

**New York Environmental Technical Working Group (E-TWG)
Meeting Summary – 9 March 2023**

	<u>Name</u>	<u>Date</u>
Prepared by	Stefanie Sganga, Cadmus Group	3/16/2023
Prepared by	Amanda Gherezghiher, Cadmus Group	3/20/2023
Reviewed by	Bennett Brooks, CBI	3/22/2023
Reviewed by	Julia Gulka, Biodiversity Research Institute	3/22/2023
Reviewed by	Kate McClellan Press, NYSERDA	4/10/2023
Reviewed by	Kate Williams, Biodiversity Research Institute	4/11/2023

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 state¹. The E-TWG held a meeting on March 9, 2023 via video conference. All participants who joined the video conference are listed in 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

- Project Advisory Committees to be created to support the *Masterplan 2.0: Deep Water* process for the five studies (birds and bats, marine mammals and sea turtles, fish and fisheries, benthic habitat, environmental sensitivity). Anyone interested in volunteering for a study area should reach out to Kate McClellan Press (Kate.McClellanPress@nyscrda.ny.gov).
- NYSERDA to provide E-TWG members with information on the data sets being used to support the *Masterplan 2.0: Deep Water* process.
- E-TWG members were encouraged to forward to Kate McClellan Press any additional thoughts to strengthen communication, coordination, and transparency as it relates to OSW activities and potential impacts to whales.
- NYSERDA and support staff will take the input from discussion on OSW-whale topics and develop a plan for how best to move forward that can be brought back to the E-TWG.
- E-TWG members were encouraged to reach out with questions to Francine Kershaw (fkershaw@nrde.org) regarding *eNGO Priorities for Wildlife and Offshore Wind Development*.
- If interested in joining the planning committee for the 2024 State of the Science Workshop, E-TWG members should email Kate Williams (kate.williams@briwildlife.org).
- Support staff will reach out to the E-TWG to schedule an in-person E-TWG meeting for September 2023.

Introduction

Bennett Brooks (Consensus Building Institute) and Kate Williams (Biodiversity Research Institute) provided a brief introduction. The focus of this meeting was to provide an update on the *Master Plan 2.0: Deep Water* process, discuss recent whale mortality events and the E-TWG's role in communication or other efforts around this issue, and learn about eNGO (environmental NGO) priorities for wildlife and offshore wind development.

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

Masterplan 2.0: Deep Water

Kate McClellan Press (NYSERDA) began by providing an overview of the background, goals, and timeline for the *Master Plan 2.0: Deep Water (Master Plan 2.0)* process. New York is undergoing this planning process for deep water (>60m) with a regional area of analysis that is larger than what was studied in the first master plan². This effort includes a series of studies to help evaluate and characterize risks and opportunities for offshore wind (OSW) energy development in a comprehensive way. This includes environmental and fisheries site assessment studies (focus of this discussion), deep water wind technology concept studies, and maritime, wind resource, oceanographic conditions feasibility studies. The Master Plan 2.0 will serve as an organizing principle for all OSW work to help ensure a robust and proactive approach to meeting New York's goal of 9 gigawatts (GW), provide an opportunity to identify areas in the region of greatest and least environmental risk, and obtain input from stakeholders. It will further describe New York's integrated approach to the continued development of the OSW industry and build from the success of the first master plan.

Timeline for Stakeholder Engagement

First drafts of study reports will be completed in August 2023 followed by a period of review by NYSERDA, the E-TWG, and other stakeholders. In September, an in-person E-TWG meeting will be planned to further discuss the results of the studies, with the goal of finalizing reports by the end of October and forwarding them on to BOEM by the end of the year.

Project Objectives and Five Study Areas

Representatives from HDR (study lead) provided more in-depth information on the project objectives and the five focal study areas. In addition, it was noted that Project Advisory Committees (PACs) will be created to inform each of the studies. E-TWG members interested in volunteering should reach out to Kate McClellan Press (Kate.McClellanPress@nyserda.ny.gov) as soon as possible.

