

**New York Environmental Technical Working Group (E-TWG)
Meeting Summary – 2 May 2024**

	<u>Name</u>	<u>Date</u>
Prepared by	Erin Maloney, Cadmus Group	5/28/2024
Reviewed by	Alex West, Cadmus Group	5/28/2024
Reviewed by	Kate McClellan Press, NYSERDA	5/30/2024
Reviewed by	Julia Gulka, BRI	6/11/2024
Reviewed by	Bennet Brooks, CBI	6/11/2024
Reviewed by	Kate Williams, BRI	8/8/2024
Reviewed by	E-TWG Members	11/29/2024

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 (OSW) 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. On May 2, 2024, the E-TWG held an in-person meeting at the Building Energy Exchange Building at 31 Chambers St, Manhattan, New York and via video conference. All participants who attended in person or virtually 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

- E-TWG members interested in moderating a session during the 2024 State of the Science Workshop or serving as a student mentor can reach out to Julia Gulka (Julia.gulka@briwildlife.org), Kate Williams (Kate.williams@briwildlife.org), or Eleanor Eckel (Eleanor.eckel@briwildlife.org).

Welcome and Introductions

Bennett Brooks (Consensus Building Institute, or CBI) provided a brief introduction and invited all meeting participants, both in person and online via zoom, to provide introductions about their respective organizations. The focus of the meeting was to 1) discuss E-TWG efforts, including the 2024 State of the Science Workshop and Specialist Committee efforts, 2) discuss the status of New York Offshore Wind Master Plan 2.0 Track 2 studies, 3) discuss compensatory mitigation and marine net gain, and 4) begin the prioritization process for E-TWG efforts in 2025-2027.

Ongoing and Recently Completed E-TWG Activities

Kate Williams (Biodiversity Research Institute, or BRI) and Julia Gulka (BRI) provided an overview of recent work by the E-TWG's three active Specialist Committees (SCs). Specialist Committees are made up of both E-TWG and non-E-TWG members with subject matter expertise. E-TWG support staff develop a work plan for each SC, with input from E-TWG members on the work plan and potential committee membership. The SCs meet separately from the E-TWG and receive technical and facilitation support as needed.

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

State of the Science Workshop 2024

Kate Williams (BRI) shared updates on the 2024 State of the Science Workshop². The workshop will be held July 16-19 at Stony Brook University on Long Island, New York. For the first time, the workshop will include a fisheries focus in addition to the environmental and wildlife focus. Because of this addition, the conference will extend for three and a half days, including half a day for side meetings on July 18. The scientific planning committee and the organizing committee have been reviewing abstracts and working to develop the agenda and themes for the conference.

Kate McClellan Press (NYSERDA) added that the 2024 workshop marks the first year NYSERDA will be offering a student equity fund to provide students from New York with travel scholarships to attend the conference. This fund is targeted to students from historically underrepresented areas of New York (defined for this opportunity as [disadvantaged communities](#), [environmental justice zones](#), or [HUB Zones](#)) who are interested in pursuing careers in the environmental field. NYSERDA is hoping to match these students with E-TWG and Fisheries Technical Working Group (F-TWG) members to serve as mentors during the workshop. The mentor role would involve reaching out to the student before the conference and helping to make introductions and answer questions during the workshop.

Discussion

Is there interest in having an informal, purely social E-TWG meet-up during the workshop?

- Several E-TWG members expressed they would prefer not to have a meet-up.
- An E-TWG member suggested providing “E-TWG” and “F-TWG” labels on attendee nametags.
- Kate McClellan Press (NYSERDA) noted there likely will be TWG labels on the nametags, as well as labels for students and presenters.

Whale Communications Specialist Committee

Julia Gulka (BRI) shared updates on the Whale Communications Specialist Committee (SC)³, which has been meeting monthly since May 2023. The goal of the committee is to develop communications materials to aid in the dissemination of current, accurate, and readily understandable information around recent whale mortality events and the potential risk to whales from offshore wind development. The primary product of this SC is a Frequently Asked Questions (FAQ) document that provides answers to key questions regarding 1) strandings and unusual mortality events, 2) regulatory processes and mitigation for whales relevant to OSW development, 3) OSW-related topics, and 4) additional factors influencing whales. This resource is intended to aid stakeholders in their communications, rather than serve as a resource for the general public. To get this information out as quickly as possible, three to five questions are under review at a time before being published.

Discussion

Is the SC considering how to pivot this process to address other potential issues?

²For additional information about the 2024 State of the Science Workshop, visit: <https://www.nyetwg.com/2024-workshop>

³For additional information about the Whale Communications Specialist Committee, visit: <https://www.nyetwg.com/communications-committee>

- It would be possible for the SC to consider expanding the scope of this product to address additional communication needs for the same topics, as well as restructuring to address other topics that may benefit from similar communications products.
- An E-TWG member indicated that electromagnetic fields (EMF) are a topic of concern for developers.
- E-TWG members were encouraged to share additional topic suggestions with BRI.
- The Special Initiative for Offshore Wind recently published an [FAQ document](#) related to wildlife and OSW. It was suggested that the E-TWG review this document and other ongoing communications work to identify additional needs and avoid duplicating efforts.

Will there be a social media campaign or announcement regarding the online publication of the FAQ?

- One of the biggest challenges with this type of product is making it known that it is available to the public.
- Kate McClellan Press (NYSERDA) clarified the intended audience for the FAQ is individuals and organizations who are commonly having these conversations and can use the FAQ responses to inform their own communication needs. The SC was sensitive to the misuse of information when deciding on this approach. The SC can discuss how this information is being distributed if E-TWG members do not feel it is reaching the right people.

Have you received any feedback from the public via E-TWG members or email?

- Kate McClellan Press (NYSERDA) reiterated the aim was not to provide this resource to the public, but rather to have the relevant organizations who are interacting with the public in different settings use this as a communications resource. The SC can discuss the potential for developing a different product targeting the public and appropriate approaches for disseminating this information.
- Kate Williams (BRI) added that timing is also a consideration due to the multiple rounds of FAQs under development and review.
- Multiple E-TWG members stated they have received positive feedback on the FAQ from individuals using the document to aid in their community engagement efforts. E-TWG members noted there is a strong need for educational teaching modules and for more digestible materials coming from sources other than the federal government, which was expressed at the recent Southeast and Mid-Atlantic Marine Mammal Symposium⁴.
- An E-TWG member noted the FAQ document has been a useful tool for developers to foster engagement and prepare their community engagement teams.

Additional Communication Needs

Julia Gulka (BRI) noted that discussions among E-TWG members last year led to additional small group conversations outside of the SC. These discussions were centered around trying to better understand potential communication needs among environmental organizations, government agencies, and OSW developers to better enable effective advocacy for the OSW industry.

Carl Lobue (The Nature Conservancy, or TNC) spoke to an effort that he spearheaded following these small group discussions, as a common concern was a general lack of awareness of the kind of

⁴ For additional information, visit: <https://seamamms.wordpress.com/>

information those individuals engaging with the public on these issues are looking for. He conducted a survey of environmental groups that he regularly interacts with to better understand what resources these individuals are looking for, including desired format and timeframe, and what information they feel is not currently available to them. These responses were compiled into a document that is intended to help developers better understand the kinds of questions the public is asking and how those questions are asked. This document is not a product of the E-TWG or the SC.

