

**New York Environmental Technical Working Group (E-TWG)  
Meeting Summary – 30 November 2021**

	<u>Name</u>	<u>Date</u>
Prepared by	Julia Gulka, Biodiversity Research Institute	12/1/2021
Reviewed by	Kate Williams, Biodiversity Research Institute	12/15/2021
Reviewed by	Bennett Brooks, CBI	12/20/2021
Review by	Farrah Andersen, Cadmus	12/28/2021

*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) in 2018 to provide input to the state.<sup>1</sup> The thirteenth E-TWG meeting was held via video conference on 30 November, 2021. Twenty-three representatives from 19 member organizations participated (Appendix A).

This summary is intended to capture the key points of discussion and action items identified during the meeting and is loosely organized according to the structure of the meeting agenda (Appendix B). 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

- E-TWG members were asked to provide any additional written feedback on the site-specific guidance workplan and potential specialist committee members to Kate Williams ([kate.williams@briwildlife.org](mailto:kate.williams@briwildlife.org)) via email by Wednesday, December 17<sup>th</sup>.
- E-TWG members were asked to provide support staff with any written updates by November 30<sup>th</sup>, which were shared with the group prior to the December E-TWG meeting.

## Introduction

Bennett Brooks (Consensus Building Institute) provided a brief introduction. New representatives to the E-TWG include Fred Zalcman (New York Offshore Wind Alliance) and Atma Khalsa (Avangrid Renewables). The focus of this meeting was to get E-TWG input and provide updates on two topics identified by the E-TWG as priorities: 1) site-specific monitoring guidance, and 2) regional monitoring guidance. Caleb Spiegel (U.S. Fish and Wildlife Service) and Tim White (Bureau of Ocean Energy Management) were on the call for the discussion of site-specific monitoring guidance.

## Site-specific Monitoring Guidance

### Introduction

Kate Williams (Biodiversity Research Institute) provided a brief introduction to the topic, which was identified by the E-TWG as a priority in 2020. Support staff have been working closely with federal agencies, including U.S. Fish and Wildlife Service (USFWS) and the Bureau of Ocean Energy Management (BOEM), in developing a workplan for this effort. The goal is to develop guidance for pre- and post-construction monitoring to detect changes in avian habitat use in relation to offshore wind farms. This type of guidance could be used by developers, regulators, and other stakeholders, and is related to, but distinct from, BOEM's existing avian survey guidelines.<sup>2</sup> The workplan for this effort is in draft form, and

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<sup>1</sup> For meeting agendas, summaries, and presentations, see: <http://nyetwg.com/e-twg-meeting-archive>

<sup>2</sup> BOEM Avian survey guidelines

<https://www.boem.gov/sites/default/files/documents/newsroom/Avian%20Survey%20Guidelines.pdf>

support staff are looking for input and to assess the level of support from the E-TWG with the aim of formulating a Specialist Committee for the effort in 2022.

Caleb Spiegel (USFWS) and Tim White (BOEM) both provided their perspectives on the importance of this topic. Caleb emphasized that this effort stems from a USFWS desire to improve data for science delivery and to aid regulators in fulfilling responsibilities under the Migratory Bird Treaty Act (MBTA) and Endangered Species Act. In particular, as USFWS undergoes a change in how the agency is administering incidental take under the MBTA, this guidance could be used to inform that effort. In addition, the Atlantic Marine Bird Cooperative submitted a letter to BOEM<sup>3</sup> in 2020 recommending updates to the BOEM avian survey guidelines, which in part also motivated this effort. Tim indicated the importance of addressing these comments and expanding and strengthening guidelines to ensure site-specific monitoring data is contributing towards meeting a set of common research questions.

