



Environmental Technical Working Group

*A Stakeholder Engagement and Advisory Process to Advance the
Environmentally Responsible Development of Offshore Wind Energy for New
York State*

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10 February 2020

Introductions



CADMUS

- > E-TWG Lead: NYSERDA - 518-862-1090
 - Kate McClellan Press x3110, Kate.McClellanPress@nyserda.ny.gov
 - Gregory Lampman x3372, Gregory.Lampman@nyserda.ny.gov
- > Technical Support: Biodiversity Research Institute (BRI) - 207- 839-7600
 - Kate Williams x108, kate.williams@briloon.org
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- > Facilitation Support: CBI and Cadmus
 - Bennett Brooks 212-678-0078, bbrooks@cbi.org
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Meeting Agenda

- Discuss BMP Specialist Committees recommendations, E-TWG role, and path forward for committees
- Discuss Environmental Mitigation Plan process and ideas for future consultations
- Learn about NYSERDA research projects and progress to date
- Share and discuss updates on E-TWG related activities



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Meeting Logistics



- Food/Coffee
- Restrooms
- Webinar/call logistics –
Remote attendees send
questions via the zoom chat or
email to
Julia.Gulka@briloон.org

Ground Rules

- Contribute – your perspectives are important
- Share time – lots to cover and many people around the table
- Integrate ideas and pose questions
- Stay focused on the agenda
- Use video capabilities
- Avoid multitasking and other distractions
- Use “raise hand” function if wanting to join the conversation

BMP Specialist Committees:

Part 1



Procurement Process

- > NYSERDA Petition Regarding Offshore Wind Procurement
 - 2020 procurement of *at least* 1000 MW
- > NYSERDA notes its intention to consider the following matters in the eligibility or bid scoring calculations:
 - Continuing leadership in environmental and fishing mitigation planning and research as well as on-going participation in NYSERDA's Technical Working Groups;
 - Inclusion of Environmental and Fishing Mitigation Plans that include reasonable and appropriate best management practices; and
 - Incorporating environmental or commercial fishing impact criteria and assessments

Procurement Process

> NYSERDA reaffirms its commitment to advancing the role of Environmental and Fishing Mitigation plans with “best practices established by the Technical Working Group as of the time of the solicitation” and with the benefit of “any experience gained during the Phase 1 solicitation.”

Procurement Process

>Draft Supplemental Generic Environmental Impact Statement (SGEIS) submitted on February 6, 2020

BMP Specialist Committees

> Committee Process

- Review existing efforts aimed at developing BMPs, including from other industries as appropriate
- Identify the scope of BMPs to be developed, the development phases for which mitigation measures will be designed, the taxa and types of impacts for which measures will be applicable
- Develop product that could be used to inform the New York State Phase 2 procurement
- Identify longer-term focus, goals, and expected end product(s)

Purpose of Summary Document

> Summary document with reflection of committee discussions

- Purpose: a public document that summarizes recommendations discussed by the committee, the level of committee support, and key takeaways from group discussion around each topic
- Push for consensus
- The document will be publically available, and will be updated periodically as committee discussions progress

Summary Document Structure

- > Introduction, Guiding Principles, & Process for Committee Discussions
- > Recommendations
 - Background
 - Status
 - Recommendation
 - Key Takeaways from Group Discussion
- > Other Topics Discussed by Committee
- > Appendices

Options for E-TWG Involvement

- > Individuals use the summary documents as they see fit for comments to the PSC
- > A letter from the E-TWG recommending the use of the summary documents by the PSC
- > An E-TWG letter with consensus point recommendations

Bird and Bat Recommendations



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Recommendation Topics To Date

Topics:

- Reducing the effects of lighting
- Reducing perching and roosting activity on wind energy infrastructure
- Reducing disturbance and habitat loss from nearshore and onshore infrastructure and development activities
- Pre- and post-construction monitoring
- Contributing towards regional research and monitoring

Reducing the Effects of Lighting

- Artificial lights are well-known to attract and disorient wildlife including birds and bats
 - Impacts on migration
 - Strandings can lead to starvation-related mortality
 - Increased risk of collision
- FAA and USCG regulation of navigation-related lighting
- Existing guidelines and literature suggests reducing the amount of light through multiple mechanisms reduces potential impacts to birds



