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# *Environmental Technical Working Group*

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



**NYSERDA**

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# Introductions



- > **E-TWG Lead: NYSERDA - 518-862-1090**
  - Kate McClellan Press x3110,  
[Kate.McClellanPress@nyserda.ny.gov](mailto:Kate.McClellanPress@nyserda.ny.gov)
  
- > **Technical Support: Biodiversity Research Institute (BRI) - 207- 839-7600**
  - Kate Williams x108, [kate.williams@briwildlife.org](mailto:kate.williams@briwildlife.org)
  - Julia Gulka x303, [julia.gulka@briwildlife.org](mailto:julia.gulka@briwildlife.org)
  - Eleanor Eckel, [Eleanor.eckel@briwildlife.org](mailto:Eleanor.eckel@briwildlife.org)
  
- > **Facilitation Support: CBI and Cadmus**
  - Bennett Brooks 212-678-0078, [bbrooks@cbi.org](mailto:bbrooks@cbi.org)
  - Erin Maloney 617-209-4962,  
[erin.maloney@cadmusgroup.com](mailto:erin.maloney@cadmusgroup.com)
  - Una Darrell 703-543-9379,  
[una.darrell@cadmusgroup.com](mailto:una.darrell@cadmusgroup.com)

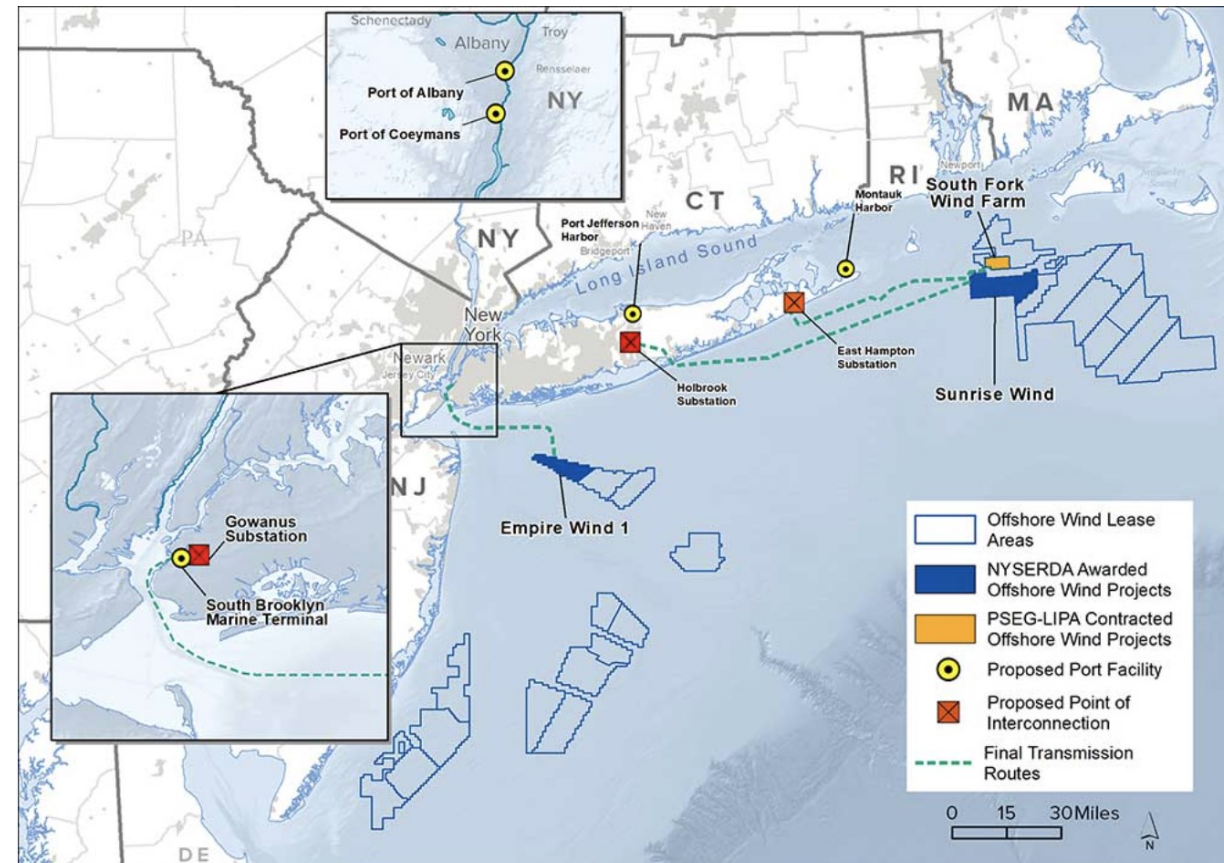
# Meeting Agenda

- Welcome
- Review of New York contract requirements and Environmental Mitigation Plans
- Discussion on solicitation requirements
- Process discussion on E-TWG consultation on Mitigation Plan evolution
- Next Steps and Wrap Up



# NYSERDA Updates

- > NYSERDA executed contracts with Empire Offshore Wind LLC for 810 MW Empire Wind 1 and Sunrise Wind LLC (developed by Ørsted and Eversource) for 924 MW Sunrise Wind
  - First awarded contracts in 2019, these projects will be held to 2023 contract provisions
- > NY5 offshore wind solicitation launched July 17, 2024
- > NYC PPTN to accommodate at least 4,770 MW of OSW generation into New York City in service by Jan 1, 2033
  - NYSDPS Case Number 22-E-0633



# Review of New York Contract Requirements and Environmental Mitigation Plans

# New York OREC Requirements

- > NYS Public Service Commission's (PSC) Order Establishing Offshore Wind Standard and Framework (2018), Order Adopting Modifications to the Clean Energy Standard (2020), and Order on Power Grid Study Recommendations (2022)
- > E-TWG (2020) filed comments and recommended implementing specific "best management practices"
- > The PSC recognized the efforts of the E-TWG and "NYSERDA is afforded the flexibility to take these considerations into account when structuring the solicitation and evaluating bids"

