



**NYSERDA**

**Department of  
Environmental  
Conservation**

# **Best Management Practices**

**July 22, 2019**

# Best Management Practices

PSC will consider the inclusion of BMPs in Phase II solicitation requirements, “taking into account the Technical Working Group product”

- Identify practices to mitigate (avoid, minimize, reduce, or offset) fisheries impacts from offshore wind development
  - BMPs should be widely applicable regardless of project size, timing, or location and have flexibility to adapt based on new information or technology
  - BMPs should be things that will not be addressed in the federal regulatory process
  - **Consensus is preferable**
- Inform the NY Phase II Procurement with a joint letter submitted to the PSC
  - End of 2019

## Best Management Practices Discussions: inform all participants of efficacy/risk, costs and benefits

### BMPs for Inclusion in Offtake Procurement

- Generally agreeable to both fishermen and developers
- Spatially and temporally appropriate
- Not regulatory duplication (e.g. timing)
- Contractable



### BMPs for Consideration in FMP Discussions

- “Negotiable”
- Appropriate for the project in question

# Mitigation and Monitoring Practices Tool

# Mitigation and Monitoring Practices Tool (MMP Tool)

## Purpose:

- Collect and house examples of MMPs in searchable, sortable format
- Categorize MMPs
- Support evaluation of MMPs
- Provide examples of sorting criteria and how to apply them

## MMP Tool does not:

- Prioritize MMPs or judge their value
- Consider site- and project-specific information
- Consider the synergistic use of multiple MMPs
- Set goals

**Generalized MMPs**

(Select all that apply)

**Resource(s)**

Fisheries

**Stressor(s)**

Effects to Fishery Target Species, Impaired Safe Fishery

**Potential Effect(s)**

(Select all that apply)

**Development Phase(s)**

Construction

**Industry(ies)**

(Select all that apply)

**Sub-group(s)**

All
 

- All Bats
- All Benthos
- All Birds
- All Fish
- All Marine Mammals
- All Fisheries
- Sea Turtles

**Implementation Status**

(Select all that apply)

**Mitigation/Monitoring**

(Select all that apply)

# MMP Tool

## MMP Sources:

- Agency Reports
- Environmental Assessments
- European Wind Farm Requirements
- Scientific Literature
- Permits
- Stakeholder Workshops
- Terrestrial Wind Farm Requirements
- Technical Guidance

OCS Study  
BOEM 2014-654

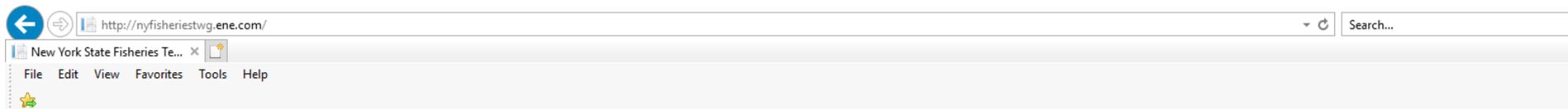
### **Development of Mitigation Measures to Address Potential Use Conflicts between Commercial Wind Energy Lessees/Grantees and Commercial Fishermen on the Atlantic Outer Continental Shelf**

**Final Report on Best Management Practices  
and Mitigation Measures**



U.S. Department of the Interior  
Bureau of Ocean Energy Management  
Office of Renewable Energy Programs

# MMP Tool Demonstration



## New York State Fisheries Technical Working Group

Home Resources Public Feedback Contact Announcements Register/Log in & Events

### Announcements and Events

#### Announcements:

The U.S. Coast Guard seeks applications for membership on the Commercial Fishing Safety Advisory Committee. The Commercial Fishing Safety Advisory Committee provides advice and makes recommendations to the Coast Guard and the Department of Homeland Security.

This website is intended to provide general information about the New York State Fisheries Technical Working Group. Additionally, it will offer access to resources and provide comments on related issues.

### What is the Fisheries Technical Working Group (F-TWG)?

The Fisheries Technical Working Group (F-TWG) is a group of commercial and recreational fisheries representatives who provide guidance and advice on how to develop and manage offshore wind energy projects in the fishing industry in New York State.

### F-TWG Mission

The mission of the F-TWG is to provide guidance to help steer New York State's efforts to advance offshore wind energy development in a way that is consistent with the needs of the fishing industry.