## Workplan

Kate Williams provided a brief overview of the draft workplan, including:

- **Objectives:** To inform pre- and post-construction monitoring and research approaches for detecting and characterizing displacement, attraction, and macro- to meso-scale avoidance of birds at offshore wind facilities in U.S. waters.
- **Scope:** To inform changes in habitat use and movement pre- and post-construction, as opposed to site characterization. The geographic focus is the east coast of the U.S. with the intention of broader applicability for all U.S. regions.
- **Approach:** Three-phase approach including Phase 1) an E-TWG Specialist Committee and support staff conduct literature review, identify analytical needs, and develop an interim guidance document; Phase 2) a quantitative analysis of existing survey data to inform key areas of uncertainty in the interim guidance; and Phase 3) updating of the guidance document incorporating input from Phase 2.
- **Roles:** A Specialist Committee would focus on Phase 1, and be made up of E-TWG members and scientific experts, including key staff from USFWS and BOEM. E-TWG support staff will help draft the guidance and manage the committee, and E-TWG members and other stakeholders will have opportunities to review and provide input on end products via public workshop and written review.
- **End Products:** The primary end product from Phase 1 will be the interim guidance document focused on assessing changes in avian habitat use in relation to offshore wind development.

## Discussion

- *Multiple E-TWG members indicated general support for this effort, particularly with the interest and leadership from federal agencies. However, some concerns included the exclusion of micro-avoidance and collisions in the focus of the effort, as well as how the site-specific guidance will interplay with regional guidance, particularly in the case of macro-scale avoidance. Caleb and Kate W. clarified that the focus on displacement and larger scales of avoidance was not an indication that micro-avoidance and collisions were not important to examine and develop guidance for, but rather that this initial focus related to 1) ensuring the goals of the effort are*

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<sup>3</sup> AMBC letter to BOEM <https://atlanticmarinebirds.org/recommendations-on-boem-avian-survey-guidelines-ambc-marine-spatial-planning-working-group/>

*achievable, and 2) the divergence in methods needed to address these different scales of avoidance. They suggested that additional topics could be incorporated into guidance in the future. To ensure that regional and site-specific guidance are complimentary but not duplicative, there will be coordination via E-TWG support staff and overlapping committee membership.*

- *E-TWG members were interested in the degree to which this guidance was anticipated to be official federal guidance and would be used during the permitting process. Tim indicated that this guidance could be used in multiple ways by a broad group of stakeholders. Caleb indicated an intention that broad guidance developed by USFWS would point directly to this type of more detailed recommendations.*
- *E-TWG members were interested in how this effort might connect to the Regional Wildlife Science Entity (RWSE). Kate W. clarified that while there is not a high level of coordination with the regional guidance effort (i.e., a joint effort with the RWSE) given the site-specific focus, there will be coordination both with the RWSE bird and bat subcommittee and with the joint effort to develop regional guidance (below) to ensure consistency. Emily Shumchenia (RWSE) reinforced that the RWSE will remain aware of efforts and help ensure there is no duplication of effort.*

Following discussion, E-TWG members were encouraged to provide additional feedback via email on the workplan and suggestions for potential Specialist Committee members.

## Regional Guidance Effort

Kate Williams provided a brief update on the regional guidance effort, which was initiated following the E-TWG meeting in April 2021. Given the regional focus of the effort, a joint workgroup has formed that will be co-chaired by NYSEDA and the RWSE. The first meeting of this workgroup, which is made up of representatives from federal and state agencies, environmental eNGOs, academics, offshore wind developers, environmental consultants, and regional science entities, will be held in December. The main objective for this joint RWSE-E-TWG effort is to develop interim guidance to inform selection and implementation of research and monitoring efforts at regional scales. This includes collating research priorities and data gaps that have been identified through existing efforts (e.g., 2020 State of the Science workgroups), identifying topics that are appropriate to address at the regional scale, and developing criteria for further prioritization, as well as terminology and study design considerations. This effort is being managed by E-TWG support staff with additional support from the Offshore Wind Synthesis of Environmental Effects Research (SEER) group. This effort will have an approximately 9-month timeline, which includes opportunities for targeted input from E-TWG members and other stakeholders such as a virtual workshop and review of the draft guidance document. This joint workgroup will serve as a precursor to the RWSE cross-taxa subcommittee.