Discussion

Will an unfiltered version of the document be available to E-TWG members?

- Because this is not an E-TWG or SC product, it has not gone through a formal review process.

Developers share a lot of data that can be used to combat misinformation and for other communication needs, but it often is scattered across multiple websites and can be difficult to find.

How can we collectively recommend better consolidating this data and other available resources?

What are some potential next steps?

- A lot of valuable data is embedded in long reports from developers and thus is not being pulled out and used correctly to combat misinformation. There are multiple entities that could effectively host this collection of information.
- An E-TWG member asked if this suggestion was to identify one location to consolidate relevant data and research.
- Developers are sometimes being asked for information they do not have yet (e.g., data on ghost fishing gear). There are some cases where developers recognize that certain information is being requested, but they cannot provide this information until they have collected it.
- A developer member noted that the delivery of information and finding methods of disseminating data in a way that is digestible and reaches the desired audience, particularly via social media, is another challenge.
- Another E-TWG member stated that the way information is shared is important and suggested to keep messaging simple and positive on social media.

Would the Regional Wildlife Science Collaborative for Offshore Wind (RWSC) be the right forum to compile this information?

- Emily Shumchenia (RWSC) noted that RWSC has had conversations with the Bureau of Ocean Energy Management (BOEM) regarding the development of their Protected Species Observer database and solutions for better data management. RWSC would be happy to engage in further conversations to help guide methods for extracting data and identifying key messages. Providing information to support similar resources that support communication efforts could be a future priority for RWSC's subcommittees.
- The resource developed by Carl Lobue (TNC) focuses on real-time needs. E-TWG support staff are considering having small group discussions with developers regarding the different methods being used to share data and their associated issues to then further strategize next steps. An E-TWG member voiced their interest in participating in such discussions.

Avian Displacement Guidance Committee

Julia Gulka (BRI) shared updates on the Avian Displacement Guidance Specialist Committee⁵. The goal of this committee is to inform pre- and post-construction monitoring and research to detect and characterize displacement, attraction, and macro- to meso-avoidance of marine birds in relation to OSW development. The primary product developed by this SC is an Avian Displacement Guidance Document that aims to identify key research questions and recommendations on topics like the choice of focal taxa and methodologies to address key questions. The first section of the guidance document is broadly focused on various methods to examine these key questions, while the second section narrows in on observational surveys and relevant recommendations for this method specifically. A secondary product is being developed by this SC with recommendations for using existing avian baseline data for site characterization.

The main guidance document has gone through multiple stages of review, including public feedback and comments received from E-TWG members. Once the co-chairs BOEM and USFWS approve the final document, it will be published and shared with the E-TWG.

Discussion

Is a current draft of the Avian Displacement Guidance available ahead of final distribution to review the changes made based on feedback from the E-TWG?

- Julia indicated that a written summary of the changes made to the guidance document will be distributed to the E-TWG once the document is finalized.

Additional Updates

Julia Gulka (BRI) provided an overview of additional work recently completed by the E-TWG, including:

- **Bird and Bat Research Framework.** The E-TWG held a workshop in 2020 to develop a framework for bird- and bat-related research for OSW and developed a report from this effort. More recently, a scientific manuscript⁶ based on this effort was accepted in a special issue of *Frontiers in Marine Science* focused on assessing and limiting the effects of OSW development on birds and marine mammals.
- **Effects of Noise on Aquatic Life Chapter.** Building off the 2020 State of the Science Workshop and the fisheries workgroup report, a book chapter was published in *The Effects of Noise on Aquatic Life*⁷.
- **Displacement Meta-analysis Manuscript.** The E-TWG is working with some members of the Avian Displacement SC to develop a manuscript based on a literature review conducted to inform the avian displacement guidance document. The manuscript is a meta-analysis of existing studies from Europe on the displacement of marine birds. TNC is leading the development of the manuscript, and it is currently in review at the journal *Environmental Impacts Assessment Review*.

⁵For additional information about the Avian Displacement Guidance Committee, visit:

<https://www.nyetwg.com/avian-displacement-guidance>

⁶To read the manuscript, visit: <https://www.frontiersin.org/articles/10.3389/fmars.2024.1274052/full>

⁷To read the chapter, visit: https://link.springer.com/referenceworkentry/10.1007/978-3-031-10417-6_164-1

- **Webinar Library.** Support staff continue to update the webinar library⁸ on the E-TWG website, and another round of updates is expected within the next month. The goal is to collate existing webinars and resources on environmental topics relevant to OSW development.
- **Mitigation Practices Database.** Over the past year, the E-TWG has been working to increase functionality of the Mitigation Practices Database (MPD) Tool⁹, formerly known as the MMP Tool. Monitoring practices were removed from the tool to emphasize the focus on mitigation and additional content updates are expected to be made in the near future.

Offshore Wind Masterplan 2.0

Overview

Kate McClellan Press (NYSERDA) shared an update on New York State's third OSW solicitation (NY3). On April 23, 2024, NYSERDA also issued a request to solicit feedback to inform the state's fifth OSW solicitation (NY5), which is expected to launch as early as the summer of 2024. NYSERDA also issued a Request for Proposals (RFP) to make \$300 million available for OSW supply chain investments. This is a repurposing of funds that were previously awarded as part of the NY3 solicitation.

Kate McClellan Press (NYSERDA) provided an overview of the status of the New York Offshore Wind Masterplan 2.0: Deep Water. Work on the first track of Masterplan 2.0 studies began in 2023, including five studies related to environmental and fisheries topics: 1) Birds and Bats Study, 2) Fish and Fisheries Study, 3) Marine Mammals and Sea Turtles Study, 4) Benthic Habitats Study, and 5) Environmental Sensitivity Analysis. Each study had its own technical advisory group that helped draft the reports before the studies were presented to and reviewed by the E-TWG members at the September 11, 2023, meeting. Approximately 800 comments received from reviewers during this process were incorporated into the final studies, demonstrating the value of external review. This review process will continue for any draft reports that can benefit from the expertise of the E-TWG members. NYSERDA is hoping to publish these studies along with the other Track 1 studies soon.

The information gathered from the Track 1 studies has also informed a New York State (NYS) Request for Wind Energy Areas off the New York Bight, which will be submitted to BOEM and eventually published. Work began this year on Track 2 of the Masterplan 2.0 studies, which focus on supply chain, feasibility, workforce, disadvantaged communities, and the environment. The environmental study, Characterizing Oceanographic Conditions and Analyzing Extreme Weather Risks and Potential Interactions with New York State's Offshore Wind Infrastructure, will be divided into two workstreams:

- 1) A report on oceanographic conditions in the New York Bight (NYB), focusing on supplementing the information gathered from the Track 1 wildlife and fisheries studies, and
- 2) A study analyzing extreme weather risks and potential interactions with OSW infrastructure.

E-TWG members will be asked to review only the oceanographic characterization workstream and are encouraged to provide input during this early stage of development.

⁸To view the webinar library, visit: <https://www.nyetwg.com/webinar-library>

⁹To view the MPD tool, visit: <http://www.nyetwg.com/mpd-tool>

Discussion

A target audience for the recommendations for these studies is BOEM, but we learned last week that there is a new five-year leasing schedule that indicates NYB deep water leasing could potentially begin in 2027; there is also the NYB Task Force. Are they involved in these studies, or part of the target audience?

