

**New York Environmental Technical Working Group (E-TWG)
Meeting Summary – 25 June 2019**

	<u>Name</u>	<u>Date</u>
Prepared by	Julia Gulka, Biodiversity Research Institute	6/28/2019
	Kate Williams, Biodiversity Research Institute	7/8/2019
Revised by	Kate McClellan Press, NYSERDA	7/15/2019
	Bennett Brooks, Consensus Building Institute	7/15/2019

Disclaimer: While all efforts were made to accurately represent E-TWG discussions, the views expressed in this summary may not represent the views of all E-TWG members.

Background

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 topics¹. The fourth meeting of the E-TWG was held on 25 June, 2019, in New York City. Fourteen E-TWG members attended this meeting in person and three participated remotely via webex/conference call (Appendix A). A staff person from the New York Department of Public Service was also present to observe and participate in discussions about the development of best management practices (BMPs) and the New York procurement process.

This meeting summary is intended to capture the key points of discussion and input from the E-TWG, as well as action items identified during the meeting. This summary is loosely organized according to the structure of the meeting agenda (Appendix B). Specific comments are organized by topical relevance, not necessarily the part of the agenda in which the comments were made. Opinions are not attributed to specific E-TWG members unless there is a clear reason to do so. For topics where there were differences of opinion among E-TWG members, this summary identifies areas of agreement as well as the different perspectives offered during meeting discussions.

Action Items

The following action items to advance E-TWG objectives were identified during the meeting:

- Support staff will continue **planning the 2020 State of the Science Workshop**, including reaching out to those interested in participating on the planning committee and to potential collaborators suggested during discussions.
- NYSERDA and E-TWG support staff will develop a **timeline/work plan for the E-TWG** to inform communications and outreach activities, E-TWG goals, and provide a mechanism for evaluating progress.
- Support staff will pursue a **website redesign and finalize the Communications and Outreach Plan**.
- NYSERDA will develop **technical webinars** based on topics suggested by the E-TWG, the first of which will be focused on foundation types. Members should reach out to NYSERDA with additional topics of interest.
- Support staff and NYSERDA will work with BMP Specialist Committees to **develop committee workplans** that incorporate E-TWG recommendations around in-person meetings, discussion structure, goals, and additional products.
- Both the bird/bat and marine mammal/sea turtle BMP committees will work towards an initial goal of finalizing **"Version 1.0" of the summary documents** by year end.

Welcome & Introductions

Kate McClellan Press (NYSERDA) opened the meeting. E-TWG members and support staff introduced themselves and spoke briefly about their organizations and roles. Several changes to E-TWG membership were noted, including:

- A new representative on the E-TWG from the Bureau of Ocean Energy Management.
- A new state agency, the Connecticut Department of Energy and Environmental Protection, joined the E-TWG in an observer/technical support role.

¹ For meeting agendas, summaries, and presentations, see: <http://www.briloon.org/offshorewindny>

Updates

NYSERDA Updates

Greg Lampman and Kate McClellan Press (NYSERDA) discussed a range of New York and NYSERDA-related updates, including:

- The New York Phase 1 Procurement (OREC RFP18-1²) announcement is expected in the near future. There will likely be post-announcement meetings/briefings for stakeholders to gain additional information. Once public, NYSERDA will also begin work with the E-TWG on environmental mitigation plans (EMPs) for selected projects; NYSERDA is currently working to standardize the format of EMPs to aid these processes.
- The Climate Leadership and Community Protection Act passed in New York, codifying into law a 9,000 MW offshore wind goal by 2035. This goal will contribute approximately 40% to the overall state goal of 70% renewable energy by 2035. The law requires each state agency to form working groups to map a pathway forward through the master planning process.
- The NYSERDA PON for Environmental and Fisheries Research for Offshore Wind Energy Development³ was focused on five topics: ecosystem dynamics, commercial fishing access, approaches for offshore wind pre- and post-construction monitoring, leveraging non-traditional data, and modeling the effects of offshore wind development on cold pool stratification. NYSERDA is currently in the internal review process and anticipates contracting selected projects by the end of the summer.
- Kate McClellan Press (NYSERDA) thanked members for feedback on the Dynamic Oceans report. Feedback was used to make significant changes to the structure and content of the draft report, including reducing the report focus on different human impacts and expanding discussion of solutions for conflict, including ongoing New York State efforts. The report is now in the final stages of editing, with production later this summer.