Reducing the Effects of Lighting

Recommendation: Reduce lighting to the extent possible while maintaining human safety & regulatory compliance

Navigation lighting:

- ‘On-demand’ activity sensors (if allowed by FAA and USCG)
- Light the minimum number of structures and use the fewest number of lights allowable on turbines, vessels, substations, construction equipment, etc.
- Reduce lighting intensity when meteorological visibility sensors indicate safe (if allowed by FAA and USCG)
- Use flashing instead of steady-burning, fired synchronously at lowest allowable flash rate
- Avoid white lights in favor of red or other colors allowed by FAA and USCG

Work Lighting:

- Intensity should be kept to the minimum
- Hooded, down-shielded, and/or directional (e.g., down-lit) and “flood lighting” avoided
- Construction and O&M activities planned during daylight hours when feasible
- Construction lights turned off at night when possible
- Intensity reduced/extinguished on overcast nights within migratory periods
- Lights turned off when not in use, use of automatic timers, motion sensors, heat sensors or photocells
- White light should be avoided

Reducing the Effects of Lighting

Key Takeaways from Group Discussion

- Agreement that reduction of lighting on turbines, substations, and other infrastructure could help reduce impacts to birds and bats
- Lighting conditions must remain safe for workers, vessels, and aircraft
- Limited evidence of attraction/disorientation from flashing red aviation lighting. There is some disagreement in the literature around the best light color to reduce attraction, but general agreement that steady-burning white light should be avoided when possible
- Lighting reductions during high-risk periods, particularly for nocturnal aerial migrants, may require a way to quantify risk

Reducing perching and roosting activity

- Aim is to direct animals away from the vicinity of turbines without permanent harm so as to reduce risk of collision
- Deterrents can either be physical (spikes, netting) or active (sound, electromagnetic, visual, chemical)
- In Europe, physical deterrents have been implemented successfully at offshore wind farms, primarily in response to human safety concerns
- While bats are known to roost offshore, little is known about this behavior, so the recommendation focused on birds



Reducing perching and roosting activity

Recommendation:

- Monitor to determine need for perching-related deterrents
- If perching/roosting common, install physical deterrents (spikes, netting, best available technology)
- If necessary, explore active deterrents, but must be carefully tailored to bird species
- Monitor to determine effectiveness, modify as necessary, and inform adaptive management

Key Takeaways from Group Discussion

- Lack of evidence that birds attracted to turbines for perching or roosting are at higher risk of collision. Some committee members felt that reducing attraction would likely reduce risk; most agreed that it would at least not hurt, and could have human safety benefits
- Physical deterrents preferred over active deterrents due to evidence of efficacy
- Agreement that deterrents should only be implemented if demonstrated risk at the site – physical deterrents are relatively inexpensive and easy to implement after the fact

Recommendations for nearshore/onshore siting

- Potential impacts from onshore activities and infrastructure
 - During construction: physical disturbance, displacement, mortality
 - During operations: habitat loss/conversion
- Existing federal/state guidelines and protection for certain habitats, such as wetlands, and critical habitat for endangered species
- There may be other important habitats that warrant additional consideration and protection to reduce impacts to birds and bats



Recommendations for nearshore/onshore siting

Recommendation:

- Avoid/minimize loss or alteration of bird and bat habitat; avoid disturbance and indirect effects to populations and their prey
- Maximize use of previously disturbed or developed areas
- For nearshore cable routes, landfall sites, onshore cable routes: Avoid important habitats and areas with high concentrations of key species, locate in already disturbed areas when possible, avoid contiguous areas of otherwise undeveloped land
- Existing onshore substations should be used where possible. If not feasible, substations should be located in already disturbed areas
- Construction work zones and equipment staging spaces should be located in previously developed areas, and minimize disturbance to key habitats and naturally vegetated areas.
- If habitat disturbance from construction is unavoidable, construction activities should be planned to occur during periods of time that will minimize disturbance

Recommendations for nearshore/onshore siting

Key Takeaways from Group Discussion

- There was general agreement among Committee members that avoiding sensitive habitat and natural areas, and developing in already disturbed areas when possible, would benefit bird and bat species.
- Committee members recognized that while there are several approaches to avoid or minimize impacts to key habitats, the available options are often constrained by site conditions (local geology, etc.). The inclusion of flexibility in the language of the recommendation was a focus of discussion.

