

Fisheries Technical Working Group (F-TWG) Meeting Summary

Thursday, May 13th, 2021 from 1:00 pm to 4:00 pm
Virtual Meeting

Background

This meeting summary describes key discussion points and action items from the Fisheries Technical Working Group (F-TWG) virtual meeting, which was held on Thursday, May 13th, 2021 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 43 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 Fisheries Compensation Framework following F-TWG input.
- Schedule and plan Fisheries Mitigation Plan meetings for early summer.
- Schedule and plan next F-TWG meeting for later summer or early fall 2021.
- 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.

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 28 agency, 15 developer, 11 fishing industry, seven admin/ support, three NGO, and two academic members. The F-TWG is not open to the public to facilitate open discussion and productive collaboration.

Update on NYSERDA Process for Research Funds and Required Mitigation Plans

Fisheries Mitigation Plan Update – Morgan Brunbauer, NYSERDA

NYSERDA is working to develop a streamlined approach to writing Fisheries Mitigation Plans (FMPs) that is both useful to engage the Environmental and Fisheries TWGs and Developers as well as strive to create content that is comprehensive. NYSERDA plans to hold facilitated meetings for each FMP with the F-TWG and E-TWG in the future (jointly) and tie updates to FMPs to big project milestones. Meetings may include the following elements:

- Developers share updates and plans and NYSERDA solicits feedback and questions from F-TWG members on the FMP itself to drive discussion for potential updates
- Developers answer questions from F-TWG members
- Meeting summaries and redline updates of the FMP are posted to the F-TWG website

Feedback: F-TWG members shared concerns that NYSERDA is not providing enough guidance for Developers to draft FMPs. They requested that F-TWG members be engaged prior to large project milestones.

BOEM Update on New York Bight

Outer Continental Shelf Wind Energy Leasing in the New York Bight – Luke Feinberg and Brian Hooker, BOEM

The Bureau of Ocean Energy Management (BOEM) is currently in the Planning & Analysis/ Leasing phase of the New York Bight process. In April of 2021, BOEM held a Task Force Meeting that discussed the Proposed Wind Energy Areas (WEAs). BOEM utilized AIS data and fisheries revenue data as well as NJ Sportfishing Atlas data to determine the relative use index score within the New York Bight. Transit data as well as DoD data was also used to determine the final WEAs. The scoping comment period ended April 28th, 2021 and the comment period on the Environmental Assessment will be concurrent with the Notice of Availability. Proposed Sale Notice includes:

- Area for leasing
- Fiscal terms
- Auction details and format
- Proposed lease terms
- Last opportunity to submit company qualification materials
- Nonmonetary factors

Proposed Lease Areas for the 2021 auction include:

- Hudson North
- Central Bight
- Hudson South A
- Hudson South B
- Hudson South C
- Hudson South D
- Hudson South E
- Hudson South F

Transit Lanes

The NYSERDA, NYSDEC, and RODA workshop and outreach summary played a role in determining the 2.44 nm wide transit lane with Permanent International Association Navigation Congress (PIANC) and no surface occupancy with areas of overlap. Hudson South was subdivided 6 ways to be of roughly equal commercial viability, include transit lanes to account for vessel transit patterns, reduce wake effect, and facilitate fair return to the government pursuant to the Outer Continental Shelf Lands Act.

Leasing Timeline

- Proposed Sale Notice expected June 2021 followed by a 60-day comment period
- Final Sale Notice expected Fall of 2021 followed by a 30-day waiting period
- Draft Environmental Assessment expected July 2021 followed by a 30-day comment period
- Final Environmental Assessment expected September 2021

Questions for F-TWG Consideration:

1. **Number, size, orientation, and location of the proposed lease areas:** which lease areas (if any) should be prioritized for inclusion, or exclusion, from this lease sale and/or future lease sales?
 - a. F-TWG Members raised questions about the feasibility of shared cable routes
 - b. There were concerns about Hudson South C and F being adjacent to the Hudson Canyon Scallop Area
2. **Stakeholder engagement:** BOEM is proposing a lease stipulation that would require lessees to provide a semi-annual progress report that summarizes engagement with existing users, requesting methods to improve coordination between lessees, stakeholders, and tribes
 - a. There was feedback that more guidelines is needed to ensure engagement is productive and effective
3. **Transit Corridors:** Reflections on proposed transit corridors
 - a. F-TWG members requested a 4-mile-wide buffer zones to cater to New York fishermen going to NJ and VA, especially in Hudson South
4. **Prescribed layouts:** Should BOEM consider prescribing uniform and aligned turbine layouts to Lease Areas, especially in the Hudson South WEA?

Existing Procurements: Ørsted Sunrise Wind and Equinor Empire 1

Sunrise Wind Update – Ross Pearsall, Ørsted

- First of two projects by Ørsted out of New York
- Project Design Envelope includes: 122 Wind Turbine Generators (WTGs), one Offshore Converter station, 106 mile offshore export cable corridor, 17 mile onshore transmission cable in Town of Brookhaven
- Ongoing survey efforts: Geotechnical survey April 2021 – August 2021

Empire Wind 1 Update – Scott Lundin, Equinor

- Expected Notice of Intent from BOEM by later this Spring of 2021 with the Construction and Operations Plan (COP) being publicly available
- Layout rules: Designed to provide flexibility on timing and design of final layouts but within known and assessed limits
 - Southwest to northeast dominant rows (consistent with trawl tows)
 - Open area by Cholera Bank to allow for squid and trawl fishing
 - Condensed more WTGs in the Empire Wind 2 area (*see notes below*) to allow for fishing in Cholera Bank
 - Process of engagement with fishing industry was successful
- Turbines range from 10 MW to 18 MW and grid is determined by turbine size