# New York OREC Requirements

- > NYSERDA has issued 5 solicitations
- > [ORECRFP24-1](#) Contract Commitments
  - 2.2.6 Participation in Technical Working Groups
  - 2.2.7 Support for Monitoring Key Commercial Fish Stocks and Wildlife
  - 2.2.8 Site and Environmental Data Transparency
  - 2.2.9 Lighting Controls
  - 2.2.10 Required Plans
    - Environmental Mitigation Plan
    - Fisheries Mitigation Plan
  - 2.2.11 Specific Fisheries and Environmental Mitigation Measures

# New York OREC Requirements

## > ORECRFP24-1 Contract Commitments

- 2.2.11 Specific Fisheries and Environmental Mitigation Measures
  - Fisheries Compensation
  - Responsible Offshore Science Alliance and Regional Wildlife Science Collaborative Membership
  - Noise Mitigation
  - Monitoring Acoustic Attenuation
  - Commercial Fishing Gear Loss
  - Regional Collaboration





# New York OREC Requirements

- > ORECRFP24-1 Environmental Mitigation Plans (EMPs)
  - Submitted EMPs are included in contracts
  - EMPs have New York requirements and developer proposed mitigations
  - The EMPs should detail specific measures the Proposer will take to avoid, minimize, mitigate, restore, and/or offset potential environmental impacts of the proposed Project
  - The EMPs must describe how the Proposer will work collaboratively with the State, federal agencies, and other stakeholders to define avoidance, minimization, and mitigation measures
  - The EMPs should provide a roadmap for the environmental work to come and provide a degree of certainty that the Proposer is committed to working collaboratively with stakeholders to develop a cost-effective and environmentally responsible Project

# Comparison of State Requirements

> RWSC State Caucus is compiling state requirements

	NY	NJ	CT	MA	Other
<b>Mitigation Plan</b>	Env and Fisheries	Env and Fisheries Protection Plans	2023 Fisheries only	Env and Fisheries Impact and Mitigation Plans	Maine - submission of plans that meet or exceed state and federal requirements /consistent with Maine Offshore Wind Roadmap
<b>Data Transparency</b>	Data Management and Availability Plan	Data Management and Availability Plan	Data Reference and Sharing Plan	Plan for timely data sharing	
<b>Research/Monitoring Funds</b>	\$10,000/MW	\$10,000/MW	\$5,000/MW for monitoring		Maine –\$5,000/MW Offshore Wind Research Consortium Fund
			\$5,000/MW for net benefits		