#### Related publications

##### Recent comment letters

##### F-TWG meeting summaries

##### NY Bight Transit Workshop

##### Lease Map

##### MMP Tool

##### PON 4082

##### Other resources

...s and status of the New York State Fisheries Technical Working Group. Additionally, it will offer access to resources and provide comments on related issues.

...up (F-TWG) is a group of commercial and recreational fisheries representatives who provide guidance and advice on how to develop and manage offshore wind energy projects in the fishing industry in New York State. The Fisheries Technical Working Group (F-TWG) is a group of commercial and recreational fisheries managers also are engaged in this group to provide coordination. Recognizing the complexity of the fishing industry, F/TG members come from a regional geography, with fishing communities in New England and the Mid-Atlantic.

<https://nyfisheriestwg.ene.com/Resources/MMPTool>



# MMP Tool

## Updates/Next Steps:

- NYSERDA is collecting comments from TWGs on MMP Tool
- MMP Tool will be updated annually with new MMPs



# E-TWG Role in Wildlife MMPs

## E-TWG Role in Wildlife BMPs

- Started in April 2019 with bi-weekly conference calls
- Specialist Committees: include E-TWG members and external representatives from eNGOs, developers, state and federal agencies
  - Birds and bats
  - Marine mammals and sea turtles
- Process to date:
  - Review existing monitoring and mitigation practices (MMP tool)
  - Prioritize MMPs to discuss
  - Discussion and documentation of "*considerations*" for potential BMP
    - Effectiveness, cost, human safety, existing regulations, logistical and engineering feasibility

# E-TWG Role in Wildlife BMPs

BMP discussions	Ongoing	<ul style="list-style-type: none"> <li>• Open, honest discussions about BMP prioritization and efficacy</li> <li>• Learning process for developers, environmental groups, state and federal government</li> <li>• No commitment from any party is necessary</li> </ul>
BMP inclusion in NY Procurement	Through 2019	<ul style="list-style-type: none"> <li>• Considered by developers and other stakeholders as practices that increase environmental knowledge or reduce environmental risks</li> <li>• <i>Consensus support</i> is preferred by PSC</li> <li>• BMPs should be widely applicable regardless of project size, timing, or location and have flexibility to adapt based on new information or technology.</li> <li>• BMPs should avoid regulatory overlap</li> </ul>

- Ground rules for participation and discussion
- SC prioritizes BMPs
- Technical team drafts BMP language
- Facilitated discussions about implementation considerations (remote or in person)
- Can include outside expertise
- Facilitated consensus building (in person)
- **Public report of BMP discussions**
- **SC letter with recommendations to PSC**

# E-TWG Role in Wildlife BMPs

<p>Inform Environmental Mitigation Plan consultations</p>	<p>Through 2019 +</p>	<ul style="list-style-type: none"> <li>• TWG based</li> <li>• Site-specific implementation of consensus topics in BMP summary document</li> <li>• Other BMPs that:             <ul style="list-style-type: none"> <li>○ The SC has identified a priority topic, but cannot reach a consensus recommendation</li> <li>○ The SC has identified a priority topic, but it may not be widely applicable and should be discussed at the site-specific level</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Communication with E-TWG</li> <li>• E-TWG consultations on Environmental Mitigation Plans</li> </ul>
<p>Regional collaboration</p>	<p>Ongoing</p>	<ul style="list-style-type: none"> <li>• There are other working groups identifying environmental BMPs for offshore wind</li> </ul>	<ul style="list-style-type: none"> <li>• Identification of and SC communication with other efforts</li> </ul>

# Considerations for Fisheries

# Considerations for Fisheries

- What role does the F-TWG want in development of BMPs directly related to fisheries and those wildlife ones that may have fisheries implications?
- What are key BMPs everyone might want regarding fisheries?
  - BMPs can range from communications (everyone has to have a fisheries liaison) to substantive (every tower must have X navigation device on it)
- What role do you envision for these BMPs in NYS procurements (I.e., they can be suggested, encourage, or even required)
- What role should the F-TWG have in these vis a vis other actors developing BMPs (BOEM, RODA, other states, etc.)?
- Next Steps

# Questions