State of the Science Workshop

Kate Williams (BRI) provided an update on the second State of the Science Workshop on Wildlife and Offshore Wind Energy Development, tentatively planned for April 2020. The workshop planning committee will meet on July 1. If additional E-TWG members or their organizations are interested in participating, members should contact support staff.

Proposed structure- The workshop will be focused on cumulative impacts, which was identified as an important topic at the last E-TWG meeting in February⁴. The proposed meeting structure includes one day of plenary sessions on cumulative impacts, and a second day of smaller workshops to produce end products for specific topics. Topics for the Day Two workshops could include nanotag protocols for studying birds and bats, development of other monitoring protocols, best management practices, and cumulative impact assessments as part of the NEPA process.

Discussion

- There was general agreement that a structure with both plenaries and workshops is a good approach; it was suggested that a third day could be considered if necessary.
- Cohesion between the topics of the first and second meeting days is important. The first day of plenaries could be used to set up and inform discussions on the second day to ensure that

² <https://portal.nyserdera.ny.gov/servlet/servlet.FileDownload?file=00Pt000000Cps3NEAR>

³ <https://portal.nyserdera.ny.gov/servlet/servlet.FileDownload?file=00Pt000000EBMVxEAP>

⁴ http://www.briloon.org/uploads/BRI_Documents/Wildlife_and_Renewable_Energy/NYSERDA%20E-TWG/E-TWG%20meeting%20summary%202019%20Feb%2012%20-%20final.pdf

working groups are thinking about the bigger picture. As such, workshops on Day 2 could be focused around cumulative impacts, and could be split up by taxonomic group.

- If workshop topics are all focused around cumulative impacts, there would be value in bringing the whole group back together for discussion at the end of the meeting about synergies and outcomes moving forward.
- Workshops must be structured and have well-defined, achievable expectations for outcomes to ensure that they contribute to real action moving forward.
- E-TWG members can provide guidance and suggestions if gaps are identified throughout the planning process, particularly for identifying speakers. Support staff will share the agenda with the E-TWG once it has been further developed for an opportunity to provide feedback.
- We should ensure that in the discussion of cumulative impacts, we discuss positive impacts as well as negative.
- Branding- there was discussion around whether to continue with the “State of the Science” name even if workshop topics were more specific, and there was general agreement that the term should continue to be used to build this as a series of workshops over time, with the potential inclusion of a colon with topic description (e.g., “The State of the Science on Wildlife and Offshore Wind Energy Development: Understanding Cumulative Impacts”).

Attendance- At the last State of the Science Workshop, daytime attendance required prior registration and there was a poster session open to the public on the first evening. Support staff looked to the E-TWG as to whether to take the same approach for the day of plenaries, the day of workshops, or both.

Discussion

- There was general agreement that the first day of plenaries should be open to the public.
- The workshops could either be by invitation only or by prior approval by each workshop coordinator. By attending the first day of plenaries, there may be people that would then be equipped to contribute to the conversation that perhaps wouldn't be included in targeted invitations, and there is potential benefit to these other perspectives. It is also important to ensure that the right people are present at each workshop to drive progress on issues; this, in combination with logistical constraints imposed by the venue, could determine our approach.
- The restrictions on attendance should mirror the goals of the workshop (i.e. public engagement versus progress on topics). To a degree, this will also dictate the content of the first day plenaries. The level of detail in content provided to the public versus informed stakeholders may be different.
- Location is an important consideration for attendance. An enticing venue can help in getting broader public engagement if this is deemed a goal of the workshop. The meeting should remain relatively near the coast, rather than being held upstate.
- Outputs such as the workshop report will be made public regardless of attendance restrictions.

Collaboration Opportunities- E-TWG members recognized that there may be opportunities for collaboration in the planning and execution of the workshop.

Discussion

- Support staff should reach out to the Department of Energy (DOE) about participation in the planning committee as well as further opportunities for collaboration. Another resource to engage with is the Mid-Atlantic Committee on the Ocean (MACO).
- If fish will be included as a topic of discussion at the workshop, as it was at the first workshop, we may want to partner with the Fisheries Technical Working Group (F-TWG) and the Responsible Offshore Science Alliance (ROSA) for discussions around fish.