- Tess Arzu (NYSERDA) confirmed that this leasing schedule is correct. One of the recommendations in the NYS Request for Wind Energy Areas off the New York Bight is for BOEM to initiate and facilitate ongoing conversations with the NYB Task Force. Kate McClellan Press (NYSERDA) added that the Masterplan 2.0 studies are not intended to replace any of BOEM's processes, but rather to inform NYS's decision making and initiate these conversations with stakeholders.

Ongoing Oceanographic Study

Idalia Machuca (Det Norske Veritas, or DNV) provided an overview of the ongoing oceanographic study under Track 2 of Masterplan 2.0. DNV is utilizing their extensive experience with OSW projects across the globe to help inform this study. The oceanographic workstream consists of a comprehensive assessment of the current state of oceanographic conditions within the Area of Analysis (AoA) and the potential impacts of OSW development on oceanographic processes.

The AoA extends along the coast of New York and neighboring states and is divided into three zones:

- Zone 1: Waters over the continental shelf
- Zone 2: Waters over the slope
- Zone 3: Deeper waters beyond the slope

In addition to describing the current oceanographic conditions and processes in the AoA and potential impacts of OSW development, this study will also identify relevant ongoing research and areas for future research to better understand the impact of OSW development on regional oceanography.

The scope of this study is broken down into the following three topics:

- 1) Characterize oceanographic processes in and around the AoA by investigating:
 - a) Large-scale dynamics, such as current systems that influence the dynamics in the Northeast region (e.g., Gulf Stream, North Atlantic Current, Labrador Current), and
 - b) Local-scale dynamics, such as tidal currents, estuarine circulation, and surface waves.
- 2) Expand on this regional context to characterize oceanographic conditions in the AoA by:
 - a) Reviewing data availability for the region,
 - b) Selecting relevant data sources to characterize water quality (e.g., salinity, temperature, density), and
 - c) Characterizing currents and waves.
- 3) Build upon these findings by:
 - a) Reviewing the existing research used to compile the current knowledge of oceanographic conditions and processes in the AoA, and
 - b) Reviewing ongoing research and potential areas for future research in order to more comprehensively understand the potential impacts of OSW structures on the existing oceanographic conditions and processes in the AoA.

The Oceanographic Characterization and Impacts of Offshore Wind Infrastructure portion of the study will consist of three chapters. The draft chapters are expected to be available at the end of Quarter 3 of 2024, following reviews by industry experts internally at DNV and NYSERDA, as well as a Project Advisory Committee (PAC) consisting of external industry and academic experts. The draft chapters will be made available to the E-TWG for review and comment. The final report is anticipated to be completed in Quarter 4 of 2024.

Kate McClellan Press (NYSERDA) reiterated that if any E-TWG members have questions or suggestions for information that should be included in this study or any of the other Masterplan 2.0 studies, they are welcome to reach out to her.

Discussion

Do any of the existing leases in the NYB overlap with the AoA? If so, are they considered in the analysis for those oceanographic conditions, or will only the existing conditions for those areas be analyzed?

- Idalia Machuca (DNV) clarified that the chapter of the study focused on characterizing the existing oceanographic conditions will look at the current data on the physical oceanography in the region, regardless of any existing structures. The knowledge gained from reviewing existing studies and data associated with the impacts of OSW structures on oceanography will be extrapolated and applied, where applicable, to the AoA. There have not been many studies conducted specifically for the U.S. and its coasts, so this study will pull in existing data from various geographies and emphasize the need for additional studies along the coasts of the U.S.
- The E-TWG member who posed this question added there is no overlap between the existing lease areas and the AoA.

Will the National Academy of Science be involved in drafting the report or part of the PAC to link this study to their recent study?

- Kate McClellan Press (NYSERDA) stated one of the PAC members was also involved with the National Academy of Science study¹⁰. NYSERDA is looking to tie some of the wildlife connections back into this particular study a bit more. E-TWG members suggested that BOEM and NOAA Fisheries North Atlantic Right Whale and Offshore Wind Strategy's¹¹ focus on hydrodynamics at wind farms and the draft management plans being developed by the Hudson Canyon National Marine Sanctuary may also be useful links to the current study.

Compensatory Mitigation and Marine Net Gain

Bennett Brooks (CBI) reviewed the goals of this discussion, which are as follows:

- Introduce the concepts and context of compensatory mitigation and marine net gain,
- Hear updates from several presenters who engage with these topics, primarily focusing on the U.S. context, and

¹⁰ For additional information, visit: <https://nap.nationalacademies.org/catalog/27154/potential-hydrodynamic-impacts-of-offshore-wind-energy-on-nantucket-shoals-regional-ecology>

¹¹ For additional information, visit:

https://www.boem.gov/sites/default/files/documents/environment/BOEM_NMFS_NARW_OSW_2_1.pdf

- Consider how a regional group could support work on these topics and whether there is a role specifically for the E-TWG in these efforts.

Kate Williams - BRI

Kate Williams (BRI) provided an introduction to the concepts of compensatory mitigation and marine net gain. Net negative biodiversity impacts caused by anthropogenic activity may be remediated by following the mitigation hierarchy: 1) avoiding impacts where possible, such as via careful project siting, then 2) minimizing remaining effects via project design options or other avenues. If there are residual impacts that cannot be avoided or minimized, additional methods of mitigation are needed to return to the baseline of no net loss of biodiversity or achieve a net gain of biodiversity via rehabilitation or offsets.

In the context of OSW, there are limited options for rehabilitating or restoring on-site habitats; thus, alternative methods of offsetting impacts are becoming more predominant to reach no net loss and net gain goals. For example, offsets may occur in a different location than the activity causing the impact or may address a different kind of impact than the one originally produced.

The variety of ways to define these terms is often a point of confusion in conversations around compensatory mitigation and marine net gain. For clarity in today's discussion, the following definitions were used:

- **Mitigation** – Actions taken to avoid, minimize, or compensate for the negative effects of development.
- **Compensatory mitigation** – Where significant residual impacts remain after the application of avoidance and minimization, offsetting or compensating for remaining unavoidable impacts via methods such as restoration, establishment, enhancement, and preservation.
- **No net loss** – Environmental impacts of an activity are balanced by mitigation measures to avoid net loss of ecosystem integrity.
- **Net positive impact (NPI)/net gain** – Environmental impacts of an activity are outweighed by mitigation measures and/or conservation actions, resulting in an overall environmental benefit.

Kate noted that it is important to differentiate between compensatory mitigation and NPI from a policy perspective, though they can use very similar methods and approaches to offset impacts of development, as well as similar metrics to measure the effectiveness of those methods. In the U.S. federal regulatory context, the goal is to achieve no net loss. Thus, compensatory mitigation is specifically tied to the regulatory context and driven by applicable legislation and regulations. This also results in a high degree of regulatory oversight of the compensatory mitigation process, focused on protected species and their habitat. In contrast, NPI goals are not driven by regulation in the U.S. and are often driven by a combination of the following factors internationally, including:

- Regional offset regulations that specify a target goal of net gain in relation to OSW, such as those in the UK.
- The rules of international lending institutions, which may require companies to meet certain NPI requirements to qualify for financing.
- Increased interest in the business sector in making sustainable investments, which includes social, environmental, and governance considerations.

