

## Fisheries Technical Working Group (F-TWG) Meeting Summary

Wednesday, March 23, 2022 from 9:45 AM to 12:00 PM

Virtual Meeting

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### Background

**This meeting summary describes key discussion points and action items from the Fisheries Technical Working Group (F-TWG) virtual meeting held on Wednesday, March 23<sup>rd</sup>, 2022 through a virtual meeting platform.**

Goals for the meeting included:

- Update the Fisheries Technical Working Group (F-TWG) on various ongoing and upcoming activities.
- Solicit input from F-TWG on key issues and ideas.
- Adhere to our ground rules for an effective meeting (stay on track, let others speak, be respectful, focus on the substance not the people)

There were 40 F-TWG members and other stakeholders in attendance through the Zoom meeting/conference line. Staff from NYSERDA, Tetra Tech, the Consensus Building Institute (CBI), and The Cadmus Group, were also present to provide technical, facilitation, and logistics support.

This summary is organized to align with the structure of the meeting agenda ([Appendix A](#)). Opinions are generally not attributed to specific F-TWG members. F-TWG members are referred to interchangeably in the summary as stakeholders and F-TWG members. This summary identifies areas of agreement as well as the different perspectives offered during meeting presentations and discussions.

### Action Items

The following key next steps resulted from the meeting:

- Proceed with soliciting F-TWG input on BOEM's Fisheries Mitigation Guidance RFI by setting up a F-TWG call after the RFI is released.
- F-TWG members should continue to provide BOEM with feedback on implementing and enforcing the lease stipulation that requires engagement progress reports.
- Develop a path forward to help with research and monitoring prioritization while acknowledging current efforts and activities.
- Focus on cross-lease coordination topics that are achievable.
- F-TWG members should share additional topics they would like to discuss with the F-TWG or any concerns about proposed topics with Morgan Brunbauer, [Morgan.Brunbauer@nyserda.ny.gov](mailto:Morgan.Brunbauer@nyserda.ny.gov).

### Opening Remarks

The meeting opened with a review of meeting ground rules, F-TWG goals, and the F-TWG's mission. Morgan Brunbauer of NYSERDA and Pat Field of CBI welcomed the group and underscored that the

F-TWG is a forum for discussion between the commercial fishing community and offshore wind developers to provide advice and input to New York State (NYS). F-TWG objectives include:

- Enhance communication and coordination
- Disseminate information
- Provide advice and input
- Support scientific research

Membership to the F-TWG includes 32 agency, 20 developer, 11 fishing industry representatives, four NGO representatives, and three admin/ support personnel. The F-TWG is not open to the public to facilitate open discussion and productive collaboration between core members.

### BOEM Update on Lease Auctions and Mitigation RFI

Request for Interest (RFI) for Commercial Leasing for Wind Power Development - Zachary Jylkka, BOEM

- **November 2021:** Bureau of Ocean Energy Management (BOEM) issued a draft RFI on reducing or avoiding the impacts of offshore wind energy on fisheries.
- **December 2021:** Several workshops held to solicit feedback.
- **January 2022:** Public comment period closed.
- **May 2022:** draft guidance on offshore wind energy leases is expected to be published by BOEM.
  - Will be followed by a forty-five-day comment period and three regional meetings in the Atlantic, Gulf of Mexico, and Pacific.
  - BOEM will also meet with the F-TWG, individual states, and developers.
- **Summer 2022:** The final guidance report is expected to be published after the comment period is over in summer 2022.

### BOEM Update on New York Bight

Update on Outer Continental Shelf Wind Energy Leasing in the New York Bight – Zachary Jylkka, BOEM

#### *Lease Sales*

BOEM met with New York fisheries groups in January 2022 regarding the New York Bight to solicit feedback on engagement with offshore wind energy developers. The meeting recording and meeting summary are available [here](#).

Notably, the New York Bight auction took place from February 23<sup>rd</sup>-25<sup>th</sup>. Fourteen companies participated, with six provisional winners (one lease/customer). Competitive winning bids totaled \$4.37 billion, the highest grossing ocean energy lease sale in history. Final leases are available [here](#). The six provisional companies include:

1. OCS-A 0544: Mid-Atlantic Offshore Wind LLC (Copenhagen Infrastructure Partners [CIP])
2. OCS-A 0537: OW Ocean Winds East, LLC (Ocean Wind [EDP renewables & ENGIE] & Global infrastructure partners [GIP])
3. OCS-A 0538: Attentive Energy, LLC (TotalEnergies & EnBW)

4. OCS-A 0539: Bight Wind Holdings, LLC (RWE Renewables & National Grid)
5. OCS-A 0541: Atlantic Shores Offshore Wind Bight, LLC (EDF Renewables & Shell)
6. OCS-A 0542: Inventory Wind Offshore, LLC (Invenergy & energyRE)

#### *Lease stipulations*

- A semi-annual progress report to meet enhanced engagement stipulations will be produced.
- Four main phases of enhancing engagement between fishermen and developers: engage, report, feedback, refine.
  - Underscored by themes of accountability and transparency.
- Developers required to engage with Tribes, fishermen, the public, and other interest groups.