- NYSERDA will follow up with the F-TWG.
- Cumulative impacts should also be discussed in the context of NEPA, and as such, we want to ensure that the Bureau of Ocean Energy Management (BOEM), National Oceanic and Atmospheric Administration (NOAA), U.S. Fish and Wildlife Service (USFWS), the Environmental Protection Agency (EPA), and the Council of Environmental Quality (CEQ) are all engaged in the workshop as well.

Updates on the MMP Tool

Kate Williams (BRI) thanked E-TWG members for comments on the draft MMP tool. The Tool will remain online and NYSERDA is considering annual updates with new citations to ensure that the Tool remains relevant over time. Updates to be implemented by Ecology & Environment, Inc. in the next 3-6 months include the following:

- Fix a bug in sorting tool which excluded some of the results (complete)
- Allow for the ability to click on full citations
- Consolidate similar MMPs to provide consistency across resource groups
- Expand query results table to eliminate scrolling, or have results pop up in a separate box
- Add details on relevant species and MMP implementation
- Make the glossary more accessible
- Add date of last Tool update to website, and add a header to exported results with download date

Support staff sought input on the value of two additional potential updates: providing information on whether a given practice is a regulatory requirement, and the addition of a column describing the role of a particular MMP in the mitigation hierarchy.

Discussion

- It would be difficult to add information on whether MMPs are regulatory requirements, and would not add much value.
 - There are a lot of practices that are guidance documents rather than included in the code of federal regulations (CFR)—that is, aspects may not be codified but could still be standard practice. As such, this may be difficult to implement in the Tool—and may also give the impression that there is little regulation, which isn't necessarily true.
 - Developers already understand what regulatory requirements are. But perhaps this would add value other types of users.
 - The Tool includes MMPs that are not just for the offshore wind industry, which would complicate the assessment of whether something is a regulatory requirement.
- There would not be any harm in the addition of a column describing the role of a particular MMP in the mitigation hierarchy, but the added functionality is probably not worth the time and effort. Instead, particular MMPs could use terms like “avoid” and “mitigate” in the wording to allow for term searches.

R&D Consortium Letter

Kate McClellan Press (NYSERDA) provided an update on the letter that the E-TWG submitted to the NYSERDA R&D Consortium⁵ following the last E-TWG meeting. The R&D Consortium brought the letter to internal discussions on April 11, and that was the last update received. Since then, they have released

⁵ <https://www.nyserdera.ny.gov/All-Programs/Programs/Offshore-Wind/Economic-Opportunities/RD>

a research solicitation⁶ for the first three consortium pillars, and it does not appear that technology for wildlife has been included in the solicitation. Support staff will keep track of activities moving forward.

E-TWG Communications and Outreach Plan

Kate Williams (BRI) presented the draft Communications and Outreach (C&O) Plan for the E-TWG, which identifies target audiences and mechanisms of communication and information dissemination about E-TWG related activities.

Discussion

- There is a need to separate the E-TWG website from the existing BRI website. Support staff are examining options for website hosting moving forward, and it is anticipated that the layout of the new E-TWG website will more closely mirror the F-TWG website⁷.
- A timeline/workplan for the E-TWG with short- and longer-term objectives would allow for the development of a timeline for communication planning, and would also allow the E-TWG to assess progress towards reaching its goals. NYSERDA and support staff will work to develop this type of a workplan/timeline to be shared with the E-TWG for feedback, which can in turn help inform the next round of master planning by NYSERDA.
- There are benefits to collaboration with the F-TWG. We should share meeting agendas across groups, and keep the F-TWG in mind throughout discussions, particularly around best management practices (BMPs), to identify opportunities for engagement and collaboration.
- NYSERDA currently holds quarterly webinars to provide updates on offshore wind-related topics. Based on feedback from E-TWG members, this will be expanded to also include targeted webinars around particular topics, including foundation types and noise reduction technologies. These will be put together on an as-needed basis rather than regularly scheduled, and while open to the public, there may be additional Q&A time for TWG members following the webinars. In addition, there may be a broader seminar series more focused on educating the general public.
 - These technical webinars should occur on a timescale that would be beneficial to other ongoing processes, particularly BMP development through the Specialist Committees.