Because NPI is not currently required under U.S. federal regulation, there is likely to be more flexibility in terms of how NPI can be achieved. Over the last decade, there has been a substantial increase in the number of voluntary commitments to NPI by the private sector, and some of these commitments have quickly moved into the compliance space in other nations. In the U.S., there has been increasing interest in compensatory mitigation and/or NPI in the context of OSW, primarily driven by international interests.

Holly Goyert – BRI

Holly Goyert (BRI) is the director of BRI's new Net Positive Initiative, as well as the coordinator of the Atlantic Marine Bird Cooperative Marine Spatial Planning Workgroup, which is a multi-sector partnership of approximately 35 technical subject matter experts in marine birds. In 2023, seven co-authors drafted a letter¹² to BOEM and USFWS requesting guidance on avian compensatory mitigation and voluntary conservation offsets to achieve net gain for marine birds from OSW. The letter specifically asked that BOEM and USFWS convene a stakeholder workshop to develop a framework on net gain strategies for marine birds, including both compensatory mitigation and NPI.

Since the letter was submitted, USFWS convened a national team to develop compensatory mitigation guidance for OSW development in coordination with BOEM. Holly is also co-organizing a State of the Science symposium with BRI, USFWS, Ørsted, and TNC. Holly indicated that one way for the E-TWG to potentially get involved with compensatory mitigation and NPI efforts could be by providing support for stakeholder engagement efforts.

Tricia Jedele – TNC

Tricia indicated that NPI is the concept of delivering biodiversity-positive actions at the project level and is sometimes incorrectly used interchangeably with "nature-positive". An OSW project may contribute to nature-positive goals but cannot be nature-positive in and of itself. NPI is not a substitute for the mitigation hierarchy and should only become a focus after no net loss has been achieved for targeted biodiversity features. NPI is also not a substitute for compensatory mitigation, although compensatory mitigation and offsets can be pathways to achieving NPI in some cases.

The current global policy context is helping drive the focus on NPI and the demand for expertise on this topic. The Paris Climate Agreement's target of limiting global temperature increases to no more than 1.5 C informs the net zero target by 2050 goals. The Kunming-Montreal Global Biodiversity Framework commits over 200 countries to halting and reversing nature loss by 2030. In the context of NPI, achieving no net loss is not enough to reverse the biodiversity loss that is being experienced and will likely not be enough to halt future loss. Goal 7 of the 2030 United Nations (UN) Sustainable Development Goals also emphasizes the significant role OSW will play in climate mitigation. Within this policy context, international OSW companies have expanded their in-house biodiversity and sustainability expertise to meet financing and regulatory requirements, and many of these companies with this same expertise and reporting obligations are also competing for contracts in the United States.

TNC regularly engages with compensatory mitigation and NPI work in both the scientific and regulatory contexts. Some of TNC's recent work on these topics includes the following:

¹²To read AMBC's letter, visit:

https://atlanticmarinebirds.org/downloads/AMBC_MSP_FinalLetterNetGainBirdsOSW_BOEM230831.pdf

- Hosted a two-day symposium¹³ with the Marine Affairs Institute at Roger Williams University (RWU) School of Law, focused on the policy and science aspects of incentivizing NPI action and challenges with implementation and measurement.
- Co-produced a study¹⁴ with Vermont Law School’s Energy and Environment Institute investigating how states use non-price criteria in solicitations to incentivize mitigation, habitat enhancements, and investments in nature.
- Provides recommendations to improve siting decisions.
- Encourages initiatives for the OSW sector to contribute to NPI by commenting on solicitation language and encouraging BOEM to include non-cash bidding credits in lease sales.
- Developed a cooperative agreement with NOAA Fisheries to learn more about how fish respond to the pile driving noise (study is set to begin this month at the Coastal Virginia Offshore Wind project).
- Updated their marine mapping tool¹⁵ to allow users to select a framework for NPI action.
- Co-led conversations and consultations on NPI and offshore renewable energy with the UN Global Compact and recently published a report¹⁶ generated via those discussions, titled, “Net-Positive Biodiversity in Offshore Renewable Energy.” This report was shared at the UN Ocean Decade Panel¹⁷.

Tricia suggested that the E-TWG could play a role in supporting NPI for OSW by pursuing any of the following priorities and next steps:

- Identify avoidance, minimization, mitigation, and monitoring requirements for priority species and habitats at the project level and across adjacent project areas as early as possible.
- Establish coordination mechanisms to facilitate project-to-project and project-to-government collaboration on methods of identifying priorities and to reduce redundancy of efforts and improve outcomes.
- Signal clear priorities that are designed to deliver measurable NPI actions, including contributions to support the RWSC science plan.
- Set marine and biodiversity objectives into law to signal the importance of biodiversity and communicate to companies what they need to do and allow them to secure funding.
- Support and enable the work of RWSC to accept mitigation dollars and strategically deliver monitoring, research, and restoration.

Scott Johnston – USFWS

Scott Johnston (USFWS) provided an overview of the compensatory mitigation efforts that USFWS has been working on recently. Compensatory mitigation is commonly considered to be the regulated take or offsets that are required under USFWS’s mitigation and compensatory mitigation policies. It is currently specific to the Endangered Species Act (ESA), or species that are potentially being affected, and is

¹³For additional information about the symposium, visit: <https://www.nature.org/en-us/newsroom/wind4nature/>

¹⁴For additional information about the study, visit: [iee-tnc_offshore-wind-report_20230606_1644.pdf](https://www.vermontlaw.edu/iee-tnc_offshore-wind-report_20230606_1644.pdf)

¹⁵To view TNC’s marine mapping tool, visit: <https://www.maps.tnc.org/marinemap/>

¹⁶For additional information about the report, visit: <https://unglobalcompact.org/library/6197>

¹⁷For additional information about the UN Ocean Decade Panel, visit: <https://www.youtube.com/live/RZkNy4ianog?si=IYmYe1l7wKmoARKJ>

distinctly separate from NPI. USFWS and BOEM started to work more seriously on compensatory mitigation in 2023, following consultations that produced estimated take using a collision risk model for three ESA-listed avian species in the northeast.

To date, these efforts have been largely internal within the two federal agencies and have not included a stakeholder process. The session held at the Environmental Markets and Mitigation Conference¹⁸ this week (May 2024) was one of the first ways of publicly relaying what USFWS and BOEM have been working on and accessing the expertise of conference attendees, many of whom have been working on mitigation for years.

Scott indicated that USFWS is currently working with economists from the Department of Interior to develop a resource equivalency analysis (REA) as a tool for the three ESA-listed avian species. This tool comes from the Natural Resource Damage Assessment (NRDA) realm and has been used primarily with oil spills but has been applied to other remediations as well. Based on inputs of estimated take, the tool estimates how many bird years are lost. USFWS can then come up with approaches for how to mitigate for that estimated impact.

Stephanie Vail Muse (USFWS) added that BOEM and USFWS have heard the industry's need for guidance on this topic and are trying to address it via REAs and discussions with mitigation experts. USFWS wants to make sure that when they have these conversations with industry and identify the groups interested in this work, money is going into the right hands and the conservation of these species is being addressed in collaborative and successful ways. In the coming months, USFWS hopes to 1) identify entities to collaborate with, 2) identify how this work can be done, 3) present industry with a menu of options to choose from, recognizing that there will not be a “one-size fits all” solution, and 4) engage with stakeholders as much as possible. ESA-listed species may be one area where industry should focus much of their initial energy through permitting, given that the permitting process is a significant part of getting a project up and running. Although NPI will have phenomenal benefits, it is currently not able to help a developer get a permit in the way that compensatory mitigation might.

