committees shall encourage the development of effective, economically viable approaches to understand, avoid, and minimize environmental impacts from development activities. The E-TWG’s scope shall include consideration of positive environmental impacts of offshore wind as well as negative impacts.

Focused on environmental priorities identified in the Offshore Wind Master Plan and defined in collaboration with the State of New York. This may include a focus on a wide range of wildlife taxa and development phases, at a variety of geographic and/or temporal scales, but excludes topic areas to be addressed by other Technical Working Groups for the state.

Collaborative and coordinated with other efforts related to the environmental effects of offshore wind energy development. This includes coordination with the Bureau of Ocean Energy Management, U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration, and other states, with two purposes: (1) to avoid duplication of efforts or the production of conflicting guidelines, and (2) to support or complement research or guideline development processes by these other entities.

Flexible and responsive to change. Development of standards, guidelines, and other products shall be an iterative process. At the time of publication of each product, a specific timeline shall be defined to review said product and assess the need for updates. If the best available science and technology changes, guidelines shall be adjusted accordingly.

Applied only to projects on a relevant timeline. Products and recommendations shall not be retroactively applied to projects that have already been permitted. Standards, guidelines, or other products developed by the E-TWG and Specialist Committees, or revisions to those products, shall not be retroactively applied to projects that have already moved beyond the development phase to which these products are applicable.

Inclusive of diverse scientific and technical expertise. The E-TWG shall include a single point person from key developer and technical eNGOs as advisors to the State, and state and federal regulatory agencies, as observers. The E-TWG shall maintain representation from an equal number of developer and eNGO organizations. Nonpartisan groups that include both developers and eNGOs as members may be included in the E-TWG without requiring a counterpoint. Members of the group should have relevant expertise and be at a high enough level within their respective organizations to be able to speak confidently for their constituents during meetings. The E-TWG, including both advisory members and observers, shall nominate candidates for Specialist Committees; suggestions for nominees shall also be solicited from the broader stakeholder community. Candidates for SCs may come from any type of institution.

Transparent. The operation of the E-TWG shall be designed to identify areas of common ground between stakeholder groups, as well as identify gaps in knowledge that still need to be filled. Transparency and trust are essential to this process, and New York State and the E-TWG shall encourage as much process-related and decision-making transparency as possible, in order to foster the broader community's trust in outcomes. If necessary to preserve frank and productive discussions on sensitive topics, the E-TWG may request closed sessions (e.g., ask observers to step out of meetings), but this will be considered a last resort.

Likewise, in order to support E-TWG member engagement, there shall be clarity in decision-making roles and responsibilities, as well as in how products and recommendations will be communicated and applied. If E-TWG members or other stakeholders feel there is uncertainty in these areas, this concern shall be brought to NYSERDA, E-TWG support staff, or the E-TWG Facilitator, and discussed among E-TWG members to address the concern.

Aimed at a broad audience. To advance the Offshore Wind Master Plan's objectives for coordination, the audience for E-TWG products shall include not only New York State agencies, but also other states, BOEM and other federal agencies, and other stakeholders. When feasible, E-TWG and SC products will also be made accessible to members of the general public via a range of outreach and communications strategies (as defined in the E-TWG Communications and Outreach Plan).

Focused on a range of geographic and temporal scales, as appropriate. Within the E-TWG's geographic scope of interest, the group shall consider priority topics at a range of spatial scales, including regional and multi-state efforts. In addition to immediate or short-term needs identified within the E-TWG's topical scope, the groups shall also consider longer-term needs and priorities.

Guided by the mitigation hierarchy. As defined by the Council on Environmental Quality (2005), "mitigation" of environmental impacts includes avoiding impacts altogether when possible; minimizing impacts that cannot be avoided; rectifying and reducing impacts over time by restoring the affected environment; and compensating for remaining impacts. E-TWG priorities and feedback to the State of New York will be informed by this mitigation hierarchy, in which it is important to first avoid impacts,

then minimize and mitigate impacts where possible, and consider compensatory mitigation options only when and where impacts from offshore wind are unavoidable.

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