Other Updates

- **BOEM** – BOEM has made several recent announcements, including 1) a regionally focused strategy for future leasing, which includes an expected announcement of WEAs in the NY Bight sometime in 2019, and 2) a ‘Request for Competitive Interest’ for the development of the New York and New Jersey Wind Energy Transmission Line⁸ following a right-of-way grant application from Anbaric Development Partners, LLC. Comments on the latter are due to BOEM on July 19th. In addition to comment on the project, BOEM also is asking for input on developing a broader strategic approach to offshore transmission.
 - There is an ongoing study led by the New York Power Authority to examine different transmission interconnection models currently used for offshore wind in Europe⁹. The report should be released shortly.

⁶ https://portal.nyserdera.ny.gov/CORE_Solicitation_Detail_Page?SolicitationId=a0rt000000beASkAAM

⁷ <https://nyfisheriestwg.ene.com/>

⁸ <https://www.boem.gov/Regional-Proposals/>

⁹ <https://www.governor.ny.gov/news/governor-cuomo-announces-study-guide-cost-effective-offshore-wind-development-new-york-state>

- Following a question about whether BOEM plans to take a leadership role in regional transmission, BOEM staff indicated that they will report back to the E-TWG on this topic.
- *Ørsted* – Ørsted won New Jersey’s first offshore wind solicitation with the 1,100 MW Ocean Wind project¹⁰. They are interested in working together as an industry and region to leverage efforts and develop standardized approaches to mitigation moving forward.
- *Connecticut Department of Energy and Environmental Protection* –The state of Connecticut is on a fast timeline for offshore wind procurement in 2019¹¹. Written comments on the draft solicitation are due July 15, and a finalized solicitation will be released on August 15. With this quick timeline, Connecticut will look to groups like the E-TWG for guidance and opportunities for collaboration. The state’s new Commission on Environmental Standards for offshore wind procurement includes both fisheries and environmental subcommittees.
- *Shell New Energies & EDF Renewables* – Projects are continuing to move ahead and staffing up. Work is being done on power purchase agreements and site assessment planning, among other activities.
- *Wildlife Conservation Society* – Passive acoustic monitoring project (funded by the Hudson River Foundation) to collect baseline information on marine mammals, fish, and anthropogenic noise levels in Raritan Bay is running from October 2018-2020.
- *NYSERDA* – Metocean buoys will likely be deployed in the New York Bight during the first week of August, and will collect ocean data, information on tagged birds and fish, and passive acoustic monitoring data for birds and bats.

Regional Research/Funding Entity

Since the last E-TWG meeting, where the E-TWG expressed support for exploring stakeholder interest in a regional research and funding entity, Cadmus and the Consensus Building Institute (C&C) have developed 7 case studies, conducted 25 stakeholder interviews, and facilitated a workshop on May 15th, in addition to supporting the University of Delaware’s Special Initiative on Offshore Wind Workshop at Pocantico on May 31st. The May 15th workshop had about 30 stakeholders in attendance. The Pocantico workshop, though not part of the initial scope, provided an opportunity for further discussions on structure, staffing, timing, and next steps. Notes from the two workshops are available upon request from Farrah Andersen (Farrah.Andersen@cadmusgroup.com).

A major takeaway from the first workshop was that a more developed, staffed, and independent standing entity would be ideal to meet the identified needs and goals, though a looser structure may be necessary initially. At a higher level, there is broad stakeholder interest in establishing a regional science effort, there are some areas of convergence on the mission, general purposes and activities, and geographic scope, and commitment from stakeholders (voiced primarily at the Pocantico meeting) to push this idea forward in the next 6-9 months. Based on feedback to date, C&C have drafted an initial mission, geographic scope, values, and objectives for a small Coordinating Group to use as a starting point for further discussions. The short-term (first 6 months) aims are to coordinate existing parties across jurisdictions, and create and maintain a data clearing house. Goals within the next few years are to continue building the group framework and priorities; manage specific research projects; develop tools and standards to create consistency and efficiencies; manage data; and ensure transparent communication.

¹⁰ <https://www.bpu.state.nj.us/bpu/newsroom/2019/approved/20190621.html>

¹¹ https://www.ct.gov/deep/lib/deep/energy/2019.06.07_draft_osw_notice_of_scope_of_proceeding.pdf

Next Steps

- 1) Continue process development via a small Coordinating Group formed at the Pocantico meeting.
- 2) Hold regular briefings and discussions with the E-TWG, and fold ideas put forward from the E-TWG into ongoing Coordinating Group discussions.
- 3) Continue progress on existing communication efforts, likely including targeted outreach (phone calls, periodic meetings, etc.) with stakeholders to keep them apprised of and informing the evolving Coordinating Group discussions.
- 4) Host an additional stakeholder workshop to bring forward more detailed ideas for broader discussion (possibly in the fall of 2019).