Overall Project Objectives

- Conduct desktop assessments to review and synthesize available and relevant environmental and wildlife data sources.
- Identify potential stressors from all phases of OSW development with a focus on deep-water technology.
- Provide recommendations on minimization and mitigation options to help reduce potential risk.
- Identify any future research needs or opportunities to address data gaps.
- Engage with experts and stakeholders through the PACs, E-TWG, and Fisheries Technical Working Group (F-TWG).

Study Area #1 – Marine Mammals and Sea Turtles

The methods for the marine mammals and sea turtle study will include:

² More information on the New York Offshore Wind Masterplan: <https://www.nyserda.ny.gov/All-Programs/Offshore-Wind/About-Offshore-Wind/Master-Plan>

- Identifying existing data sources to help characterize abundance, density, distribution, and temporal use patterns
- Summarizing any relevant mitigation and monitoring practices such as noise abatement, mitigation systems, soft starts during piling, and real time passive acoustic monitoring.
- Identifying data or research gaps and recommendations for specific methods or research tools to help address these gaps.
- Identifying potential risks to marine mammals and sea turtles from all phases of OSW development. This can include underwater noise, vessel strikes, seabed disturbance, and unexploded ordinance detonation. In certain areas, potential risks include light pollution, presence of underwater structures, and green debris.

Study Area #2 – Birds and Bats

The Biodiversity Research Institute will support this study area. The methods for the birds and bats study will include:

- Identifying existing data sources focusing on available spatial models, tracking data, and understanding the location of marine bird colonies in the region.
- Identifying any data or research gaps and the recommendations for methods or research tools to help address these gaps.
- Developing spatial risk assessments through tracking data, foraging analysis, and marine bird exposure and vulnerability assessments.
- Identifying potential risks to birds and bats from all phases of OSW development.
- Conducting a marine bird exposure and vulnerability assessment using the Marine-life Data and Analysis Team (MDAT) models that stretch from the Gulf of Maine down to Florida.
- Summarizing relevant mitigation and monitoring practices.

Study Area #3 – Fish and Fisheries

The methods for the fish and fisheries study will include:

- Identifying existing data sources on key fish, shellfish species of concern, and sensitive habitats.
- Identifying data or research gaps and the recommendations for methods or research tools to help address these gaps. This will include the overall potential impact of commercial and recreational fisheries and identifying what areas could have lower environmental and socio-economic impacts.
- Summarizing any relevant mitigation and monitoring practices.
- Identifying what species have been impacted by OSW development and which species have not previously been studied and could be impacted.

Study Area #4 – Benthic Habitats

Inspire Environmental and the University of Rhode Island Graduate School of Oceanography will support this study. The methods for the benthic habitats study will include:

- Review the compiled data sources from the Master Plan 1.0 and include any newly available data.

- Characterize the benthic characteristics of the area including geophysical, and biological characteristics, and the presence of unique habitats, endangered, threatened, or vulnerable species.
- Identifying data or research gaps and the recommendations for methods or research tools to help address these gaps and make recommendations on future studies or technologies to close those gaps.
- Identifying potential risks to benthic environments from all phases of OSW development including floating and fixed wind technologies.
- Summarizing any relevant mitigation and monitoring practices to reduce risk to benthic habitats.

Study Area #5 – Environmental Sensitivity Analysis

The methods for the environmental sensitivity analysis will include:

- Reviewing stressors, risk weightings, and overall methodology in the first Master Plan and other relevant risk assessment models.
- Providing geographic depictions of high and low areas of potential conflict for OSW development and associated stressors.
- Develop a model incorporating temporal and spatial risks from Study Areas 1-4 on marine resources from potential stressors and the level of risk associated with the stressors during all phases of OSW development.

It was also noted that the list of datasets being targeted for inclusion in the Master Plan 2.0 will be provided to E-TWG members for input. In addition, pelagic oceanographic processes and cumulative effects were discussed as areas that should be addressed and included in one or more of the study areas.