Kyle Baker – BOEM

Kyle Baker provided an overview of BOEM’s efforts around compensatory mitigation. Many of the OSW developers that have existing net gain or NPI goals are bringing these goals in from their international experience, or these are sustainability goals that are set at the corporate level. It will be important to work with companies to adapt their existing models to the United States regulatory structure, where compensatory mitigation focuses on ESA-listed species. BOEM is currently considering how to incorporate some of these voluntary efforts into overall impact analyses as part of individual OSW projects. This may not be feasible, but BOEM is interested in exploring this concept more and trying to steer these efforts into the existing permitting structure in the US.

There is a real need to identify projects that meet no net loss and NPI goals, either for birds or for net biodiversity in cases where companies are thinking about more generally offsetting impacts. BOEM requested information in a Central Atlantic Post-Sale Notice on conservation bidding credits and received a lot of positive feedback. There has not been any decision made on this yet, but it is a way for

¹⁸For additional information about the conference, visit: <https://environmentalmarketsconference.com/>

BOEM to encourage these voluntary efforts to continue and is something BOEM supports and wants to continue working towards.

BOEM, like other federal agencies, has guidance on how to conduct processes under the National Environmental Policy Act (NEPA) and prepare Biological Assessments as part of the process, but is lacking a strong sense of direction on how best to incorporate compensatory mitigation. This is where net gain and compensatory mitigation for ESA-listed species come into play. BOEM is working with the US Army Corp of Engineers to try to develop a path forward and hopes to have some news to share on this front in the future. In terms of developing a national framework, BOEM has a series of meetings planned, with facilitation and planning support from CBI. BOEM hopes to present their work for feedback at one of the closed-session meetings before the State of the Science Workshop officially begins. BOEM and USFWS have started to share their efforts at conferences and have to reach out to have targeted discussions on specific topics, such as how to conduct REAs.

Shannon Kearney – Connecticut Department of Energy and Environmental Protection

The Connecticut Department of Energy and Environmental Protection (CT DEEP) recently released its 2023 Offshore Wind RFP, which included \$5,000 per megawatt (MW) to support regional monitoring. Such allocations of funds for regional monitoring are starting to become more common in state solicitations. The RFP also includes \$5,000 per MW to provide a net benefit. CT DEEP wanted to recognize that measuring the impacts on species through monitoring does not necessarily equate to working towards reversing or mitigating population-level impacts. Thus, this funding is intended to benefit species that may be of priority to CT, but potentially are not part of the required federal permitting mitigation process. The money may be used to enhance populations or put towards research to identify effective enhancement strategies for such populations that are expected to be impacted by the project.

CT DEEP is still monitoring for numerical impacts and therefore is unable to perfectly apply the terms defined in today's discussion. However, CT DEEP felt it was important to fund positive actions towards the species they believe are being affected, even before they have this data, in the hopes that their actions will help to offset those impacts once they are defined. This funding is not intended to be a double-dipping on mitigation requirements. There are likely many species that are not being addressed via compensatory mitigation because they are not federally listed; this funding could potentially be used towards those species if CT DEEP discovers that they are important and being affected. The funds will be provided to the RWSC, and the process by which these funds will be used has yet to be determined.

Shannon indicated that the E-TWG has already been helpful in the identification of affected species and priority targets. The E-TWG SCs developed guidance¹⁹ for how to determine potential priority species. The next step will be to identify projects or ongoing initiatives that have beneficial actions for these priority targets. Some of the questions that will guide this investigation include:

- What are the limiting factors for these target species aside from this new development?
- What are effective interventions?
- How can CT intervene to bolster the populations of these species so they can absorb the effects of OSW?

¹⁹ For additional information, visit:

https://www.nyetwg.com/files/ugd/78f0c4_32faf704418048239eb2b8c3259711db.pdf

- Do these initiatives exist, or does CT need to set them up?

Shannon indicated that one way the E-TWG could further support CT DEEP's work is via the MDP tool, where mitigation information and projects are collected and compiled. The E-TWG could potentially add the initiatives that may exist and may be useful to this database.

Emily Shumchenia – RWSC

Emily reminded the E-TWG that the four sector caucuses of RWSC serve as a forum for members to get together and discuss relevant and emerging issues that could potentially benefit from inter-sector coordination and could be priorities for RWSC's work. The feedback from discussions within the caucuses is brought to the RWSC steering committee (hereafter 'steering committee'), who can then discuss recommendations from the caucuses and identify potential next steps. RWSC's role in today's discussion is to gather guidance and direction from the E-TWG regarding issues relevant to all sectors and bring any potential next steps that may be generated for RWSC back to the steering committee.

RWSC participated in the workshop hosted by TNC last year (described above) and this topic remains of interest to the steering committee. The steering committee shares progress across the sectors on this topic during their quarterly meetings and will continue to do so. The RWSC has heard significant interest from the states and federal agencies to better understand this issue, coordinate with each other, and coordinate with other relevant entities in the community. The RWSC plans to continue communication efforts and help make connections as needed. Some of the tools the RWSC has developed or is currently developing include:

- Database that tracks ongoing projects, research, and data collection (existing)
- Research planning map (under development)
- Sharing spatial information via regional ocean data portals

There is an opportunity to utilize RWSC's subcommittees to help 1) identify types of offset projects, 2) identify appropriate actions or methods to implement such projects, 3) recommend metrics for assessing NPI, 4) create consistent vocabulary that is appropriate across all sectors, 5) recommend monitoring methods to evaluate project performance, and 6) make recommendations to ensure consistent data collection and sharing.

RWSC is highly interested in exploring the concept that CT DEEP has led with their recent solicitation and thinking about what this requirement means, what types of projects would be appropriate, and how to best administer and manage the funds associated with the requirement. CT may be the first case study of what a list of acceptable projects might look like and how to appropriately review projects that developers propose. This is an opportunity to learn from one state's efforts and generate a broader regional discussion and applications.

Questions

Tricia, what is your perspective on how TNC-related research can be considered net gain?

- An E-TWG member referenced TNC's passive acoustic work with NOAA for the Coastal Virginia Offshore Wind project as an example, noting that research does not apply to compensatory mitigation-type issues unless it is directly related to a threat or a recovery impediment. Tricia Jedele (TNC) clarified that the research itself is not considered net gain,

but rather is an example of how TNC is working to fill some of the research and knowledge gaps so that priorities, best practices for mitigation, and approaches to NPI can be informed by more robust data sets.

Is there a timeline for how USFWS is working through the resource equivalency analysis? Do you have any thoughts on how developers can document or credit the actions we are taking in the interim?

- There is no specific timeline, but USFWS is working on completing REAs for potential projects as soon as possible. In terms of past or ongoing projects, USFWS policy does not allow developers to go back and get mitigation covered after it has been completed. This is not to discourage these kinds of conservation benefits from OSW projects, however.

Is this referencing Equinor's Empire 1 and 2 projects? Did Equinor propose mitigation as part of their conservation measures for these projects?