Discussion

- Is this process progressing fast enough?
 - The May 15th and Pocantico workshops were key steps in making progress, and as decision-making can be difficult with a large group, the smaller coordinating group will aid in the progression of work moving forward. The aim is that by the end of the 2019, there will be a defined value proposition such that all parties know what to expect if they choose to engage with the funding entity.
 - There are tangible steps forward. In addition to the coordinating group, developers have agreed to discuss avian surveys in lease areas to work toward standardizing protocols and providing regionally consistent data. Another tangible outcome is a commitment by developers, BOEM, and states to continue collecting marine mammal data in the Massachusetts and Rhode Island WEAs. These are shorter-term joint-funded research and coordinating activities that will serve as a starting point.
- There are multiple opportunities for integration of regional funding entity efforts with E-TWG/Specialist Committee (SC) activities, including: 1) work on avian monitoring protocols, which would include a collaboration with the birds and bats BMP SC; and 2) breakout workshops at the State of the Science Workshop on cumulative impacts, which could be tasked with prioritization of research knowledge gaps that could feed into research funding entity discussions.
- It is important to coordinate with all groups that may potentially overlap in scope, such as ROSA, to ensure cross-pollination across groups to avoid redundancy/duplication of efforts. This could be done by coordination between groups a few times per year. We also want to ensure that there is no redundancy with the R&D Consortium (which isn't currently an issue, but something to consider in future efforts).

BMPs to Mitigate Impacts from Offshore Wind Energy Development – Initial Discussion

Since the last E-TWG meeting, two Specialist Committees (SCs) have been formed for the development of best management practices (BMPs) for 1) birds and bats and 2) marine mammals and sea turtles. The groups include E-TWG members and others who have been meeting regularly over the last few months to start the process of developing BMPs.

Procurement Process and BMPs

Kate McClellan Press (NYSERDA) presented on the New York State procurement process as it relates to the development of BMPs. John Garvey from the NY Department of Public Service was present to provide additional input. The Public Service Commission (PSC) authorizes NYSERDA to procure offshore wind energy, and allows for additional stipulations such as BMPs to be included in procurements. The

PSC has indicated that they will consider the inclusion of BMPs in Phase 2 solicitation requirements. Input on BMPs can be transmitted in several ways, including:

- 1) Verbal input, as NYSERDA and DPS track committee and E-TWG discussions;
- 2) A written reflection of committee discussions, produced by support staff based on SC meeting notes and group feedback, that describes major topics of discussion, suggested BMPs, and suggested legal language. This summary product will be made publicly available, without attribution of opinions to particular individuals or organizations. Reflections can be referenced in public comment to the PSC; and
- 3) A letter to the PSC during its public comment period that identifies areas of general agreement or consensus.

Kate Williams (BRI) provided background on how the term ‘BMP’ is defined in this process. For the purposes of these committees, BMPs are recommended management practices for minimizing and mitigating wildlife impacts at offshore wind facilities that 1) are generalized but can be tailored based on site-specific characteristics, 2) can include variable levels of detail, and 3) go beyond what is mandated in current regulation, recognizing that there may be overlap with existing guidelines.