Questions

What is the duration of these studies and what is the projected completion date?

The current schedule calls for drafts of each of the five reports to be completed in August, with the aim of bringing together the E-TWG and stakeholder groups in September for further discussions. Final drafts are to be finished at the end of October.

How do the zones compare and how is the border being defined?

Zone 1 is the remainder of the continental shelf that was not covered by the first Master Plan, Zone 2 is the shelf break, and Zone 3 is a deep-water area out to the 3000-meter contour. The analysis isn't required to be divided into these zones, but because each zone may have differences in technology type, distance from shore, and environmental characteristics, they present a way to talk about certain types of data like habitat type and species usage.

Can HDR speak to the sensitivity risk analysis process?

This is a geospatial analysis where each of the component layers from different focal areas has a risk-associated score which is then combined and can be weighted based on severity of the risk and likelihood of effects.

Whale Mortality Events

Bennett Brooks and Kate McClellan Press began by providing background information on recent whale mortality events. Since early December, there have been over 23 dead whales that washed ashore along the east coast of the United States. Ship strikes are likely the cause of many of these deaths according to post-mortem examinations, and there is no evidence that OSW is a contributing cause to any of these mortalities. However, some elected officials and others are blaming offshore wind development activities for these deaths. Given these narratives, there may be an opportunity for the E-TWG to support improved coordination, communication and transparency related to topics such as the recent strandings, OSW activities, and potential marine mammal impacts from OSW.

Discussion: Solutions, Information Needs, and the Role of E-TWG

E-TWG members were split into five breakout groups to brainstorm solutions, information needs, and the role of E-TWG could play to improve communication or pursue other strategies focused on the whale mortality events and transparency of OSW activities. A group discussion occurred after these breakout groups. E-TWG members suggested the following:

- **Develop public outreach materials to help inform, share, and educate people on whale mortality events.** Suggestions included developing factsheets, brochures, PowerPoints, or websites that include information on regulations, scientific background, and Incidental Harassment Authorization (IHA) applications. E-TWG members discussed different topic ideas that could be pursued including:
 - Whale unusual mortality events (UMEs) and mortality sources and larger context
 - Changing whale and prey distributions and changes in shipping traffic in the New York Bight (NYB), and where there could be increasing conflicts within the region
 - Information on abundance and distribution of whales in relation to ship traffic
 - Background on necropsies and explanations as to why they can't always be conducted or sometimes can't tell the cause of death³
 - OSW survey methods and noise characteristics, particularly as they relate to the potential for marine mammals to detect or be affected by these noises
 - Proportion of vessel activity that comes from OSW compared to other sources
 - Common marine mammal mitigation measures that are required and what OSW developers are doing above and beyond what is required
 - Highlighting the benefits of offshore wind development
- **Create a coordinated dashboard of activities across all OSW developers** (via Bureau of Safety and Environmental Enforcement or separately coordinated for NYB region) so all organizations and stakeholders share the same information on what OSW activities are occurring offshore.
- **Provide detailed technical information** as well as high-level information to help communicate at different levels depending on the desires of different stakeholders.
- **Develop publicly accessible clearinghouse of preliminary and final necropsy findings from whale strandings**
- **Request more specific guidance from regulators on reducing risk to whales**

³ For additional information, visit <https://www.fisheries.noaa.gov/feature-story/frequent-questions-necropsies-animal-autopsies-marine-mammals>.

- **Develop a coordinated summary of Protected Species Observer data** of sightings/response to offshore wind activities.

E-TWG members noted various roles that this group may be able to play, including:

- **Continue to have similar conversations** like this discussion with other regulators and OSW developers.
- **Facilitate communications between E-TWG members and other third-party validators** (e.g., subject matter experts, academics).
- **Synthesize information and develop accessible, public-facing documents** for anyone to use.
- **Develop a letter** encouraging agencies to continue conducting media outreach and getting the most fact-based information out.
- **Identify and target audiences** and tailor messages appropriately.
- **Help gather and compile offshore wind information** in a way that it is more useful.