Pre- and Post-construction Monitoring

- Monitoring is essential for detecting changes associated with resource management and in order to better understand and assess effects of development of wildlife
- Two main types of effects for birds and bats:
 - Behavioral effects
 - Collision risk



Pre- and Post-construction Monitoring

Recommendation:

- Design monitoring to improve understanding of impacts
- Identify specific questions and focal taxa based on site-specific risk assessment or broader regional efforts to understand cumulative impacts
- Use appropriate study design and methodologies to analyze risk and evaluate impacts (test hypotheses, ensure statistical power to detect effects)
- Consult outside expertise during study design and data analysis processes
- Studies to detect displacement/behavioral effects: design to answer specific questions and contribute to understanding of impacts
 - Choose appropriate geographic and temporal resolution, appropriate buffer zones, sufficient number of years of surveys, up-to-date analytical techniques
- Studies to inform collision risk understanding: range of options due to current technological limitations
 - Deploy collision monitoring technology, contribute funding or host site to technology development/testing, collect information to inform collision risk models, and/or improve understanding of high-risk periods for nocturnal migrants

Pre- and Post-construction Monitoring

Key Takeaways from Group Discussion

- Clear need for pre- and post-construction monitoring to inform our understanding and for adaptive management
- Project-specific monitoring plans should be based on site-specific risk assessments and adequate data – particularly as it relates to the focus on displacement vs. collision risk, as well as to help identify specific questions, monitoring methods, and focal species
- Substantial technological challenges may prevent effective collision monitoring offshore, particularly in the short term. Because of this, need to incorporate flexibility to contribute in a variety of ways, including support for continued development of collision monitoring technologies

Regional research and monitoring

- Large-scale regional research efforts compliment site-specific data collection to better understand potential cumulative impacts of development and population- or ecosystem-level consequences
- Identified by both committees as a priority topic – recommendation was developed via coordination with both committees.
- Relates to, but is not dependent on the formation of the regional science entity



Regional research and monitoring

Recommendation:

- Regional monitoring, research, and coordination to improve understanding of effects, including cumulative changes to populations and ecosystems
- Financial commitment scaled to project size; must be quantifiable and contribute to regional priorities
 - Could include cash and/or in-kind contributions and pre-existing commitments of support
- Regional priorities set through a transparent process by regional science entity, or in absence by NYSERDA in consultation with the E-TWG and other coordinated efforts
- Contribution specifics considered as a factor during proposal review in NY procurements

Key Takeaways from Group Discussion:

- It is in everyone's best interest to support regional science and coordination
- It is reasonable, in principle, for developers to contribute to broader regional understanding of effects to wildlife, so long as in-kind contributions are acceptable
- Focus on the intent of the recommendation rather than prescribing the approach, particularly as a regional science entity is not currently in existence
- Include necessary flexibility in language, but ensure that it's clear what is being asked and how to comply
- Some felt that clear definitions and scoring criteria should be identified for contributions, but generally recognized as beyond the purview of these committees

Questions?



Discussion

Marine Mammal and Sea Turtle Recommendations



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Recommendation Topics To Date

Reducing vessel-related impacts

- Reduce vessel speeds to minimize collision risk*
- Use dedicated crew members as crew lookouts
- Train vessel crews and provide reference materials

*Topic discussed but no recommendation to date

Reducing noise-related impacts

- Monitoring during noise-generating activities
- Mitigation for pile-driving noise at night and during low visibility

Reporting

- Reporting potential take and right whale observations
- PSO data entry and standardization*

Other recommendations

- Incorporating expert input into stakeholder consultations for EMPS
- Regional research and monitoring

Reducing Vessel-related Impacts

- While not a risk specific to the offshore wind industry, increased vessel traffic can lead to increased collision risk for marine mammals and sea turtles
- Main mechanisms to reduce risk: 1) avoidance by reducing vessel activities in locations and time periods of higher risk, and 2) minimizing risk through vessel speed restrictions and increased observer vigilance



Reducing Vessel-related Impacts

Reduce Vessel Speeds to Minimize Collision Risk

Recommendation: TBD

Key Takeaways from Group Discussion:

- Challenge of allocating responsibility relative to risk posed by different industries
- Challenges and efficacy of blanket vs. dynamic speed restrictions. Some felt blanket restrictions not feasible, but a “trigger” for speed restrictions would require improved data sharing of presence/sightings
- NMFS report on effectiveness of speed restriction rule (due out in 2020) will be a key document to inform future discussions
- Inclusion of additional expertise (scientific, maritime, offshore wind industry) would be helpful moving forward

Reducing Vessel-related Impacts

Using Dedicated Crew Members as Crew Lookouts

Recommendation:

- Use designated crew lookouts when more reliable methods (e.g., vessel speed restrictions, the use of PSOs for visual monitoring) are not technically or logically feasible
 - Decision made consultation with NYSERDA and the E-TWG
- Crew lookouts should complete PSO training, but should not be confused with independent PSOs
- During high-risk periods, sole duty is marine mammal and sea turtle lookout; during low risk periods, still serve as lookouts but can also have other duties

Key Takeaways from Group Discussion:

- Crew lookouts are a secondary approach where more effective alternatives are not practicable. If adequate vessel speed restrictions or PSOs are in place, the use of crew lookouts is not necessary
- Crew transfer vessels = likely use case for crew member lookouts, due to both the required high speed and the frequency of transit for vessels during operations
- If automated detection technologies are proven effective, these should be considered to augment or replace visual observers for this purpose

Reducing Vessel-related Impacts

Training Vessel Crews and Providing Reference Materials

Recommendation:

- All vessel crews trained to identify marine mammals and sea turtles and know regulations and best practices for avoiding vessel collisions
- Reference material available on all project vessels
- Expectation and process for reporting clearly communicated & posted in highly visible locations
- Does not replace other mitigation (such as PSOs), but rather is complementary

Key Takeaways from Group Discussion:

- While it is important to make reference materials available, effectiveness at avoiding collisions will be greatly enhanced by use of active lookouts that have undergone standardized training as PSOs
- Training and reference material may already be available from NMFS and other sources that could be used for this purpose
- This may already be occurring either as part of lease stipulations or via other mechanisms and would be fairly easy to implement

Reducing Noise-related Impacts

- Underwater noise is produced during all phases of development, but of particular concern is noise created during pile driving
- Impacts could be avoided through the use of quiet foundation types or minimized through multiple strategies including soft-start techniques, noise-reduction technologies, and mitigation monitoring
- Committee discussions to date have focused on mitigation monitoring but this should not be interpreted as an assessment of the relative importance of different mitigation strategies
- Mitigation monitoring can use a variety of techniques including visual observers, passive acoustics and other emerging technologies such as infrared technologies



Reducing Noise-related Impacts

Mitigation Monitoring During Noise-generating Activities

Recommendation:

- Exclusion, clearance, and monitoring zones should be maintained around noise-generating activities
- Use integrated monitoring approach, including PAM, NMFS-approved PSOs and other proven technologies
- If contraindicated by federal regulations, permit conditions, or other guidance, default to most prescriptive, in consultation with NYSERDA and the E-TWG
- The mitigation and monitoring plan should also be developed in coordination with stakeholders and evaluated for effectiveness, cost, and practicability
- Monitoring techniques should be designed for the species groups and size of the area
- The size of the monitoring zone should be defined via acoustic modeling
- Monitoring using PSOs should take place for a minimum of 60 minutes prior to the initiation of pile driving activity and 30 minutes prior to the initiation of HRG surveys
- PSOs and PAM technicians should have no other tasks
- The number of PSOs and/or monitoring devices used should ensure sufficient coverage of zones
- PSOs should observe from the highest possible safe vantage point with a clear field of view. Individual PSOs should be responsible for monitoring no more than 180 degrees. If sufficient coverage cannot be achieved from existing platforms, dedicated vessels should be considered

Reducing Noise-related Impacts

Monitoring During Noise-generating Activities

Key Takeaways from Group Discussion:

- Effective mitigation monitoring requires a combination of both visual and PAM methods- approaches may be species dependent
- Important aspect is ensuring “sufficient coverage” of zones around noise-generating activities- size of zone, strategies to cover it
- Maximize detection probability prior to the start of noise generating activities
- Ensure flexibility as aspects may be defined through future federal permitting processes, particularly in relation to incidental harassment authorizations; state requirements need flexibility to incorporate/reconcile potential conflicts