- Equinor is not yet at that point in the process but has ideas for how to mitigate the level of take that has been attributed to them that follow the mitigation process.
- The inability to count NPI as a mitigation strategy under USFWS Section 7 becomes a challenge for developers who are trying to determine mitigation strategies while still complying with regulatory requirements, especially for those working under European firms. As this process is set up in the US, it will be important to consider how to avoid consequences so those firms that do want to pursue NPI are not penalized as they are competing for lease areas.
- USFWS staff explained that if a developer wants credit for compensatory mitigation in their Section 7 consultations, it must be written into the Biological Assessment (BA) in the project description as a conservation measure. When developers agree on the front half of a project to incorporate voluntary mitigation or mitigation as part of their conservation efforts to offset their impacts, USFWS can count it towards the project's jeopardy analysis and move forward with the consultation. If compensatory mitigation is not included as a conservation measure in the BA, it will not be included in the Biological Opinion (BiOp). For those that incorporate compensatory mitigation on the back end of a project, USFWS cannot give the developer credit unless they reinitiate consultations and add compensatory mitigation to the project description. USFWS cannot retroactively provide credit for any conservation measures that are not in a project's BiOp because the project is no longer what was described, authorized, and permitted.
- BOEM staff added that if BOEM did issue conservation credits, they could hold workshops to try to align industry efforts, conservation credits, voluntary efforts, and state credits. In states like Connecticut, activities like compensatory mitigation and conservation programs are beginning to be built into solicitations. If some of these efforts could be aligned where possible, there may be situations where COPs could qualify for credits if such conservation programs continue into the future.

Can USFWS walk through some of the steps of reopening consultation and adding mitigation to a project description? What would be considered acceptable as a description of the mitigation commitment?

- For the sake of time, it was suggested that this discussion be moved to a separate follow-up conversation. Several E-TWG members expressed interest in participating in this discussion. The theme of this conversation was summarized as follows: What is an acceptable type of commitment that developers can make in their proposed action that limits the connected action component of the commitment? Connected action is a term specific to NEPA and refers to an action that leads to additional analysis, permitting, and years of project development.

Can BOEM provide insight into the roadblocks still in place in terms of conservation bid credits, and what the future of those bid credits looks like for the five-year leasing schedule released this week?

- The final two Proposed Sale Notices of 2024 for BOEM’s lease sales came out this week and did not include conservation bid credits. Kyle Baker (BOEM) explained that although conservation bid credits are not currently being offered, they have not been excluded from being offered in the future. Multiple factors influenced conservation bid credits not being offered at this time, including competition with existing credits for supply chain development and fisheries compensation.
- An E-TWG member voiced support for the recommendation that the E-TWG support identification of actions for offsetting impacts from OSW to listed and other species of concern.

Will CT DEEP be helping to calculate the biodiversity gain, or the equivalency of how much biodiversity gain that \$5,000 per MW equates to?

- This could potentially be another way for the E-TWG to get involved with this work. Based on the information gathered at the Environmental Markets and Mitigation Conference this week, industry is turning to mitigation bankers because agencies want certainty about the kinds of metrics that need to be calculated, whereas the mitigation bankers need certainty from the agencies to be able to invest in a new bank. It seems like having these metrics available is going to be important and is potentially where the states can, or are already planning to, get involved.

Shannon, do you see these biodiversity gain calculations as a role that is unique to the E-TWG?

- Shannon Kearney (CT DEEP) noted that CT DEEP likely does not have the capacity to do these calculations. The state was hoping to rely on support from the regional groups and processes to help direct where the funding would go to ensure it has the most benefit. Beyond the site assessment of the target species that CT DEEP would want the funding to highlight, CT DEEP would likely not be able to do any accounting from the state level.

Full Group Discussion

What do we need to do to get on the same page in terms of the federal regulatory approach to compensatory mitigation, what the states are starting to do relative to incentivizing net gain, and what companies are voluntarily trying to do?

- Speakers indicated that this misalignment is cause for concern but also an opportunity to align these efforts to focus on species and habitats where that focus will have the biggest impact. This may require additional collaboration and coordination.
- An E-TWG member said they do not view the programs as misaligned, but rather that these concepts are not fully fleshed out yet, especially compensatory mitigation and specific offsets. In many ways, these two concepts need to be different. However, they could come from the same menu of conservation options for potential projects.
- An E-TWG member agreed and expressed interest in the credit markets opening for net gain of biodiversity; this concept aligns with the multi-species approach exemplified by CT DEEP. There is some alignment that needs to occur regarding including ESA-listed species and ensuring offset projects are appropriate to compensate for impacts, but these actions also occur at different points in the leasing process.
- An E-TWG member indicated that there is a federal regulatory focus on ESA-listed species and less of a focus on productivity and ecosystem services. This regulatory approach drives the selection of priorities for corporate NPI actions, but a focus solely on ESA-listed species alone or on the 1:1 offset ratio may not be the best way to achieve net gain for species. How do we reconcile that?
- A member noted that a way seems to be lacking for all stakeholders to account for the various ways they are collectively working on this.

When asked if a regional-scale conversation could be a platform to tackle this concern, speakers suggested that it could be, but that may not be the only method. The efforts by CT DEEP could be a good case study, but addressing this misalignment is too much to ask of CT DEEP. RWSC brings in federal partners, but an extra step is needed to determine how this concept fits into the regulatory context for developers as well.

How do we do this work in a way that aligns with our regulatory authorities, but also benefits more than just a specific resource?

- Stephanie Vail Muse (USFWS) shared an example of how the USFWS’s National Compensatory Mitigation Team for OSW handled a similar situation. The team was not limited to the Atlantic coast and included all states that could potentially have OSW development. To narrow down this large number of species, USFWS first looked at only the ESA-listed species. Their migratory birds team then provided a list of non-listed species that spent time in the same areas as listed species, and thus would also benefit from conservation projects.
- An E-TWG member shared that the potential of NPI and advancing this concept is of great interest to NYSDOS, and that NYSDOS leadership is interested in a way to clearly articulate ecological and societal benefits in this transition to clean energy, as well as how this work can be used to evaluate net marine gains in other areas, such as health impacts. This could eventually be an opportunity for cross-TWG coordination, especially for those items that are not related to wildlife and cannot be advanced through RWSC.
- Morgan Brunbauer (NYSERDA) shared some lessons learned from his experience working on fisheries compensation. A regional perspective allows stakeholders to build relationships and move things forward. If key data is unavailable for a priority species, it is important to consider whether there are alternative mechanisms to obtain the data, and if not, a baseline that all

entities involved are comfortable with. Metrics for success and methods to ensure these metrics are measured along the way are also important to consider. Any stakeholder groups that are involved should receive information at the same time that regulators are processing that information. Otherwise, there is a disconnect in expectations and feelings of being involved in the process.

What is the traceability of funds that a developer allocates to a net gain, and being able to report out on how those funds were actually used?

- In terms of monitoring related to the projects that may be supported by CT DEEP's net benefit fund, there are evolving biodiversity reporting requirements that are not finalized yet. It is currently unclear what kinds of metrics are reported out by funded projects and how that feeds back into any global reporting requirements, financial reporting disclosures, etc.

There are potentially different routes for achieving conservation-oriented or habitat-oriented activities – do we need them to be quantified to be a valid option, or can we just encourage that beneficial activities happen?