Additional considerations that came up in discussion:

- **Who is speaking matters to how information is received by the public.** It is important to leverage the credibility of environmental groups and other trusted sources to help deliver the facts. Third party validators such as academics and subject matter experts can also play an important role.
- **How can other ocean users be held responsible for whale impacts?**
- **Hesitation by developers to provide detailed information on where OSW-related survey activities are occurring** as this may not serve to clear up the connection between activities and mortality events.
- **We should also be forward thinking** in relation to upcoming pile-driving and construction activities and how to leverage the E-TWG for what may be coming next.

eNGO Priorities for Wildlife and Offshore Wind Development

Francine Kershaw (Natural Resources Defense Council) discussed a guidance document developed by over 20 environmental organizations to establish science-based principles and priorities for environmental monitoring⁴. The guidance and recommendations can help advance responsible OSW development throughout the U.S. There are two levels of recommendations available in the document:

1. Monitoring priorities that can be used as common practice throughout all geographic regions where OSW energy is developed.
2. Monitoring practices that are specific to individual geographic regions where OSW development is occurring, incorporating unique regional considerations.

The Mid-Atlantic chapter was recently added to the guidance document and includes descriptions of the regional ecology, along with recommended monitoring tools and technologies. The guidance document will continue to be updated, as needed, to incorporate additional regions and provide the latest

⁴ For additional information, visit: <https://www.nrdc.org/resources/monitoring-marine-life-during-offshore-wind-energy-development-guidelines>

scientific and technological advancements. Please email Francine (fkershaw@nrdc.org) with any questions on this effort.

Update on New Jersey's Third Solicitation of Offshore Wind

Renee Riley with the New Jersey Department of Environmental Protection provided an update on the state's third OSW solicitation. The overall goal is to reach 11 GW of OSW energy by 2040, noting that 3.5 GW of that total has already been awarded through the first and second solicitations. The third solicitation for 1.2 to 4 GW of offshore wind is currently open now through June 2023. Along with the opening of the third solicitation, a guidance document was developed to help with the application process. This document compiles all the relevant requirements, ensures a fair and competitive process by giving all potential bidders an equal opportunity and access to receive guidance, and helps facilitate the evaluation of the applications.

Reminders and Wrap Up

Bennett Brooks and Kate Williams ended the meeting with the following reminders related to E-TWG activities:

- Prior to the meeting, support staff provided the E-TWG with written updates on New York Bight coordination, transmission planning, the 2024 State of the Science Workshop, and E-TWG Specialist Committee activities. Any questions on these topics should be addressed to Kate Williams (kate.williams@briwildlife.org) or Kate McClellan Press (Kate.McClellanPress@nyserda.ny.gov) via email.
- Support staff will be reaching out to E-TWG members to designate primary and secondary E-TWG representation.
- The Regional Synthesis Workgroup will be seeking E-TWG feedback on their draft guidance document in mid-April.
- The Avian Displacement Guidance Committee will be seeking E-TWG feedback on their draft guidance document in summer/fall 2023.
- The Marine Law Symposium focused on net positive impacts of offshore wind development is being held on April 20-21. More information at: <https://law.rwu.edu/events/marine-law-symposium>.