BOEM heard feedback from the fisheries sector that previous engagement with developers felt more like a “check the box exercise” with unclear expectations about how information and feedback given to developers by the fisheries sectors will be included in offshore wind energy planning.

BOEM is still soliciting feedback on the enhancing engagement stipulations and are developing guidance that will be issued publicly to help developers meet enhanced engagement stipulations. BOEM welcomes feedback on meeting best practices, thoughts on the review and comment process for the semi-annual progress reports, and engagement preferences.

#### *Surface Structure Layout and Orientation*

- **Addendum C, 8.1:** If a lease abuts with a neighboring lease, the lessee must find one common line across adjacent leases.
- **Specific to Lease OCS-A 0544:** Lessee must endeavor to design a surface structure layout that contains two common lines of orientation between BOEM leases OCS-A 0512 and OCS-A 0544. If the lessee and BOEM cannot agree upon a surface structure layout, a 2nmi setback must be enacted.
- **Addendum C, 8.2:** No surface occupancy specific to Hudson South leases, resulted in the creation of two setback requirements
  - Addendum made in response to feedback concerning potential transit and vessel traffic interacting with the offshore energy vessels.

#### *Questions and Comments for F-TWG members:*

1. **Enforcement of enhanced engagement:** A F-TWG member asked what enforcements will be made if a developer doesn't not meet the enhanced engagement stipulations. BOEM answered that if the lessee in question does not address comments provided by BOEM, BOEM can require specific mitigation: Third party verification/mediation at lessee's expense; Increase reporting frequency; or the lease is not in good standing.
2. **To what extent were the NYSERDA/RODA Transit Lane Workshops influential in setting the Addendum C, 8.2 setback requirements?** BOEM answered that the workshops were highly influential in developing setback requirements. Members are encouraged to check out the public comments to get a deeper understanding of the spacing process.
3. **The May 2022 Fisheries Mitigation meeting should include neighboring states to ease administrative burdens and expectations:** F-TWG members suggested that a meeting should also take place with coastal communities impacted by the offshore wind energy leases. BOEM

hopes that state fisheries working groups will be able to talk over the Draft Fisheries Mitigation report in detail to help individuals and associations prepare their comments.

### Brainstorming Session on Developer Coordination around New York Bight

F-TWG members were asked: What topics or themes would be helpful for cross-lease coordination & communication? Comments and topics included:

- **Regional science coordination:** Regionally coordinate around species monitoring in offshore wind energy lease areas to create a regional database. A regional science approach would result in more robust and coordinated fisheries monitoring.
- **Surveying and testing coordination:** Members expressed concern that there is no obvious coordination amongst developers regarding fisheries and surveying including geophysical and geotechnical surveys. Offshore wind developers should coordinate when they will conduct geophysical and geotechnical surveys to reduce impacts on fisheries.
  - Fisherman and rate payers ultimately bear the cost of unnecessarily repeating tests.
  - Recreational fishing groups have expressed concerned around the impacts of leases on species, such as Black Seabass. If soundings do move fish and/or stop feeding, developers will need to coordinate their testing and surveying to minimize disruption to recreational fishing.
  - Responsible Offshore Science Alliance (ROSA) distributed a poll to their Research Advisors and found that there is a strong interest among them for regional survey coordination; ROSA is working on formalizing a regional survey coordination group.
  - A developer F-TWG member noted that getting permits to coordinate surveys has been difficult.
- **Coordination and communication at large:** Streamlining communication would improve access to information for fishermen; developers must still build relationships with fishermen. F-TWG members who represent developers told the group that an app is being created by developers to communicate information to fishermen. The app will house information for **all** developers and leases.
  - Developers must use other forms of communication in addition to digital methods (i.e., having a fisheries representative on-site or on-board vessels).
- **Responsible Offshore Development Alliance (RODA):** The fisheries industry heavily invested in RODA to streamline communication. Developers should focus on making information available to RODA, who will then make the information available to fishermen.
  - RODA is currently working on an Integrated Ecosystem Assessment with Northeast Fisheries Science Center (NEFSC). One of the first steps is to compile a list of ongoing research projects. If F-TWG members have any projects they'd like to let RODA know about, contact [fiona@rodafisheries.org](mailto:fiona@rodafisheries.org)
- **Communication enforcement:** A member asked who is responsible for enforcing communication between developers and the fisheries industry, and who will track coordination during offshore wind energy planning stages. NYSERDA could enhance what coordination looks like with New York based offshore projects by evolving fisheries mitigation plans with specific advice and guidance from F-TWG members.

## Research Prioritizations

F-TWG members were asked about prioritizing fisheries research:

**Question 1:** How should research prioritization for fisheries proceed? Should the Environmental Technical Working Group (E-TWG) /Regional Wildlife Science Collaborative (RWSC) model include fisheries? Should RODA or ROSA lead the effort? Should it be focused on funder needs, identifying current research, and matching gaps? Are there other ideas or options?