New Procurements: Equinor Empire 2 and Beacon Wind

Empire Wind 2 – Scott Lundin, Equinor

- Empire 2 constitutes the other half of the Empire 1 Lease Area
- Utilizing the Port of Albany as first offshore wind tower manufacturing facility in the US
- Empire 2: 1,260 MW, operational in late 2027
- Gravity based foundations

Beacon Wind 1– Scott Lundin, Equinor

- New England Lease Area, 1,230 MW
- Construction to commence 2025, operation 2028
- Land in Astoria Queens, create an HVDC converter station, no public disturbance
 - 170 nm export cable route length
- Overlap on an existing FLAG A-1 Fiber Optic Cable, still adjusting the route fundamentally
- Port visits in NY, CT, RI, and MA, F/V Karoline Marie supporting survey activities in LIS
- Established a gear loss claim form, established a review process on how soon they will hear from the Developer
 - Utilizing Equinor’s fisheries manager and fisheries industry representatives to help review these claims
- F-TWG members shared concerns over the cable burial depth as the cable comes closer to shore.

Compensation Document

Overview and Comments Received to Date – Brian Dresser, Tetra Tech

The purpose of the document is to spur conversation on fisheries compensation and to serve as a starting point to put background information all into one place. It is not intended to become a compensation framework for New York State, and NYSERDA is looking for additional comments and feedback moving forward. Comments from the F-TWG were received on April 16, 2021 and are now being incorporated into a next iteration of the document. Common themes of comments covered:

- Direct vs. indirect compensation
- More information on the functionality of programs in other countries

- More information from other industries in the U.S. including oil and gas and submarine cable industries
- Data points that needed additional clarification such as job estimates and fisheries values

There will be additional opportunities for comments going forward as the file will be considered a “living document”.

Next Steps

F-TWG members discussed key questions about how the document could best address their concerns and needs, what the next steps should be, and what future iterations of the document should cover.

Question 1: Avoid, minimize, mitigate, and compensate: does this approach align with what is envisioned by developers, regulators, and the fishing industry?

- Comments:
 - Avoiding and minimizing don’t appear feasible - industry is left to just mitigate and compensate.
 - F-TWG members requested the spatial needs for reasonable access for the fishing industry be defined earlier in the process to align with “minimizing” impacts.
 - F-TWG members commented that coexistence between offshore wind and fishing is defined much differently in Europe than in the United States.

Question 2: How should compensation be defined? Direct and indirect compensation? Other means of compensation?

- *This was not discussed in detail due to time constraints.*

Question 3: Where do we go from here? What is the next iteration of the document?

- Comments:
 - F-TWG members requested more information be collected and included from other countries.
 - It was suggested that a future workshop could be held similar to the Transit Lane Workshop.
 - F-TWG members requested further communication from BOEM so industry is on the same page.
 - F-TWG members also indicated that the F-TWG's focus right now should be on making sure the fishing community has useful, factual, and up to date information.

Other OSW Updates from New York State and F-TWG members

E-TWG and State of the Science Updates – Kate McClellan Press

- The Offshore Wind Submarine Cabling Overview Document is live. Use the following link to access the document: <https://www.nyserdera.ny.gov/-/media/Files/Programs/offshore-wind/21-14-Offshore-Wind-Submarine-Cable-Report.pdf>
- NYSERDA “Learning from the Experts” Webinar Series is ongoing
- Request for Qualifications for Regional Wildlife Science Entity for Atlantic Offshore Wind

- The Culmination Webinar for the State of the Science Workshop (held in November 2020) is being held next Friday, May 21st, from 12-2 pm ET.

Adjournment

Next Steps:

- Determine how to proceed with the compensation document.
- Hear from developers about the status/updates to Fisheries Mitigation Plans (Equinor and Ørsted) at an early summer FMP Updates Meeting.
- Late summer/early fall F-TWG meeting.

Appendix A: Meeting Agenda

F-TWG Spring 2021 Virtual Meeting

May 13, 2021; 12:45 – 4 pm EDT

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

[Click here to join the meeting](#)

This meet will be held as a Zoom Webinar:

- F-TWG Core Members will be made panelists
- Alternates and Others will be in Webinar Mode

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

12:45 Open Lines for On-Line Joining

1:00 Welcome, Listing of Participants, Orientation to the Zoom Webinar Format

- Brief on TWG Purpose, Rules of the Road, Membership

1:10 Update on NYSERDA Process for Research Funds and Required Mitigation Plans

- Presentation, *Morgan Brunbauer, NYSERDA*
- Discussion

1:20 BOEM Update on New York Bight

- Update, *Brian Hooker, BOEM*
- Discussion

1:50 Existing Procurement: Ørsted Sunrise Wind and Equinor Empire 1

- Presentations, *Ørsted, Equinor*
- Discussion

2:20 Break

2:30

New Procurement: Equinor Empire 2 and Beacon Wind

- Presentation, *Equinor*
- Discussion

3:00

Compensation Document:

- Overview and comments received to date, *Brian Dresser, Tetra tech*
- Key questions for discussion
- Where to from here?

3:40

New York State and F-TWG member OSW Other Updates

- E-TWG and State of the Science Update, *Kate McClellan-Press, NYSERDA*
- Other's update

3:50

Next Steps and Adjourn

- Discussion: Future Topics for the F-TWG
- Upcoming Events