



# Can Offshore Wind Development Have a Net Positive Impact on Biodiversity? Regulatory and Scientific Perspectives and Considerations

April 20-21, Roger Williams University School of Law, Bristol, Rhode Island

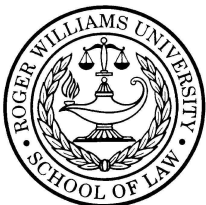
## **Organizers:**

The Nature Conservancy

Roger Williams University School of Law Marine Affairs Institute/Rhode Island Sea Grant Legal Program

The concept of achieving “net positive impact on biodiversity” (NPI) is not new; however, the application of this concept to offshore wind development is relatively new. In the offshore wind context, there is no universal framework, consensus as to definitions, or specific regulatory scheme for integrating net gain or biodiversity goals into new projects. This symposium will explore the concept of NPI in the ocean and near coastal environment, and ask whether and how it should be integrated into offshore wind projects in the United States. The symposium will bring together scientific, regulatory, legal, and industry experts from the United States and Europe to discuss: (1) the concept of NPI generally, and specifically in the offshore wind context especially as it relates to a well-established mitigation hierarchy; (2) the various rationales—including environmental, governmental, financial, and corporate—for incentivizing this approach in the offshore wind development context; (3) the existing approaches to incorporating NPI into agency decision-making in the United States and in the Netherlands; and, (4) technological and project specific examples of how this concept is being applied in the United States and the Netherlands. The symposium is intended to be future oriented, educational, neutral, and high-level. Questions the symposium seeks to explore include:

- What is the meaning of NPI in the context of offshore wind development?
- How is NPI connected to the mitigation hierarchy and the regulatory scheme that’s currently in place?
- Is it possible to achieve NPI in the ocean environment in the context of offshore wind development?
- What are the challenges and obstacles to implementing NPI in the context of offshore wind development and to demonstrating success?
- If NPI could be implemented in the offshore wind realm, what are the benefits to nature, species, and habitat?
- What are other policy reasons—including financial and corporate drivers—for incorporating NPI into offshore wind projects?
- How are policymakers and regulators incentivizing or supporting corporate NPI goals?
- Are there aspects of existing regulatory schemes or analytic approaches in the United States or abroad that could improve the way we measure and track success of NPI goals in offshore wind?
- If so, how can we implement those approaches into the regulatory framework for offshore wind?
- How are offshore wind companies implementing NPI and working toward these goals in the U.S. and abroad?





- Are there applications, materials, and technologies that are being developed now that could be incorporated into science plans, frameworks and best practices to achieve these goals?

## **Thursday, April 20**

**11:30 am - 12:30 pm**

Registration, Boxed lunches available

**12:45 pm - 1:10 pm**

Welcome and Introductions

**1:10 pm - 2:45 pm**

### **Session 1, Part 1:**

***Setting the Stage: What does Net Positive Impact on Biodiversity (NPI) in the Ocean Mean as it Relates to the Mitigation Hierarchy for Offshore Wind—Regulatory Perspectives.***

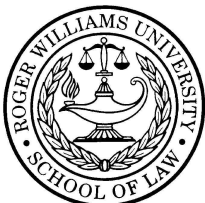
*Questions this panel will address:*

- What is the existing regulatory framework for offshore wind projects in the United States?
- How are impacts and mitigation addressed within this framework?
- Case studies of how the existing framework enables or limits evaluation of environmental impacts and restoration/mitigation.
- Can NPI be connected to the mitigation hierarchy and the regulatory scheme that's currently in place?

*Moderator:* **Jackie Roller**, JD, Deputy Chief, Oceans and Coasts Section, Office of the General Counsel, National Oceanic and Atmospheric Administration

*Speakers:*

- **Amy Trice**, Northeast Regional Ocean Council (NROC) (invited); The existing regulatory framework for approving an offshore wind project and addressing mitigation through NEPA.
- **Matthew Eisen**, JD, Associate Research Scholar, Sabin Center at Columbia University; How does the NEPA process evaluate impacts to species & habitat? Risks and opportunities.
- **Becca Loomis**, JD, Project Attorney, Natural Resources Defense Council (NRDC); Opportunities through the NCOS process/surveys to get more information upfront that can help shape siting but also inform nature positive goals relative to longer term impacts on species and overview of BOEM auction process for offshore wind leases, changes to adopt a multi-factor bidding process.
- **Stephanie Vail-Muse**, Regional Energy Coordinator, United States Fish and Wildlife Service (USFWS); Specific federal agency examples of how the mitigation hierarchy is applied in existing regulatory framework.
- **Grover Fugate**, former RI coastal zone management agency director; How states address their mitigation goals and habitat and species concerns, and role/need for adaptive management through the federal NEPA process.





- **Aisling O’Shea**, Massachusetts Department of Fish and Game; Limitations of the existing regulatory process to do mitigation and restoration projects that have cumulative and higher-level ecological benefits.

**2:45 pm - 3:15 pm**

Networking and Refreshment Break

**3:15 pm - 5:15 pm**

***Session 1, Part 2:***

***What does Net Positive Impact on Biodiversity (NPI) in the Ocean Mean as it Relates to the Mitigation Hierarchy for Offshore Wind—Science Perspectives.***

*Questions this panel will address:*

- Is it possible to achieve NPI in the context of offshore wind?
- What are the challenges and obstacles to implementing and demonstrating success?
- Is it appropriate to talk about “net” gain?
- Is biodiversity the right metric?