Discussion

- The DPS representative suggested that consensus will go a long way towards having a BMP approved by the PSC for inclusion in the procurement, and that it is important to be cognizant that NY State has extraordinarily competitive goals to meet for offshore wind procurement.
- A large part of the discussion revolved around the advantages of developing BMPs for inclusion in the procurement. One perspective is that this approach could provide greater certainty for developers earlier in the process, such that the cost can be factored into their procurement bid. Another aspect is a balance between state and federal oversight; as the states’ main source of control is the procurement process, it may be an opportunity to guarantee a certain level of protection early in the process. However, the approach of including BMPs in procurements so early in the process, also may limit developers’ flexibility.
 - The European experience regarding BMPs and the procurement process does not provide much insight; in places like the UK, projects are already fully consented (i.e. fully permitted) at the time of procurement, so the process is purely about factors such as price and capacity.
- Flexibility in BMPs will benefit all parties – we want to ensure we have the flexibility to adapt a BMP as necessary. There are multiple means to build in this flexibility, including allowing developers to consult with NYSERDA if they would like to meet a requirement in a different way. It’s more important to focus on the mitigation hierarchy than on specific details (e.g., if you can avoid an impact, avoid it; if you can’t, minimize it; and then finally look at mitigation).
- There was discussion around the degree to which BMPs should be ambitious versus focusing on easily attainable principles. It was felt that if we aim high, it should be risk-based (e.g., focused on the most important approaches for minimizing risk). There was some concern expressed by certain E-TW members, however, that identification of ambitious BMPs early in the process (i.e. during procurement) could lead to regulators pushing for even more onerous, and potentially financially untenable, measures later in the development process.
- BOEM and NMFS should be involved in discussions to ensure that, throughout the regulatory process, what is asked of developers is feasible and the project remains viable. The aim of developing BMPs is not to make the project impossible, but rather to make the project as good as possible, avoid problems down the road, and ensure that all projects are held to the same standards.

- There may be value in a discussion around developing BMPs more broadly than for the procurement, as there may be BMPs that are better suited for other processes.

Specialist Committee Process Discussion

Kate Williams (BRI) provided the group with an update on the BMP SC process to date. There have been valuable discussions in both BMP specialist committees over the past few months. Lessons learned include: 1) importance of clarifying BMP goals; 2) divergent views on the range and specificity of what BMPs should be; 3) the necessity for outside expertise on some topics; 4) difficulty with the conference call format; 5) challenges caused by a lack of clear timeline/endpoint for Phase 2 procurement; and 6) potential need for facilitated discussions

Process Adjustments

- Support staff have worked to clearly articulate the end product and goals. The committee process could be adjusted to better support the committee's efforts.
- In-person meetings would be a useful tool for more difficult topics.
 - Meetings should be scheduled back-to-back with meetings of the marine mammal and sea turtle BMP committee, if possible, to facilitate attendance by members who are on both committees.
- Conference calls should be continued every two weeks to decide what topics to (1) discuss in person and who should be in attendance at workshops, (2) develop clear objectives and products for these meetings/workshops, and (3) wrap up/finalize BMPs after workshops.
 - Aim for 1 hour calls rather than 90 minutes.
- There may be additional process tools to facilitate BMP discussions within committees. For example, developers could consult with AWEA and come up with a list of BMPs for further discussion. Or two committee members, an eNGO and developer representative, could be tasked with developing a BMP draft to bring back to the group.
- There may be opportunities to work on BMPs collaboratively with other states including Connecticut, New Jersey, and Massachusetts. The E-TWG may be able to play a leadership role in setting up a regional collaboration. The first step in this process may be to first understand what each state has in place, where there are synergies between working groups, and then think about how best to coordinate.
- Discussion of BMP topics has felt inhibited on some committee calls to date. Meeting in person may help, particularly for more difficult discussion topics. Ground rules should be set for both calls and meetings to make clear that they are "safe spaces" for open discussion.
- The presence of regulators in committee meetings may inhibit free discussion to some degree. There is value to regulators hearing the conversations on committee calls, however. Due to the iterative nature of the BMP development process, there may be opportunities for alternating discussions with and without regulators.
- The timeline for Phase 2 procurement in New York is currently unclear, but it is looking unlikely that the order would be released much before the end of the calendar year. Accordingly, E-TWG members generally recommended building their own timeline and goals rather than focusing on an uncertain procurement timeline.

Additional Goals

- Projects selected under the New York Phase 1 procurement are likely to be announced very soon. The selected developers under the Phase 1 procurement will work with the E-TWG and F-TWG (minus other developers) on environmental mitigation plans (EMPs). There is an opportunity for BMP specialist committees to help inform these discussions and frame the

questions for developers to consider. This could involve developing a list of principles as to what the committee is trying to achieve, which might inform the topics to tackle for the development of BMPs while also informing discussions with developers regarding their EMPs.