Appendix A: List of Participants

Point of Contact	Organization	Stakeholder Type	Role
Kate McClellan Press	NYSERDA	State Government	Convener/chair
Kirsten Barnstead	Leading Light Wind	Developer	Advisor
Carmen Bernett	Invenergy	Developer	Advisor
Koen Broker	Shell Renewable Power and Energy Solutions	Developer	Advisor
Colleen Brust	NJ Dept. of Environmental Protection	State Government	Observer
Zach Cockrum	National Wildlife Federation	eNGO	Advisor
Candice Cook-Ohryn	Shell Renewable Power and Energy Solutions	Developer	Advisor
David Cox	NC Wildlife Resources Commission	State Government	Observer
Ross Diamond	Invenergy	Developer	Advisor
Jennifer Dupont	Equinor	Developer	Advisor
Lisa Engler	MA Dept. of State	State Government	Observer
Sharon Farris	Bluepoint Wind	Developer	Advisor
Melanie Gearon	Ørsted	Developer	Advisor
J Christopher Haney	National Audubon Society	eNGO	Advisor
Megan Hayes	Atlantic Shores	Developer	Advisor
Erin Healy	Mayflower Wind	Developer	Advisor
Francine Kershaw	Natural Resources Defense Council	eNGO	Advisor
Atma Khalsa	Avangrid Renewables	Developer	Advisor
Kira Lawrence	NJ Board of Public Utilities	State Government	Observer
Juan C. Levesque	Vineyard Offshore	Developer	Advisor
Kristi Lieske	DE Dept. of Natural Resources & Environmental Control	State Government	Observer
Carl LoBue	The Nature Conservancy	eNGO	Advisor
Catherine McCall	MD Dept. of Natural Resources	State Government	Observer
Laura McKay	VA Dept. of Environmental Quality	State Government	Observer
Katherine Miller	RWE Renewables Americas	Developer	Advisor
Kim Peters	Ørsted	Developer	Advisor
Cynthia Pyc	RWE Renewables Americas	Developer	Advisor
Renee Reilly	NJ Dept. of Environmental Protection	State Government	Observer
Meghan Rickard	NYS Dept. of Environmental Conservation	State Government	Observer
Emily Rochon	Vineyard Offshore	Developer	Advisor
Howard Rosenbaum	Wildlife Conservation Society	eNGO	Advisor
Daniel Sieger	RWE Renewables Americas	Developer	Advisor
Nick Sission	NOAA Fisheries	Federal Government	Observer
Ally Sullivan	Total Energies Renewables	Developer	Advisor
Bailey Wild	NJ Board of Public Utilities	State Government	Observer
Fred Zalzman	New York Offshore Wind Alliance	State Government	Observer

Support Staff

Bennet Brooks (Consensus Building Institute)
Amanda Gherezghiher (Cadmus Group)
Julia Gulka (Biodiversity Research Institute)
Stefanie Sganga (Cadmus Group)
Kate Williams (Biodiversity Research Institute)

NYSERDA

Morgan Brunbauer (NYSERDA)
Jessica Dealy (NYSERDA)

Other Meeting Attendees

Kristen Ampela (HDR)
Jeanine Boyle (INSPIRE Environmental)
Connor Capizzano (INSPIRE Environmental)
Andrew Davies (University of Rhode Island)
Dave Davis (HDR)
Kate Estler (HDR)
Chandra Goetsch (Biodiversity Research Institute)
Wing Goodale (Biodiversity Research Institute)
Merra Howe (Biodiversity Research Institute)
Anwar Khan (HDR)
Leigh LaMartina (Biodiversity Research Institute)
Annie Murphy (INSPIRE Environmental)
Jaak Van den Sype (HDR)
Sarah Zappala (HDR)

Appendix B: Meeting Agenda

Environmental Technical Working Group (E-TWG) – Meeting Agenda

9 March 2023

11:00 AM - 1:00 PM EST

<u>Time</u>	<u>Agenda Item</u>
11:00 – 11:10 am	Welcome <ul style="list-style-type: none">• Introductions• Meeting agenda & ground rules• Icebreaker
11:10 – 11:40 am	Masterplan 2.0: Deep Water <ul style="list-style-type: none">• Goals of the Effort• Study Plans• Timeline for Stakeholder Engagement• Discussion
11:40 am – 12:40 pm	Whale Mortality Events <ul style="list-style-type: none">• Background• Brainstorm Solutions and Information Needs• Discussion re: E-TWG Role and Next Steps
12:40 – 12:50 pm	eNGO Priorities for Wildlife and Offshore Wind Development
12:50 – 1:00 pm	Reminders and Wrap Up