Reducing Noise-related Impacts

Mitigation for Pile Driving Noise at Night and Other Periods of Poor Visibility

Recommendation:

- Pile driving should not commence when visual mitigation monitoring is not feasible (night, poor visibility such as fog or heavy rain)
 - Exception: alternative plan has been determined to be effective at detecting and localizing protected species
- Determination of effectiveness should be science-based, via hypothesis-driven testing and accepted by federal and state agencies

Reducing Noise-related Impacts

Mitigation for Pile Driving Noise at Night and Other Periods of Poor Visibility

Key Takeaways from Group Discussion:

- Commencement and continuation of activities during low visibility conditions should be treated differently
- Commencing at night is ill-advised, but it may be acceptable in some situations for pile driving that started during daylight hours to continue into night due to safety and engineering concerns (need to refine details on this).
- Because of safety and engineering concerns related to stopping pile driving once it has started, importance of effective clearance of zones prior to commencement of piling
- If, through science based testing, new technologies are demonstrated effective at monitoring during low visibility conditions, this should be allowed to replace visual monitoring.
- Substantial uncertainty over how new technology would be “proven effective”

Reporting Recommendations

- Recommendations applicable across impact types
- Data reporting is required through federal permitting processes related to the Endangered Species Act and Marine Mammal Protection Act via NMFS IHAs and via BOEM lease stipulations and plan approvals



Reporting Recommendations

Reporting Potential Take and Right Whale Observations

Recommendation:

- Observations of NARW, as well as dead, entangled, or otherwise in distress marine mammals and sea turtles reported to NMFS and BOEM within 2 hours when feasible and no later than 24 hours after occurrence
- Potential “take” should be reported to NMFS and BOEM within 24 hours

Key Takeaways from Group Discussion:

- Conservation benefit of reporting sightings quickly
- If good communication system in place, reporting observations within hours should be feasible
- The time required to report take is generally longer than for reporting observations/sightings due to internal data-verification processes

Reporting Recommendations

PSO Data Entry and Standardization

Recommendation: TBD

Key Takeaways from Group Discussion:

- Topic on hold temporarily while a group of state and federal regulators work to develop a standardized data template that could be used by PSOs in relation to pile driving

Other Recommendations

Incorporating Expert Input into Stakeholder Consultations for Environmental Mitigation Plans

Recommendation:

- EMPs should be developed in consultation with stakeholders
- In addition to E-TWG representatives, consultations should incorporate external input as needed
- Ensure appropriate design for 1) feasibility and practicability, and 2) meeting mitigation objectives

Key Takeaways from Group Discussion:

- Some types of site-specific mitigation decisions could benefit from more focused expertise than E-TWG can provide
- Incorporation of external input should not extend the timeline of the state process, but be integrated into the existing E-TWG process

Questions?



Discussion



Lunch
12:00-1:00



BMP Specialist Committees:

Part 2



Options for E-TWG Involvement

- > Individuals use the summary document as they see fit for comments to the PSC
- > A letter from the E-TWG recommending the use of the summary documents by the PSC
- > An E-TWG letter with consensus point recommendations

Path Forward for BMP Committees

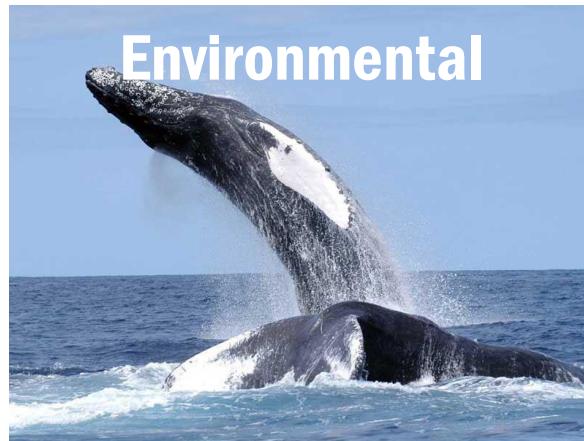
- > Finalize Version 1.0 of Summary Documents
 - Calls with committees in mid-February
 - Versions of summary documents public in mid-March
- > Remain focused on recommendations for upcoming procurements
 - May be other relevant purposes to consider
- > Revised process moving forward
 - Fewer meetings - monthly, 3-4 in-person
 - Use online surveys for committee check-ins (re: new topics, drafted recommendations)
 - Consider other approaches for particular topics

