

Summary of Joint Discussions from Specialist Committees of the Environmental Technical Working Group (E-TWG) on the Topic of Regional Research and Monitoring

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Introduction

As directed by the Environmental Technical Working Group for New York, in April 2019 two volunteer Specialist Committees (hereafter ‘Committees’; Appendix A) were formed to provide stakeholder input on practices to measure, understand, and mitigate (avoid, minimize, reduce, or offset; Council on Environmental Quality, 2005) the effects of offshore wind energy development on wildlife in the eastern United States. The two Committees are focused, respectively, on 1) birds and bats, and 2) marine mammals. Committee goals are to develop recommended practices for environmentally responsible development, with the purpose of informing a range of offshore wind-related efforts by developers, regulators, and other stakeholders, and to promote regional collaboration around environmental mitigation and monitoring for wildlife at offshore wind projects. For additional information on the background, goals, and guiding principles of each Committee, please see their respective summary documents (www.nyetwg.com/specialist-committees).

An initial objective of Committee efforts is to inform the New York State Public Service Commission’s (PSC) decision about wildlife mitigation and monitoring practices to include in offshore wind energy procurement orders. The PSC issues Orders establishing offshore wind standards and frameworks for offshore wind procurements, which authorize the New York State Energy Research and Development Authority (NYSERDA) to carry out offshore wind solicitations and procure offshore wind renewable energy certificates (ORECs) from offshore wind projects. In the Phase 1 Procurement Order from 2018¹, the PSC identified several environmental requirements for developers selling ORECs to the state, which NYSERDA built into their procurement request for proposals (RFP)². During the solicitation process, offshore wind energy developers that are hoping to sell ORECs to the state must identify the ways in which they will meet the solicitation requirements.

This summary document is intended, in part, to support public comments to the PSC about the types of environmental requirements to include in the Phase 2 Procurement Order. It reflects recommendations for understanding and minimizing effects to wildlife from offshore wind development, as well as summarizing Committee discussions. The two Specialist Committees both identified regional research and monitoring as an important topic for which to develop recommendations, and pursued it in tandem. The below recommendation around regional research and monitoring was thus developed through a combination of discussions within each Committee, joint discussions with members of both Committees in attendance, and opportunities to provide written feedback.

The aim of Committee discussions was to reach consensus on recommendations; however, this summary document also captures the diversity of views expressed within the Committee, as well as key details and considerations for implementation, regardless of whether consensus was reached. This summary includes:

- Background: relevant information on focal topic areas
- Recommendation: recommended mitigation and monitoring practices on topics that have been discussed by the Committee.
- Status: indicates the level to which the recommendation topic has been discussed (status options are “initial brainstorming”, “in progress”, “fully drafted”).

¹ <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId=%7B37EE76DF-81B1-47D4-B10A-73E21ABA1549%7D>

² <https://www.nyserda.ny.gov/All-Programs/Programs/Offshore-Wind/Offshore-Wind-Solicitations>

- Level of Committee Agreement: indicates the degree to which Committee members expressed that they agree with the recommendations as currently written. For recommendations on which there are a variety of Committee perspectives, these alternate opinions are also described.
- Key Takeaways from Group Discussion: key feedback from Committee discussions, including important points of disagreement or topics for additional discussion, as well as considerations for implementation.

As with the summary documents from each individual Committee, this document is intended to be a living document that may be updated to include new details and new topics as Committee discussions progress.

Recommendation for Contributing Towards Regional Research and Monitoring

Background

Site-specific research and monitoring at offshore wind farms can help provide important information about the effects of offshore wind energy development on wildlife. However, larger-scale regional efforts are needed to complement site-specific data collection in order to better understand potential cumulative impacts of development and population- or ecosystem-level consequences (Bailey et al., 2014). In some cases, site-specific research can also lack the necessary sample size or statistical power to reliably detect effects; regional coordination of individual projects can help standardize study methods to increase studies' power to inform our understanding of wildlife impacts, including population-level and cumulative impacts (Wilding et al., 2017).

This need for regional science and coordination has been clearly and consistently articulated by the Environmental Technical Working Group (E-TWG) and other stakeholders involved in offshore wind and wildlife issues in the eastern United States, including offshore wind energy developers, regulators, environmental NGOs, and scientists. It was also clearly stated in New York's Phase 1 procurement for offshore wind energy in 2018. This language indicated that proposers (developers proposing to sell their power to the state) "may...elect to identify a level of financial commitment that will be appropriated to leverage third-party environmental research funding, including federal or State-supported research, or that the Proposer would be willing to contribute to a general fund for supporting third-party research into relevant ecological communities and the effects of offshore wind energy development. Such financial commitments will be favorably considered in the proposal review process" (NYSERDA 2018).

A general fund for third-party research does not currently exist, though as of 2019, NYSERDA is supporting a stakeholder engagement process (through its engagement in an interim Coordinating Group) to develop a framework for a Regional Science Entity focused on wildlife and offshore wind. Such a third-party entity could 1) identify regional research and monitoring priorities for wildlife and marine ecosystems, and 2) collect and distribute stakeholder funding to support these regional research priorities, as has been done in other contexts³. While significant progress is being made on planning the scope and structure of this regional entity, the timeline for its formation is still in development. Thus, language in future New York procurements regarding developer commitments to regional science must

³ E.g., such as the Offshore Renewables Joint Industry Programme (ORJIP) Offshore Wind, the Responsible Offshore Science Alliance (ROSA), and the Wind Wildlife Research Fund (WWRF).

allow for flexibility in this regard, while clearly articulating the goal of regional research and monitoring efforts.