# Comparison of State Requirements

## > Other considerations

- Infrastructure Monitoring Plan (NJ)
- Noise
  - Monitoring Acoustic Attenuation (NY)
  - Preference for quiet foundations (NY, CT)
  - Restrictions on noise generating activities (NY, NJ, MD)
- Reginal Collaboration (NY, MA, ME)
- Ecological Enhancements (NY, CT, NJ)

# Permitting Language

- > BOEM New York Bight Draft Programmatic Environmental Impact Statement (Draft PEIS)
  - Appendix G: Mitigation and Monitoring
    - Previously applied COP Terms and Conditions
- > Overlapping requirements (examples)
  - BIR-1 Bird deterrent devices and plan
  - MMST-6 Pile driving visibility requirements
  - MMST-9 Vessel crew and PSO training requirements
  - MUL-38 Aircraft detection lighting system (ADLS)





**Clarifying  
Questions?**



# Discussion

- **What does the E-TWG want to see continue in solicitations but needs to be changed to make requirements more useful?**
- **What have we not addressed in solicitations that people would like to see?**
- **Can we streamline language based on federal requirements?**

# Process Discussion

# Engagement Requirements

- > Appendix D: Environmental Mitigation Plan (EMP)
  - 1.2 Overall approach to incorporating data and stakeholder feedback
  - 2.1 Overview and communication plan objectives
  - 2.4.1 Communication with E-TWG
  - 8.2 Process for updating the EMP





# Engagement Requirements

- > The developer shall seek methods and processes to allow for a two-way flow of information between key stakeholders and developers, specifically highlighting how the developer uses this feedback to inform their decision making.
- > The developer shall provide updates to environmental stakeholders in an appropriate manner that would be easily accessed and widely distributed.
- > The developer shall work with NYSERDA to plan and host Project-specific EMP consultations.



# Engagement Requirements

- > The developer shall continuously evaluate and evolve this EMP so that all the components of the EMP are complete and sufficient.
- > The developer expects that additional guidance and information will become available throughout the planning and regulatory process and as such shall continue to consider its relevance to the EMP at the appropriate intervals.
- > Updates to the EMP are intended to reflect the results of iterative exchanges with members of the E-TWG, F-TWG and relevant stakeholders.
- > The developer shall update the EMP in a timely manner that reflects changes made based on key regulatory project deliverable dates.



# Current process


- > NYSERDA schedules mitigation plan meetings ~ once a year or less
- > All E-TWG members, minus other developers, are invited
  - Project overview presented to both E- and F-TWG members
  - Breakouts by TWG for specific questions
- > Project determines when Mitigation Plans are updated



# Process changes?

- > Developer-led process rather than NYSERDA-led
  - Project to propose the outreach, scheduling, agendas, etc. for Environmental Mitigation Plan updates and meetings
  - Timeline driven by the project rather than NYSERDA
- > Topic-specific meetings rather than full mitigation plan discussion
- > Other ideas?





**What do we want  
E-TWG  
involvement in  
EMPs to look like  
moving forward?**

- **What should the focus of E-TWG input be (mitigation vs. monitoring)?**
- **What does “good engagement” mean and how might we define it in future contracts?**
- **How could we adjust the process moving forward?**

# Wrap Up & Next Steps

E-TWG Lead: NYSERDA - 518-862-1090

- Kate McClellan Press x3110,  
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x108, [kate.williams@briwildlife.org](mailto:kate.williams@briwildlife.org)
- Julia Gulka x303, [Julia.gulka@briwildlife.org](mailto:Julia.gulka@briwildlife.org)
- Eleanor Eckel, [Eleanor.eckel@briwildlife.org](mailto:Eleanor.eckel@briwildlife.org)

Facilitation Support: CBI and Cadmus

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- Erin Maloney 617-209-4962,  
[Erin.Maloney@cadmusgroup.com](mailto:Erin.Maloney@cadmusgroup.com)
- Una Darrell 703-543-9379,  
[una.darrell@cadmusgroup.com](mailto:una.darrell@cadmusgroup.com)

> Questions? Comments?

> Thank you!