- This development of “principles” has value, both for the EMP process and for clearly articulating the underlying goals of BMPs. However, it doesn’t accomplish one of the objectives of BMP development, which is to allow developers to factor the cost of implementation into bids for procurement.
- BOEM, NMFS, and USFWS will be involved in the EMP discussion process, so this may help inform the federal decision-making process as well.
- NYSERDA has recently committed to supporting the development of a scientific research and monitoring framework for understanding birds and bat impacts from offshore wind energy development. Analogous to a recent effort focused on marine mammals and sea turtles in southern New England¹², but with a broader regional focus, this effort is expected to include a multi-day stakeholder workshop to inform the development of a scientific research framework to guide studies of potential impacts to birds and bats from offshore wind energy development along the U.S. east coast. Several E-TWG and SC members are expected to be involved in the planning process.

Overall Approach

- The New York Department of Public Service (DPS) staff member present at E-TWG meeting reiterated that BMPs will be looked on much more favorably by the Public Service Commission if they have consensus support.
- We must recognize that this is a new and difficult process which has needed to be adapted. By starting with topics considered ‘low-hanging fruit’, we now have documents for review, we are narrowing down processes, and making progress. For example, now that we have a framework for discussion on Protected Species Observers for the marine mammal and sea turtle SC, we can revisit other topics using this same framework.
- We should take a step back from the process and think about the goals of BMP development (i.e., what are we trying to achieve), then develop general topic areas for BMPs, and finally determine which of these may be well suited for inclusion in procurements and which may be more appropriate for other avenues, such as discussion during mitigation planning.
- We need to develop a conceptual framework and timeline for BMP development, so that it is easier to visualize how it might proceed in relation to procurements and mitigation plans. It should also incorporate the iterative nature of the process and how the process may differ if consensus is reached versus if it is not.

Next Steps

Based on this discussion, support staff will develop a written committee workplan that describes the goals, end products, and timeline for activities, as well as the above adjustments to process. Subsequent prioritization of BMPs for committee discussion will include factors such as discussion difficulty, expected time commitment, timeline relative to other offshore wind activities, need for outside expertise, and whether the topic is best suited for an in-person workshops vs. conference call.

Regular conference calls will be reinstated for both committees, with the intent of holding two in-person meetings per committee in the fall of 2019, and finalizing Version 1.0 of the BMP summary documents by the end of the calendar year.

¹² <https://www.boem.gov/A-Framework-for-Studying-the-Effects-of-Offshore-Wind-Development/>

Update on Progress of BMP Development

Recent BMP discussions within specialist committees have focused on implementation considerations for potential BMPs, including approaches' cost, evidence of effectiveness for conservation, a balance between cost and effectiveness, feasibility, and human safety.

The Birds and Bats BMP Specialist Committee has prioritized lighting, perching deterrents, and monitoring as short-term topics for discussion in relation to the Phase 2 procurement timeline. The committee has used an iterative process to develop and modify concepts for further discussion. One of the next steps for this group is to choose additional topics for future discussions.

- One member suggested that there may be concepts from the discussion around a regional science entity, such as protocols for robust analysis, basic data collection principles, and data sharing, that could inform committee discussions. Thus it would be beneficial to share the output from the Pocantico meeting with the birds and bats committee.
- We should check the MMP Tool to ensure that we are not missing any key BMPs on the topics already discussed.

The Marine Mammals and Sea Turtles BMP Specialist Committee initiated efforts by prioritizing topics for discussion. This process included identifying topics of highest priority as well as topics feasible to discuss in the short term. Following completion of an online survey and subsequent committee discussion of survey results, three topics were identified: vessel speed restrictions, foundation installation, and monitoring. These topics proved difficult in initial discussions, however, and after reframing how to approach discussions, the group reconvened to discuss Protected Species Observers (PSOs) as a less complex initial topic. Potential next steps include discussing pile driving during low visibility and then going back to discussing vessel speed restrictions.

- One committee member emphasized the importance of contextualizing the BMPs in the document to include what problems we are trying to address, and how those might be avoided, minimized, or mitigated.

Next Steps for the E-TWG

There are many E-TWG related activities in the upcoming months, including:

- Discussions around environmental mitigation plans for projects selected under NY Phase 1 procurement (late summer/early fall 2019)
- Two in-person SC meetings for each BMP committee (fall 2019)
- Bird and bat scientific research and monitoring framework workshop (fall 2019 or spring 2020?)
- Follow-up workshop on the regional funding entity (fall 2019?)
- Next State of the Science Workshop (April 2020)

With all of these meetings in mind, there was discussion around whether the E-TWG wanted to hold another in-person meeting in 2019. There was agreement among group members that an update on activities relating to BMP development, environmental mitigation plans, and the regional funding entity would be beneficial later in the year, but could take the form of a webinar/zoom meeting rather than an in-person meeting.