- **Comments:**
- It doesn't matter very much who does the modeling to include fisheries. When discussing research prioritization, we need to be really clear *whose* priorities we mean and who the *audience* is. Priorities will look very different depending how the goals and objectives are defined.
- Whoever has the resources and money to keep up and maintain research should lead the effort.
- There is a need for a database on ongoing research divorced from what any various sector's priorities are, for everyone's equal use.
- The process needs to identify gaps and how to prioritize efforts to fill them.

**Question 2:** What role should the F-TWG play in research prioritization? Should this group identify consideration criteria for the region? For the NY Bight? Or just for NYS and NYSERDA-led efforts?

- **Comments:**
- There is a missing piece of involving fishermen in research prioritizations.
- NYSERDA, New Jersey, ROSA, and RODA need to coordinate to figure out who will do what in this area.
- It would be helpful to get insight on how best to use everyone's time and expertise while making sure the F-TWG still has the right interests represented, particularly from fisheries science and the fishing industry.
- We want to avoid meeting fatigue but be inclusive and transparent.

## Regional Wildlife Science Collaborative

A brief update was provided on the E-TWG and Regional Wildlife Science Collaborative's efforts to address research prioritization.

- Currently focused on wildlife, talking internally about the most appropriate method for researching fish and fisheries and need more fisheries experience represented on the Committee.
- RODA is working with many to finalize the Synthesis of the Science to capture a host of fisheries research areas and needs.
- An F-TWG member expressed concern that recreational or commercial fisheries are not represented on the Committee working on wildlife.

Anticipated end products are:

- A database of research needs with data gaps identified from existing sources.

- Interim guidance for regional scale research including key terminology, study design recommendations, and data transparency

Process changes include:

- RWSC director stepping back from co-chairing the Committee and will participate and provide advisory input.
- The Committee will proceed under the E-TWG as a specialist committee.

## F-TWG Membership Updates

A brief overview of current F-TWG membership was given:

- Fishing Industry: 11
- Developer: 20
- NGO: 4
- Agency: 32
- Support: 3

F-TWG members were reminded that member engagement is expected (i.e., attending and contributing during meetings). The F-TWG is also working to increase fisherman and developer membership as development in the NY Bight increases following the recent BOEM Lease Auction.

## NYSERDA Updates

- Equinor Contracts are Now Signed – Fisheries Mitigation Plans
- 2022 Solicitation: [Draft ORECRFP22-1](#)
  - Comments Due April 8, 2022, at 3:00 PM ET
- State of the Science 2022 Conference
  - July 26 – 28, 2022, Tarrytown, NY – Sleepy Hollow Hotel and Conference Center
- Passive Acoustic and Oceanographic Surveys in progress
- Upcoming NYSERDA Reports:
  - Cable Constraints Framework
  - Ports Usage and Navigation Study
  - Ports Cumulative Impacts Study

## Adjournment

### *Next Steps*

- Members should communicate future agenda ideas to Morgan Brunbauer (NYSERDA), [Morgan.Brunbauer@nyserda.ny.gov](mailto:Morgan.Brunbauer@nyserda.ny.gov).
- A lightening round where developers can give updates will take place at a future F-TWG meeting, as part of efforts to streamline communication.
- The BOEM RFI F-TWG Meeting will likely take place in mid-May or June.
- The Empire and Beacon FMP update meeting is currently not scheduled, but expected to take place in early summer.
- The next full F-TWG meeting is expected to take place in late summer or early fall.

## Appendix A: Meeting Agenda

### F-TWG Spring 2022 Virtual Meeting

March 23, 2022; 9:45 am – 12:15 pm EDT

You may join the meeting from your computer, tablet, or smartphone.

[Click here to join the meeting](#)

#### F-TWG Goals for Meetings

- Update the Fisheries Technical Working Group (F-TWG) on various ongoing and upcoming activities.
- Solicit input from F-TWG on key issues and ideas.
- Adhere to our ground rules for an effective meeting:
  - Stay on track
  - Let others speak
  - Be respectful
  - Focus on the substance not the people

**9:45**            **Open Lines for On-Line Joining**

**10:00**            **Welcome, Listing of Participants, Orientation to the Zoom Webinar Format**

TWG Purpose, Meeting Agenda, Review Rules of the Road

**10:10**            **BOEM Update, BOEM**

- Lease Auction Results
- Compensatory Mitigation RFI Update and Next Steps

**10:30**            **Developer Coordination around NY Bight**

- Discuss cross-lease coordination and compile a list of what the F-TWG and NY Bight developers might potentially coordinate on moving forward

**11:00**            **Research Prioritization**

- Update from NYSERDA on Existing E-TWG/RWSC Efforts
- RODA, Synthesis of the Science, and ROSA Efforts
- Discussion on Possible Next Steps

**11:30 FTWG Membership**

- Engagement and New Membership Needs

**11:45 NYSERDA Updates**

- Draft OSW RFP
- State of the Science Conference 2022
- Passive Acoustic and Oceanographic Surveys
- Cabling Constraint Framework, Port Usage and Navigation, Ports Cumulative Impacts Study
- Fisheries mitigation plans - Equinor

**12:00 Next Steps and Adjourn**