- Emily Shumchenia (RWSC) explained that she interpreted CT DEEP's requirement in their solicitation as the state wanting to do something good for species that may not be protected or recognized in another way, not as something necessarily intended to be quantitative or even quantifiable. Whereas USFWS's compensatory mitigation assessment is a calculation, there are quantities involved and it is a very quantifiable process. There are some individuals in the academic community that expect every aspect of a project to be quantifiable and at the end of said project, an equation to characterize it as positive, negative, or neutral. This does not seem to be the base assumption of CT DEEP's action.
- An E-TWG member stated compensation that is approved by agencies is far more risk-averse. But even to get to a point where industry wants to invest in NPI for voluntary offsets, there needs to be low risk and thus, quantifiability.
- A developer member added attempting to quantify benefits where possible is a good place to start, acknowledging that there may be some cases where a more qualitative evaluation is needed. Several E-TWG members agreed with this.
- A member noted USFWS policies point toward a quantitative focus, as specific offsets are required for ESA-listed species. An initial focus on quantifiable efforts can then set up a larger discussion about how additional aspects are factored in (e.g., net benefit, ecosystem services, non-ESA species).
- A developer member suggested that these efforts reflect, or at least approximate, the reality of what the impact is going to be, to create an initial framework for how to think about these concepts.

Is there a mechanism that accounts for any positive impact from OSW in the calculation USFWS uses to define take and the associated level of compensation?

- USFWS staff explained that offsets from OSW that ultimately help with the current climate crisis are not factored in. USFWS assesses industry impacts on a species-by-species basis.
- A developer member noted there has been an intentional effort today to distinguish between compensatory mitigation for specific impacts and NPI. In terms of NPI, the climate change

benefits associated with OSW should factor in. Many companies in different sectors are doing NPI, but there is a difference between an oil and natural gas company, for example, doing NPI and how that is credited versus OSW.

- BOEM staff added that this consideration is part of why BOEM is looking at NPI efforts in the NEPA context. There may be a way to consider the benefits of OSW there, even if it does not carry over to ESA Section 7 consultations.

Prioritization of E-TWG Efforts in 2024 – 2027

Introduction

Kate Williams (BRI) introduced the prioritization process that the E-TWG goes through every few years to regroup and identify focal areas to work towards over the coming years. The E-TWG plans to continue with two current priorities – the Whale Communications SC and the State of the Science Workshops – but would like input on additional priorities to focus efforts on.

This conversation is a preliminary brainstorming session to aid in developing a list of potential priorities. This list will be subsequently synthesized and redistributed to the E-TWG to determine what is most urgent or important. The E-TWG will have at least one additional in-person discussion later this year to continue refining priorities and how the E-TWG might address them. Once a final list of priorities has been developed, the E-TWG will determine how to address these more specifically, develop work plans for some, and begin moving them forward in 2025.

This is the first year that the E-TWG has gone through this prioritization process since the RWSC was created, so it will be important to explicitly consider and coordinate with RWSC to avoid duplication of efforts and ensure that the E-TWG is either supporting RWSC in their work or addressing topics that RWSC is not planning to address soon. The E-TWG's identification of key needs and priorities can hopefully also inform RWSC activities. Emily Shumchenia (RWSC) emphasized that there can be overlap between RWSC activities and E-TWG and NYSERDA activities. The E-TWG can help support activities consistent with RWSC's Science Plan and work can happen across entities.

The priorities pursued during the last prioritization process in 2021 are as follows:

- **Improve coordination between states** – this has been a real focus of NYSERDA staff
- **Reviewing and synthesizing data to inform stakeholder groups** – this generated products like the webinar library and the Whale Communications SC
- **Continuing the State of the Science Workshops**
- **Developing guidance for regional monitoring and research and guidance for pre- and post-construction monitoring research** – both of which have been pursued via SCs

The current efforts being pursued by the E-TWG include:

- 2024 State of the Science Workshop to be held in July
- Finishing the Avian Displacement Guidance Committee effort
- Continuation of the Whale Communications Committee
- Regular outreach activities (e.g., webinar library updates, annual bulletin)

The E-TWG role and approach for each topic can be different. The E-TWG can refer priorities to other organizations for their consideration, start SCs to produce specific products, or empower NYSERDA and/or BRI to pursue specific activities in support of priorities (e.g., workshops, literature reviews, coordination efforts). Discussions further along in the prioritization process will involve determining the best entities and mechanisms to address different needs.

Morgan Brunbauer (NYSERDA) shared an update on the F-TWG's recent prioritization process and outcomes:

- Based on feedback received during office hour sessions last summer, the F-TWG put together a survey on priority topics and is currently compiling responses.
- As part of the 11-state effort for fisheries compensation, NYSERDA announced an RFP in February to select a Regional Fund Administrator (RFA) to develop a regional compensation fund for direct losses or increased costs for fishermen. This will be a two-year contract for the selected entity to design and develop the processes and procedures of the fund, as well as engage with stakeholders throughout the process. This effort has been largely driven by feedback received from the fishing community.
- The concept of cooling water use at OSW substations has come up frequently over the last year, so the F-TWG has empowered Tetra Tech to conduct a desktop study on this topic to centralize existing information and address questions and concerns from the fishing industry.
- During their most recent meeting in March, the F-TWG discussed the three projects that were selected as part of NYSERDA's RFP last year for environmental and fisheries research projects that advance some of the priorities of the fishing industry:
 - Juvenile Surfclam Survival and Growth to Support Enhancement of Sustainable Fisheries – Rutgers University
 - Evaluating offshore wind farm impacts on Mid-Atlantic fisheries stock assessment – Stony Brook University
 - Mechanical jigs for resilience of sustainable fishing to wind farm development – Commercial Fisheries Research Foundation
- The 2024 AFS Annual Meeting²⁰ will be held in Honolulu, HI from September 15-19. There will be a two-day symposia session focused on offshore wind at the meeting and E-TWG members are encouraged to attend.

Breakout Groups

Attendees were split into five breakout groups to brainstorm potential short-term and long-term E-TWG priorities. Online participants had separate virtual breakout discussions and were invited to fill out an online form with suggestions for priorities. Discussion questions included:

1. Are there any issues that are urgent and should be added to the shorter-term (starting in 2024) priority list?
2. What other issues do you see as priorities over the next few years?

²⁰For additional information about the 2024 AFS Annual Meeting, visit: <https://afsannualmeeting.fisheries.org/>

The discussions were intentionally broad and not necessarily limited to activities that the E-TWG specifically could pursue. The below bullets summarize topics/themes that emerged during the breakout group discussions and should not be interpreted to represent the opinions of the full E-TWG.

- **Continue to develop FAQ documents and other communications materials for wildlife** to be proactive in addressing misinformation. This could involve expanding on the Whale Communications FAQs, or a change in process and/or scope to address other existing taxonomic foci (e.g., birds and bats) or additional concerns related to OSW (e.g., EMF, fish impacts).
- **Continue to develop guidance documents and recommendations for needed data types and/or research topics.** This could involve producing documents like the Avian Displacement Guidance for other taxonomic foci. This could serve as an opportunity for collaboration with RSWC and other relevant entities.
- **Address needs relating to compensatory mitigation and NPI.** This could involve developing a regional fund for compensatory mitigation, establishing a price per species or price per taxon, developing guidance, setting up a mitigation bank, or other efforts.
- **Develop and share lessons learned.** Compile and share any lessons learned from ongoing projects and find a way to disseminate this information to a wider audience.
- **Continue to host biannual State of the Science Workshops.** The State of the Science Workshops can be an important forum for discussion and dissemination of information. Themes from the Workshops should be considered during the prioritization process.
- **Identify opportunities for cross-TWG coordination.** Consider additional opportunities for cross-TWG coordination.
- **Expand E-TWG membership.** Increase involvement from the supply chain and consultants. Hear from the next generation of scientists.