## Wrap Up and Next Steps

- To allow for more time for discussion during E-TWG meetings, support staff will be disseminating written updates prior to the December meeting. E-TWG members should provide any written updates or requests for updates on particular topics via email to support staff by November 30<sup>th</sup>.
- The next E-TWG meeting will be held on 9 December 2021 from 1-3 pm and will focus on the E-TWG moving forward, with time for discussion on written update topics.

## Appendix A: List of Participants

<b>Point of Contact</b>	<b>Organization</b>	<b>Stakeholder Type</b>	<b>Role</b>
<i>Kate McClellan Press</i>	<i>NYSERDA</i>	<i>State Government</i>	<i>Convener/chair</i>
Lisa Bonacci-Sullivan	NY Dept. of Environmental Conservation	State Government	Observer
Koen Broker	Shell New Energies	Developer	Advisor
Colleen Brust	NJ Dept. of Environmental Protection	State Government	Observer
Jennifer Daniels	Atlantic Shores	Developer	Advisor
Lisa Engler	MA Dept. of State	State Government	Observer
Michael Evans	Ørsted	Developer	Advisor
Shilo Felton	National Audubon Society	eNGO	Advisor
Elizabeth Gowell	Ørsted	Developer	Advisor
Terra Haight	NY Dept. of State	State Government	Observer
Kevin Hassell	NJ Dept. of Environmental Protection	State Government	Observer
Scott Johnston	U.S. Fish and Wildlife Service	Federal Government	Observer
Shannon Kearney	CT Dept. of Energy & Environmental Protection	State Government	Observer
Francine Kershaw	Natural Resources Defense Council	eNGO	Advisor
Atma Khalsa	Avangrid Renewables	Developer	Advisor
Carl LoBue	The Nature Conservancy	eNGO	Advisor
Scott Lundin	Equinor	Developer	Advisor
Anne Marie McShea	Ocean Wind	Developer	Advisor
Laura Morales	Equinor	Developer	Advisor
Cynthia Pyc	Vineyard Wind	Developer	Advisor
Matt Robertson	Vineyard Wind	Developer	Advisor
Howard Rosenbaum	Wildlife Conservation Society	eNGO	Advisor
Fred Zalcman	New York Offshore Wind Alliance	Non-partisan NGO	Advisor

### Support Staff

Morgan Brunbauer (NYSERDA)  
 Bennett Brooks (Consensus Building Institute)  
 Julia Gulka (Biodiversity Research Institute)  
 Edward Jenkins (Biodiversity Research Institute)  
 Jacqueline Sharry (Cadmus Group)  
 Kate Williams (Biodiversity Research Institute)

### Other Attendees

Emily Shumchenia (Northeast Regional Ocean Council/RWSE)  
 Caleb Spiegel (U.S. Fish and Wildlife Service)  
 Tim White (Bureau of Ocean Energy Management)

## Appendix B: Meeting Agenda

### **New York Environmental Technical Working Group (E-TWG)**

2-3 pm EDT, 30<sup>th</sup> November 2021

<b><u>Time</u></b>	<b><u>Agenda Item</u></b>
2:00-2:05 pm	Welcome
2:25-2:50 pm	Site-specific guidance effort <ul style="list-style-type: none"><li>• Update on coordination with federal agencies</li><li>• Overview of current workplan</li><li>• Group discussion/opportunity for input on draft workplan</li></ul>
2:05-2:25 pm	Update on regional guidance effort <ul style="list-style-type: none"><li>• Overview of RWSE collaboration, workplan, and workgroup membership</li><li>• Coordination with regional efforts</li><li>• Future opportunities for E-TWG review of draft products</li></ul>
2:50-3:00 pm	Wrap up and Next Steps