Recommendation for Regional Collaboration and Monitoring

Status: Fully drafted

Level of Committee Agreement: Near consensus. A member of one of the Committees disagreed with the final sentence of the recommendation, suggesting that in the absence of a regional science entity, federal agencies (and for coastal waters, state wildlife agencies) should determine regional priorities on which funding should be used.

Recommendation: *Regional environmental research and coordination are essential to 1) improve our understanding of the effects of offshore wind energy development on wildlife, including cumulative changes to populations and ecosystems, and 2) inform adaptive management of future development. To accomplish these goals, we recommend that future procurements identify the specific amount expected by bidders, scaled to the size of their project as appropriate, for use in funding priorities for regional research and coordination. We recommend that regional priorities be set through a transparent process by a regional science entity or, in the absence of such an entity, be defined by NYSERDA in consultation with the E-TWG and related subcommittees, other coordinated efforts, and existing resources.*

Key Takeaways from Group Discussions

- There is consensus among Committee members that it is in everyone's best interest to support regional science, monitoring, and coordination (and not just site-specific research and monitoring), and that it is reasonable, in principle, for developers to contribute to a broader regional understanding of migratory populations, ecosystems, and/or the cumulative impacts of offshore wind development. Committee members also agreed that regional research and conservation efforts are, in principle, separate from mitigation measures that may be required on a project-by-project basis.
- Several Committee members suggested that New York should encourage other states to adopt a similar approach for regional research and monitoring.
- Committee members agreed that if a regional science entity is formed, funding arising from this procurement requirement should be contributed to the entity. Most Committee members indicated that funds should support regional research and coordination rather than operational costs for the entity. If an offshore wind development project contributes to the research fund of a regional science entity prior to winning a New York solicitation, several Committee members suggested that this prior funding should count towards the state's requirement.
- Committee members recognized that discussions around this recommendation would be much easier if a regional science entity already existed that the recommendation could point to. Due to the current uncertainty around the formulation of such an entity, however, many Committee members agreed that focusing on the intent of the recommendation (i.e., regional research to understand cumulative impacts and inform adaptive management) was more important than prescribing the approach. Substantial Committee discussion focused on the balance between maintaining necessary flexibility in the language of the recommendation (largely due to the absence of a regional science entity with regionally confirmed research priorities) and ensuring that the language is not so vague that it is unclear what is being asked or how to comply.
- Some Committee members felt that clear definitions and scoring criteria should be identified if developer contributions towards regional environmental research and coordination are to be considered as a factor during proposal review for offshore wind procurements in New York.

- There was initial disagreement among developer representatives on the Committees as to whether non-monetary contributions should be allowable. Some Committee members expressed the need for flexibility in the recommendation language to allow contributions to a broader regional understanding through several mechanisms (e.g., monetary, in-kind, etc.) to ensure we are not being too prescriptive at the procurement stage. However, other Committee members felt that it would be more difficult to assess or quantify non-monetary contributions, and that in procurements it would be better to ask for clear financial commitments.
- There were a range of Committee discussions around how developer contributions should be structured, including the size and timing of financial commitments. It was recognized that it would be difficult to come to consensus around the exact structure or dollar amount of contributions.

Literature Cited

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Appendix A. Specialist Committee Members

This list includes both current and former Committee members, and their alternates (if they were unable to make specific meetings), who contributed to discussions and the formulation of recommendations in this document.

Marine Mammal Specialist Committee

Kyle Baker and Mary Cody	Bureau of Ocean Energy Management
Catherine Bowes	National Wildlife Federation
Koen Broker, Paul Phifer, and Louis Brzuzy	Shell New Energies
Jennifer Daniels	EDF Renewables
Martin Goff and Laura Morales	Equinor Wind US
Sophie Hartfield Lewis, Laura Morse, and Aileen Kenney	Ørsted
Francine Kershaw and Alison Chase	Natural Resources Defense Council
Carl Lobue	The Nature Conservancy
Catherine McCall	Maryland Dept. of Natural Resources
Matthew Robertson	Vineyard Wind
Howard Rosenbaum, Melinda Rekdahl, and Anita Murray	Wildlife Conservation Society
Nick Sisson	NOAA Fisheries (Integrated Statistics Inc.)

Bird and Bat Specialist Committee

Brita Woeck	Ørsted
Catherine Bowes	National Wildlife Federation
David Bigger	Bureau of Ocean Energy Management
David Mizrahi and Nellie Tsipoura	New Jersey Audubon
David Phillips, Martin Goff, and Laura Morales	Equinor Wind US
Jennifer Daniels	EDF Renewables
Jillian Liner	Audubon New York
Jim Murphy	National Wildlife Federation
Jo Anna Lutmerding	USFWS Headquarters
Koen Broker, Paul Phifer, and Louis Brzuzy	Shell New Energies
Matthew Robertson	Vineyard Wind
Scott Johnston, Caleb Spiegel, and Pamela Loring	USFWS Northeast Region

Convened by:

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