Environmental Mitigation Plans:

Process and Future Consultations



Mitigation Plan Collaboration



Environmental and Fisheries TWGs provide valuable representation, technical insight, and constructive solutions

- Empire Wind and Sunrise Wind developed Mitigation Plans, which are appended to the Phase One Report.
- Developers met with the Environmental and Commercial Fishing Technical Working Groups to present Mitigation Plans.
- Productive dialogues and written feedback will inform next round of edits, to be published on the TWG websites.
- Mitigation plans will continue to evolve as part of an iterative process.

Discussion

- >Feedback on meeting format and timing?
- >Feedback on meeting summary documents?



Break
2:30-2:45

NYSERDA Research Projects



NYSERDA-funded Research

5 New Contracted Studies

- **Wildlife Distribution Modeling in the New York Bight; Ecology and Environment**
- **Development of Monitoring Protocols for Nanotag Studies at Offshore Wind Farms; US Fish and Wildlife Service**
- **Strategies and Tools to Address Commercial Fishing Access in Offshore Wind Farms; National Renewable Energy Laboratory (NREL)**
- **Creation of a Fishermen's Data Trust for effective inclusion of fishermen's knowledge in OSW decision making; Responsible Offshore Development Alliance (RODA)**
- **Multi-Scale Relationships Between Marine Predators and Forage Fish; Biodiversity Research Institute**





5 Minute Stretch Break

Updates:

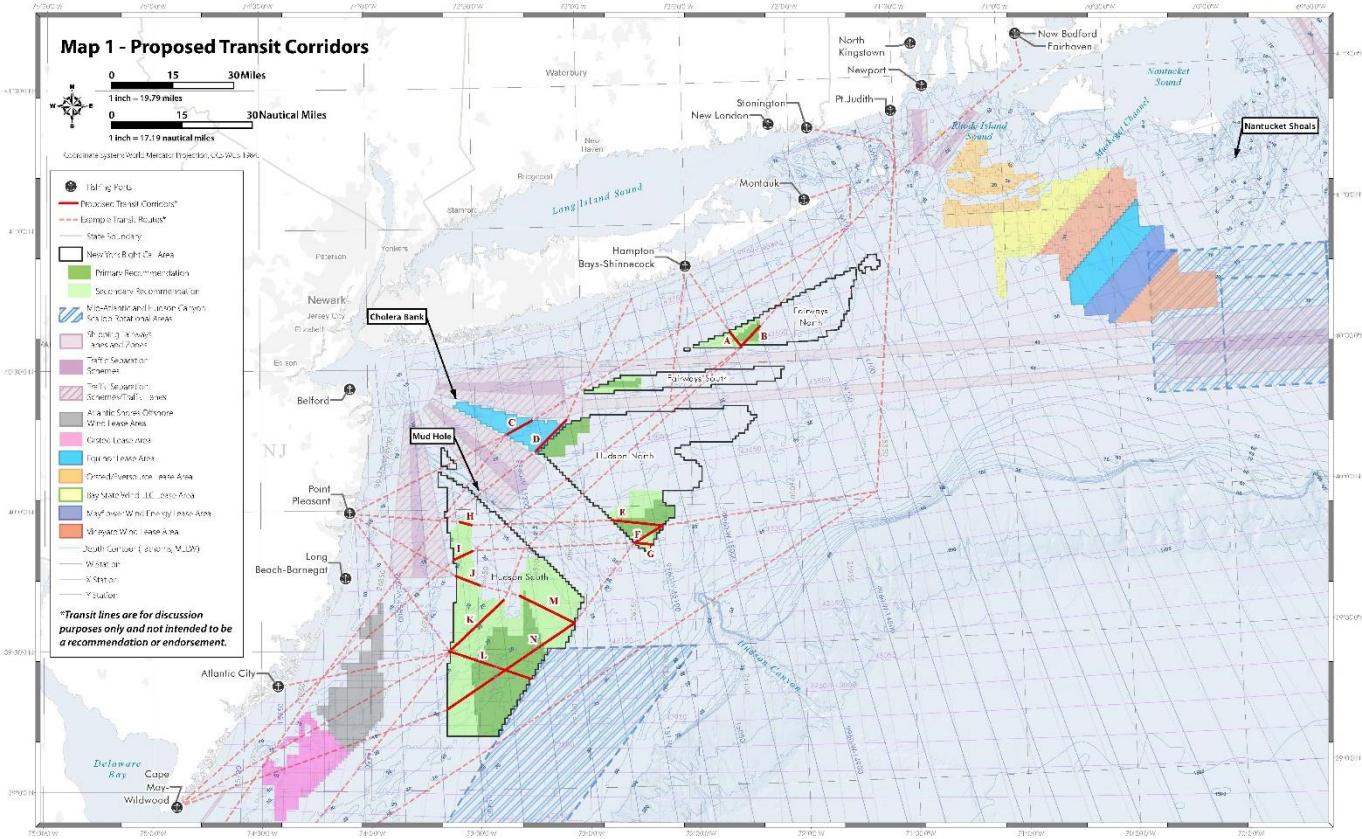
E-TWG Related Activities



NYSERDA Webinar Series

- > Partnering with NREL
- > Anticipated to start this year, with one new topic every month
- > Contact Kate McClellan Press with requests

F-TWG Related Updates



Regional Science Entity Workshop

- > Stakeholder workshop held on January 31, 2020
- > Representatives from developers, federal and state governments, and environmental organizations
- > Led by Cadmus and CBI

Element	Sub-Elements
Conceptual Framework	A Steering Committee, staff, fiscal agent, and committee structure
Steering Committee	Use sector caucuses for inclusion, coordination, and building consensus within sectors
	8 to 12-person, sector-balanced SC
Fiscal Agent	Utilize a RFI, RFP, or RFQ process to solicit interest and details A single entity for all tasks
Staffing	At least an Executive Director/Leader type with administrative and contract support and maybe research scientist help as well
Budget	A budget of at least \$600K or more
Funding	Cross-Sector funding
	Funding by whom, how much, and when?

RWSE 18 Month Outcomes

Some stakeholders highlighted that these outcomes will need to be prioritized in order to meet the timescale and that building off existing efforts can help in meeting these outcomes in the given time.

- Establishment of RWSE (structure, staffing, funding)
- Compiled/synthesized State of the Science report
- Gaps and Needs Analysis for OSW and Wildlife
- A number of clear, distinct, scoped research projects
- Standardization for key monitoring protocols, data, and data management for some species/taxa
- First 18 Month “annual report,” including next 18-month objectives and outcomes

Next Steps

- Update the Business Plan to incorporate the feedback from the workshop
 - Define the Steering Committee purpose and membership
 - Clarify initial funding vs. operational
- RFI/RFP

2020 State of the Science Workshop

- > Topic: Cumulative Impacts to Wildlife
- > Timing: May 5-7, 2020
- > Location: Westchester County, NY
- > Workshop Outline
 - Day 1: Plenary talks
 - Day 2: Breakout workshops

Goal: Develop a research agenda for understanding cumulative impacts of offshore wind energy on different taxa. Identify key studies to be undertaken in the next 5 years.
 - Day 3: Optional side meetings and workshops

2020 State of the Science Workshop



> Progress

- Finalized venue and sent Save the Date in January
- Beginning to invite speakers and technical leads

> Next Steps

- Registration and call for poster session abstracts – February
- Scientific program continued development
- Website and logistical information development



Bird and Bat Research Framework Workshop

> March 4-6, 2020

> Objectives

- Identify key questions related to impacts to birds/bats associated with offshore wind construction and operations
- Develop testable hypotheses to answer key questions, including methodological considerations
- Identify data gaps and technological deficiencies that may inhibit our ability to answer these questions



Other Updates

- >Passive Acoustic Monitoring Workshop
- >Others?



Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act

[Comments to CEQ by March 10, 2020](#)

Future Activities

Activity	Timeline
Bird and Bat Research Framework Workshop	March 4-6, 2020
State of the Science Workshop	May 5-7, 2020
BMP Specialist committee meetings	Proposal for monthly meetings moving forward
Next E-TWG meeting	July?

Questions?

Parting Comments?



CADMUS

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