Appendix A: List of Participants

Point of Contact	Organization	Stakeholder Type	Role
<i>Kate McClellan Press</i>	<i>NYSERDA</i>	<i>State Government</i>	<i>Convener/chair</i>
<i>Greg Lampman</i>	<i>NYSERDA</i>	<i>State Government</i>	<i>Convener/chair</i>
Catherine Bowes	National Wildlife Federation	eNGO	Advisor
Koen Broker	Shell New Energies	Developer	Advisor
Martin Goff	Equinor	Developer	Advisor
Aileen Kenney	Ørsted	Developer	Advisor
Francine Kershaw	Natural Resources Defense Council	eNGO	Advisor
Jillian Liner	Audubon New York	eNGO	Advisor
Carl LoBue	The Nature Conservancy	eNGO	Advisor
Joe Martens	NY Offshore Wind Alliance	nonpartisan NGO	Advisor
Matt Robertson	Vineyard Wind	Developer	Advisor
Howard Rosenbaum	Wildlife Conservation Society	eNGO	Advisor
Scott Johnston	U.S. Fish and Wildlife Service	Federal Government	Observer/ technical support
Shannon Kearney	Connecticut Department of Energy and Environmental Protection	State Government	Observer/ technical support
Sherryll Huber Jones	New York Department of Environmental Conservation	State Government	Observer/ technical support
Brandi Sangunett	Bureau of Ocean Energy Management	Federal Government	Observer/ technical support

Additional Participants

John Garvey (New York Department of Public Service)

Brittany Pashkow (NRDC)

Support staff present

Adrienne Downey (NYSERDA)

Janna Herndon (NYSERDA)

Kate Williams (BRI)

Julia Gulka (BRI)

Bennett Brooks (Consensus Building Institute)

Farrah Andersen (Cadmus Group)

Appendix B: Meeting Agenda

New York Environmental Technical Working Group (E-TWG)

Time and Date: 9:30am – 5pm, June 25, 2019

Location: Office of the Department of Public Service, 90 Church St., New York, New York

Meeting Objectives:

- Share and discuss updates on E-TWG-related activities
- Share progress on the development of a framework for a regional research/funding entity
- Obtain E-TWG input on the BMP Specialist Committee process and interim products

Time	Agenda Item
9:30-10:00 am	Breakfast and Networking
10:00-10:15	Welcome and Introductions <ul style="list-style-type: none"> • Introductions for new participants; meeting agenda and ground rules
10:15-12:00	Updates: E-TWG and Related Activities <ul style="list-style-type: none"> • NYSERDA procurement and the Climate Leadership & Community Protection Act • NYSERDA research solicitation • Next State of the Science workshop • Updates to the MMP Tool • R&D Consortium letter • Dynamic Oceans Report • E-TWG Communications and Outreach Plan • Other relevant updates (each 2 minutes max.)
12:00-1:00	Lunch
1:00-1:45	Regional Research/Funding Entity <i>Presentation & Discussion</i> <ul style="list-style-type: none"> • Background • Update on interviews, May workshop, and Pocantico meeting • Progress on possible frameworks • Discussion: next steps for E-TWG and SC involvement
1:45-2:50	BMPs to Mitigate Impacts from Offshore Wind Energy Development – Part 1 <i>Presentation & Discussion</i> <ul style="list-style-type: none"> • DPS procurements and BMPs • BMP definition, process, and E-TWG role • Status updates on BMP SCs
2:50-3:05	Break
3:05-3:35	BMPs to Mitigate Impacts from Offshore Wind Energy Development – Part 1 (cont) <i>Discussion</i> <ul style="list-style-type: none"> • Breakout groups: discuss SC topics • Report back/group discussion
3:35-4:35	BMPs to Mitigate Impacts from Offshore Wind Energy Development – Part 2 <i>Presentation & Discussion</i> <ul style="list-style-type: none"> • Evaluation of SC processes to date and discussion of additional approaches to support the SCs in their work • Breakout groups: discuss SC processes/approaches • Report back/group discussion
4:35-5:00 pm	Wrap Up & Next Steps