Fisheries Technical Working Group Revised Framework

November 2018

This Framework describes the mission, objectives, and tasks proposed for the Fisheries Technical Working Group as part of New York State's efforts to advance the responsible and cost-effective development of offshore wind energy to achieve the Governor's goal of 2,400 MW of installed capacity by 2030.

Mission

The mission of the Fisheries[1] Technical Working Group (Fisheries TWG or "F-TWG") is to provide advice and guidance to help steer the State of New York's efforts and advise the region's efforts to advance offshore wind development in an environmentally responsible way and to protect and sustain the State's and region's fisheries and fishing communities.

Objectives

To achieve this mission, the New York Department of Environmental Conservation (NYSDEC), the New York State Energy Research and Development Authority (NYSERDA), and the New York Department of State (NYSDOS) are convening the Fisheries TWG to directly engage fishing industry members who could be affected by offshore wind energy development. The Fisheries TWG will focus on coordination, communication, research, and scientific inquiry. Research and scientific inquiry in this context will address specific issues that will help inform and improve the interaction of fishing and offshore wind energy development. Coordination and communication will also help these interactions and is generally identified by the fishing community, regulators, and offshore wind energy developers as a crucial need.

New York state agencies recognize that there are opportunities to enhance coordination, communication, and research activities to better understand and minimize the potential risks that offshore wind energy development poses to the commercial fishing industry. These efforts will be designed to augment the specific responsibilities of individual developers, while being sensitive to the practical aspects of timing, cost, and "meeting fatigue" that must be resolved to meaningfully engage the fishing community. One specific opportunity is to meet the need for discussing fisheries-related issues in a regional context reflecting the reality that federal waters are fished by people from multiple states. Thus, the Fisheries TWG will include members of the fishing industry and state agency representatives from surrounding states, as well as offshore wind energy developers with leases in federal waters in New England and the Mid-Atlantic.

Within that overall context, to achieve its mission the Fisheries TWG has four objectives:

1. **Enhance communication and coordination** between the fishing community and offshore wind industry developers to encourage interaction, dialogue, and discussion. This objective includes coordination with agencies and members of the fishing community from surrounding states, federal agencies, as well as coordination with

[1] For purposes of this framework, the term "fisheries" includes commercial and recreational fishing as generally used in fisheries management-related discussions.

other technical working groups that New York State is convening. A main intent of this objective is to provide the fishing community with an easy, flexible platform to engage offshore wind industry developers.

2. **Disseminate information** related to existing data, research, and information sources to fishing communities and the offshore wind energy industry, including but not limited to fisheries science, off-shore wind array design and development and construction practices, and fishing species, gear types, and operations.
3. **Provide advice and input** on matters related to commercial and recreational fishing and wind energy development, such as but not limited to best management practices, mitigation approaches, wind energy area designations, research agendas, and other matters.
4. **Support scientific research** to address issues related to offshore wind energy project planning, siting, construction, operation, monitoring, or related topics using Fisheries TWG feedback to support research priorities project scoping.

F-TWG Member Responsibilities

F-TWG members will have the following responsibilities:

- Participate in up to 4 meetings per year in-person in New York State
- Provide input on the logistics, content, and format of meeting;
- Participate in related conference calls and webinars;
- Provide input on draft meeting agendas, meeting summaries, and documents produced for the F-TWG's for consideration;
- Help craft recommendations, including emails, phone calls, and other activities between meetings to complete such recommendations;
- Consult with the community or organization they represent for input in the interim between meetings;
- Share data, as appropriate, with the members of the group and New York State; and
- Participate in a science workshop in 2019.

Members are expected to:

- Engage constructively with one another;
- Acknowledge and articulate differences with respect and clarity;
- Provide input and advice on offshore wind energy development and fisheries, recognizing decisions regarding wind energy development and fisheries rest with multiple agencies and jurisdictions; and
- Provide input and advice to the State of New York, including broadly shared advice where possible. In lieu of agreement among F-TWG members, articulate the range of advice clearly and the reasons for differences.

NYSDEC and NYSERDA will:

- Organize Fisheries TWG meetings with support from the fisheries liaison and other contractors as necessary;

- Prepare and present relevant offshore wind development and fisheries issues for the advice and input of F-TWG members
- Provide funding support for contractors that are necessary to support the F-TWG and associated outreach, including a fisheries' liaison. NYSDEC and NYSERDA will collaborate to manage those contractors;
- Create a F-TWG website to provide a repository for information, data, and F-TWG products;
- Synthesize existing research, data, best practices, and other relevant public information, to be hosted on the web site
- Support associated meetings, from time to time, to directly involve more fishermen or other appropriate stakeholders in discussion of specific issues and ideas with the F-TWG;
- Hire a fisheries liaison to assist NYSDEC and NYSERDA in engaging fisheries communities;
- Allow for discussion on various specific products, tools, and decisions offered on wind energy development by various agencies, including but limited to NYSERDA, NY DEC, NMFWS, the NY PSC, and BOEM;
- Develop a research and study design, implementation, and product review that incorporates opportunities for Fisheries TWG input at the design, implementation, and draft and final product stages; and,
- Share with participants how F-TWG advice has been taken into account in decision-making and when not, why.

Contractors will:

- Provide technical support and guidance, including developing draft frameworks, options papers, tools, and other materials;
- Create and support the F-TWG website, email list, and other communications tools;
- Facilitate the overall process and meetings of the F-TWG;
- Develop meeting summaries of meetings, workshops, and conference calls, summarizing key points, issues, and action items; and
- The facilitators will behave in a non-partisan manner, accountable to all participants for helping ensure a fair, inclusive, and meaningful process.

Membership and Meetings

The F-TWG includes members from the fishing industry and wind energy developers. Fishery members were selected to represent the range of species and gear types off-shore who may or will be affected by off-shore wind energy development. Developer members are those with an active lease in related waters. Participants also include representatives of state agencies in the region as well as federal agencies with jurisdiction over fisheries management (fishery councils), fisheries science (NMFSC and GARFO), and off-shore wind development planning and permitting (BOEM).

Membership and meetings shall abide by the following:

- Members or participants may be added to the group by New York State (NYS) after consultation with the existing F-TWG membership;
- Meetings will be by invitation only

- Meetings are generally expected to include all participants, but sectors or sub-groups may meet among themselves, from time-to-time;
- Options, ideas, and issues will be put in writing, in draft, when possible after discussion, and sufficient time given for members to share such documents with their constituencies;
- Meetings will be scheduled in consultation with F-TWG members; and
- Members and NYS may convene specialist committees, hold public workshops, and engage additional experts, as and when needed.