Wrap Up

Bennett Brooks (CBI) and Kate McClellan-Press (NYSERDA) wrapped up the meeting by thanking all attendees for participating in today's meeting. Both also provided reminders on the following:

- E-TWG members interested in moderating a session during the 2024 State of the Science Workshop or serving as a student mentor can reach out to Julia Gulka (Julia.gulka@briwildlife.org), Kate Williams (Kate.williams@briwildlife.org), or Eleanor Eckel (Eleanor.eckel@briwildlife.org).
- E-TWG members interested in having a conversation about communication needs before conducting fieldwork or interacting with the public should reach out to Carl Lobue.
- A virtual meeting to discuss environmental mitigation plans will be held this summer. A scheduling poll will be shared with E-TWG members soon.
- The preliminary list of priorities will be distilled and shared with E-TWG members at a later date.
- RWSC, USFWS, BOEM, and the American Clean Power Association will regroup regarding a conversation on acceptable mitigation commitments and will follow up with the E-TWG members.
- The Avian Displacement Guidance will be shared with the E-TWG once finalized, along with a summary of changes made.

Appendix A: List of Participants

Point of Contact	Organization	Stakeholder Type	Role
Kate McClellan Press	NYSERDA	State Government	Convener/chair
Elizabeth Bennett	Total Energies Renewables	Developer	Advisor
Carmen Bernett	Invenergy	Developer	Advisor
Isabella Betancourt	New York Department of State	State Government	Observer
Colleen Brust	New Jersey Department of Environmental Protection	State Government	Observer
Candice Cook-Ohryn	Shell Renewable Power and Energy Solutions	Developer	Advisor
David Cox	North Carolina Wildlife Resources Commission	State Government	Observer
Kira Dacanay	National Marine Fisheries Service	Federal Government	Observer
Gabbi DiPreta	National Marine Fisheries Service	Federal Government	Observer
Jennifer Dupont	Equinor	Developer	Advisor
Anthony Dvaskas	Ørsted	Developer	Advisor
Hollie Emery	Massachusetts Office of Coastal Zone Management	State Government	Observer
Catherine Fede	NYS Dept. of Environmental Conservation	State Government	Observer
Terra Haight	New York Department of State	State Government	Observer
J Christopher Haney	National Audubon Society	eNGO	Advisor
Megan Hayes	Atlantic Shores	Developer	Advisor
Scott Johnston	U.S. Fish and Wildlife Service	Federal Government	Observer
Isabel Kaubisch	Total Energies Renewables	Developer	Advisor
Shannon Kearney	CT Dept. of Energy and Environmental Protection	State Government	Observer
Francine Kershaw	Natural Resources Defense Council	eNGO	Advisor
Atma Khalsa	Avangrid Renewables	Developer	Advisor
Laura Kleber	Vineyard Offshore	Developer	Advisor
Kristi Lieske	DE Dept. of Natural Resources and Environmental Control	State Government	Observer
Carl Lobue	The Nature Conservancy	eNGO	Advisor
Laura McClean	New York Department of State	State Government	Observer
Caitlin Mcgarigal	New Jersey Department of Environmental Protection	State Government	Observer
Laura Morse	Invenergy	Developer	Advisor
Ashley Norton	DE Dept. of Natural Resources and Environmental Control	State Government	Observer
Darrell Oakley	Equinor	Developer	Advisor
Kimberly Peters	Ørsted	Developer	Advisor
Meghan Rickard	NYS Dept. of Environmental Conservation	State Government	Observer
Howard Rosenbaum	Wildlife Conservation Society	eNGO	Advisor
Esther Siskind	Vineyard Offshore	Developer	Advisor
Nick Sisson	National Oceanic and Atmospheric Administration	Federal Government	Observer
Joel Southall	RWE Renewable Americas	Developer	Advisor
Shayna Steingard	National Wildlife Federation	eNGO	Advisor
Sarah Trabue	Wildlife Conservation Society	eNGO	Advisor
Stephanie Vail Muse	US Fish and Wildlife Service	Federal Government	Observer
Sebastian Velez	Total Energies Renewables	Developer	Advisor
Sharon Whitesell	Ørsted	Developer	Advisor

Support Staff

Bennett Brooks (Consensus Building Institute)
Una Darrell (The Cadmus Group)
Eleanor Eckel (Biodiversity Research Institute)
Julia Gulka (Biodiversity Research Institute)
Erin Maloney (The Cadmus Group)
Kate Williams (Biodiversity Research Institute)

NYSERDA Staff

Tess Arzu (NYSERDA)
Morgan Brunbauer (NYSERDA)
Janna Herndon (NYSERDA)
Sheryll Huber (NYSERDA)
Pauline Huet Le Bertre (NYSERDA)

Other Attendees

Kyle Baker (BOEM)
Holly Goyert (Biodiversity Research Institute)
Tricia Jedele (The Nature Conservancy)
Idalia Machuca (DNV)
Emily Shumchenia (Regional Wildlife Science Collaborative)

Appendix B: Meeting Agenda

New York Environmental Technical Working Group (E-TWG)

Meeting Agenda - 2 May 2024

9:30 am - 4:30 pm EDT

Building Energy Exchange, 31 Chambers St, New York, New York

Meeting Objectives

Review recent E-TWG activities and updates on Offshore Wind Masterplan 2, discuss how to improve environmental mitigation plan processes, discuss compensatory mitigation and net positive impact initiatives, and begin assessing E-TWG priorities for the next three years.

Time	Agenda Item
9:30 - 10:00 am	<i>Breakfast Social (coffee and light refreshments provided)</i>
10:00 - 10:20 am	Welcome
10:20 - 11:10 am	Ongoing and Recently Completed E-TWG Activities <ul style="list-style-type: none">• State of the Science Workshop• Whale Communications<ul style="list-style-type: none">○ Specialist Committee Update○ Information needs• Avian Displacement Guidance Committee• Other updates
11:10 - 11:50 pm	Offshore Wind Masterplan 2.0 <ul style="list-style-type: none">• Ongoing Oceanographic Study• Update on Environmental Studies• Next Steps
11:50 - 12:50 pm	<i>Lunch (provided on site)</i>
12:50 - 2:30 pm	Compensatory Mitigation and Marine Net Gain <ul style="list-style-type: none">• Presentations from BRI, TNC, USFWS, BOEM, CT DEEP, and RWSC on recent efforts• Full Group Discussion
2:30 - 2:45 pm	Prioritization of E-TWG Efforts in 2024-2027 – Part 1 <ul style="list-style-type: none">• Introduction
2:45 - 3:00 pm	<i>Coffee Break</i>
2:35 - 4:30 pm	Prioritization of E-TWG Efforts in 2024-2027 – Part 2 <ul style="list-style-type: none">• Breakout Groups and Full Group Discussion
4:10 - 4:30 pm	Wrap Up & Next Steps