



Offshore Wind Energy Development and Compensatory Mitigation in the Northeast Region

NYSERDA State of the Science Conference

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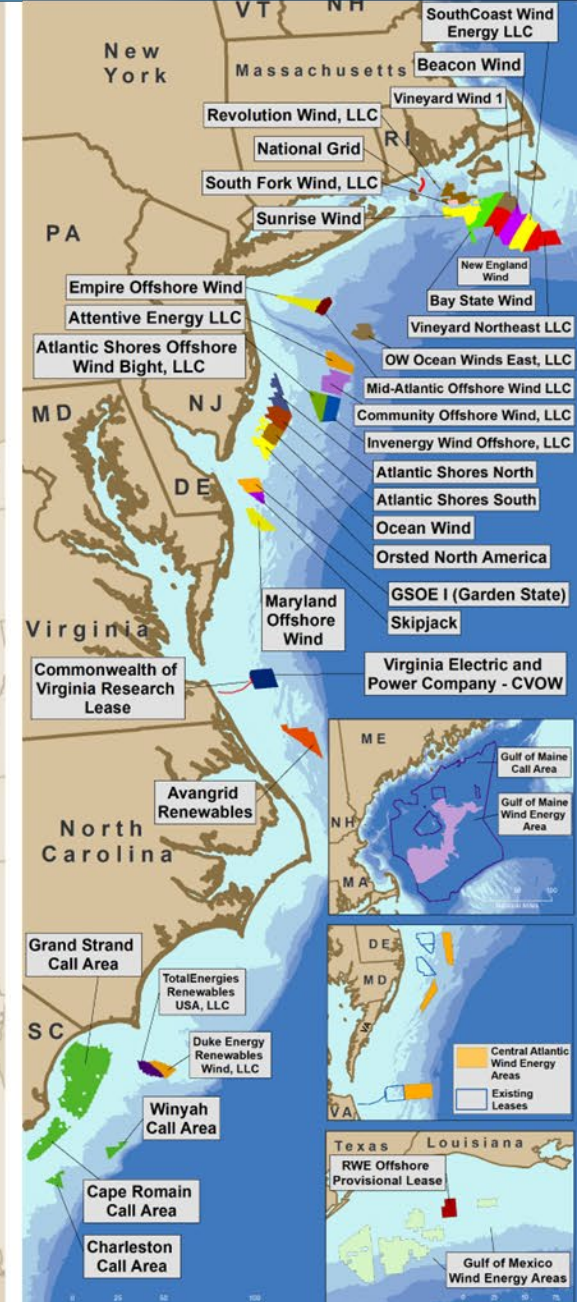
Key Points

**Poses a Risk to
Avian and Bat
Species**

**BOEM, BSEE,
FWS
Streamlining
Consultations**

Leading the way in offshore wind energy development and mitigation

Renewable Energy Program by the Numbers



Background and FWS Position



OWED poses a risk to federally listed, proposed, and at-risk species due to collisions with wind turbines.



The FWS has the authority under recently issued ESA Section 7 regulations to include in a biological opinion reasonable and prudent measures to offset the impact of incidental take on the species.



In the North Atlantic, OWED projects are anticipated to result in the incidental take of the listed piping plover, rufa red knot, and roseate tern.



Several OWED projects currently plan to provide compensatory mitigation to offset their projected levels of take of these listed birds.



The FWS, BOEM, BSEE, wind energy developers, and other stakeholders are interested in expanding the use of compensatory mitigation to offset the impacts of exempted take on these species.

OSW Exempted Take Table

Date of Opinion Issuance	Project	Project Duration	Mitigation (Conservation Measure)	Piping Plover Exempted Take	Rufa Red Knot Exempted Take	Roseate Tern Exempted Take
2023	1	30-35 Years	Yes	1 to 5	200-300	1
2023	2	30-35 Years	Yes	1 to 5	200-300	0
2023	3	30-35 Years	Yes	5 to 10	50-100	0
2023	4	30-35 Years	Yes	5 to 10	50-100	0
2023	5	30-35 Years	No	5 to 10	50-100	1
2023	6	30-35 Years	No	5 to 10	100-200	0
2023	7	30-35 Years	No	10 to 15	300-400	0
2023	8	30-35 Years	No	10 to 15	200-300	0
2024	9	30-35 Years	Yes	1 to 5	400-500	1
Exempted Take (Approximate Numbers)				~100	~2000	~3

Compensatory Mitigation Program Development

- The FWS's Mitigation Policy and Endangered Species Act–Compensatory Mitigation Policy constitute the general framework for developing a compensatory mitigation program.
- In developing a compensatory mitigation program for OWED, we aim to identify species-specific conservation objectives and metrics for empirically quantifying mitigation benefits.
- The Northeast Region will prioritize mitigation project opportunities that achieve the greatest mitigation benefits to the species.
- These projects can involve habitat establishment, restoration/enhancement, preservation, or management; species management; or threat management/control.

Position of Affected Stakeholders

- Wind energy developers have asked the FWS and BOEM to develop a consistent and transparent process for planning and implementing compensatory mitigation.
- Bird conservation organizations, government agencies, and academic groups have asked the FWS to describe appropriate mitigation.

Discussion

- Wind energy developers' acceptance of the compensatory mitigation program is essential for its success.
- Identifying a suitable sponsor (third-party nonprofit organization, ILF, or conservation bank) to manage and distribute is a critical need.
- The compensatory mitigation program can be expanded to include or serve as a model for other regions in the future. The initial focus will be on listed birds, but it can be expanded to include non-listed birds.

Program Expansion

1

Initial focus on Northeast and listed birds.

2

Potential for regional expansion and inclusion of non-listed birds.

3

Ongoing encouragement for developers to mitigate impacts on non-listed species.

4

Continuous collaboration with developers for current OWED projects.

Timeline and Next Steps



Brief Headquarters (July): Present the compensatory mitigation program initiative to leadership to secure their support.



Develop Compensatory Mitigation Program Guidance for the Northeast Region (April - August): Create a detailed guidance document, including conservation objectives, metrics, and guidelines.



Reach Out to Wind Energy Developers (July - August): In partnership with BOEM, explain the FWS's authority under Section 7 regs, and the benefits of incorporating compensatory mitigation into project descriptions as a conservation measure.



Release RFP for Mitigation Instrument (August): Solicit proposals from third-party sponsors to identify companies capable and interested in executing mitigation projects for listed species.



Finalize the Compensatory Mitigation Program Guidance (September): Incorporate feedback from developers to finalize the document.



Identify a Suitable Sponsor to Manage the Mitigation Program (August - September): Select a third-party nonprofit to manage funds and implement mitigation projects.



Implement the Compensatory Mitigation Program (October): Launch the program, allowing developers to participate and contribute to mitigation efforts.



Thank you!

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