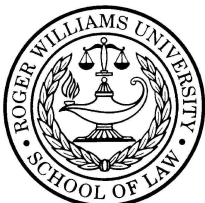
*Moderator:* **Jessica Wilkinson**, Senior Policy Advisor for Energy and Infrastructure, The Nature Conservancy

*Content experts:*

- **Melanie Austen**, Professor of Ocean and Society at Plymouth University UK, and **Aisling Lannin**, Head of Evidence at the Marine Management Organisation UK; Co-authors of [2021 report](#) explaining how concept of marine net gain relates to the mitigation hierarchy.
- **Sarah Cooley**, Director of Climate Science, Ocean Conservancy; Global Biodiversity Framework and how net gain connects to it and the mitigation hierarchy.
- **Neil Cousins**, Founder and Director, Blue Dot Associates.
- **Aspen Ellis**, University of California Santa Cruz; Co-author of [this 2022 report](#) regarding net gain and birds.
- **Claire Fletcher**, Senior Principal Consultant, Biodiversity Consultancy.
- **Kate Williams**, Director, Center for Research on Offshore Wind and the Environment, Biodiversity Research Institute.

**5:45 pm - 7:30 pm**

Optional Dinner (Registration Required)





## **Friday, April 21**

**8:00 am - 8:30 am**

Coffee & Continental Breakfast

**8:30 am - 9:45 am**

### **Session 2:**

#### ***Why Set NPI Targets in Offshore Wind? Varying Policy and Science Perspectives***

*Questions this panel will address:*

- If we could implement NPI in offshore wind, what are the benefits to nature, species, habitat?
- Are there other policy or science reasons—including financial and corporate drivers—for implementing NPI in offshore wind?

*Moderator:* **Dana Merkel**, JD, Of Counsel, Blank Rome LLP (invited)

*Speakers:*

- **Neil Cousins**, Founder and Director, Blue Dot Associates; Science and international lending perspective.
- **Rennie Meyers**, Senior Public Affairs Advisor Global Engagement & Thought Leadership, Orsted; Developer perspective.
- **Drew Carey**, Vice President of Americas, Venterra; Consultant perspective.
- U.K. Dept. of Environment and Fisheries and Rural Affairs (invited); Government perspective.
- **Atma Khalsa**, Environmental Affairs Manager, Avangrid; World Bank requirements.
- **Boze Hancock**, Senior Marine Restoration Scientist, The Nature Conservancy, U.S. and global projects.

**9:45 am - 11:15 am**

### **Session 3, Part 1:**

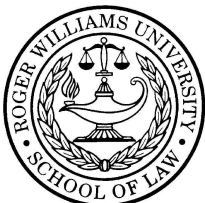
#### ***Regulatory Opportunities: How Can NPI be Advanced in Offshore Wind Projects?***

#### ***An Examination of the Solicitation Process and Other Possible Implementing Mechanisms for NPI.***

*Questions this panel will address:*

- How are non-price criteria for ecological benefits incorporated into solicitations for offshore wind in the US and in the Netherlands?
- How are bids qualitatively evaluated through these processes?
- What are the challenges to using the solicitation process to choose projects that provide ecological benefits and improvements?

*Moderator:* **Mark James**, Visiting Assistant Professor and a Senior Energy Fellow in the Institute for Energy and the Environment, Vermont Law School





*Speakers:*

- **Ruud DeBruijne**, Tendering Manager, Netherlands Enterprise Agency; Netherlands example from the agency empowered to issue offshore leases. (remote participation)
- **Kate McClellan Press**, Senior Project Manager, New York State Energy Research and Development Authority (NYSERDA); State perspective on solicitation process.
- **Remco van Sliedregt**, Lead Counsel Legal and Regulatory, USA, Boskalis; Contract attorney perspective on responding to solicitations for offshore wind.
- Maryland Public Service Commission (invited); State perspective on approach to qualitatively evaluate multiple bids.
- Bureau of Ocean Energy Management (BOEM) (invited); Auction process.

**11:15 am - 11:30 am**

*Networking Break and Refreshments*

**11:30 am - 12:30 pm**

***Session 3, Part 2:***

***Regulatory Opportunities: How Could NPI be Advanced in Offshore Wind Projects?***

***An Examination of Existing Restoration Analysis and Mitigation Models and Their Possible Applicability to NPI.***

*Questions this panel will address:*

- Are there aspects of existing analytic approaches or regulatory schemes that could improve the way we measure and track success of NPI goals in offshore wind?
- If so, how can we implement those approaches in any new regulatory scheme for offshore wind?

*Moderator:* **Dr. Di Jin**, Senior Scientist, Marine Policy Center, Woods Hole Oceanographic Institute (WHOI)

*Speakers:*

- **Jason Kinnell**, Principal Economist, Veritas Economics or **Matthew Bingham**, Principal Economist, Veritas Economics; NRD assessments (overview of analyses).
- **Scott Friedman**, Principal, Industrial Economics, Incorporated; Consultant NRDA trustee perspectives, specific application examples.
- **Aisling O'Shea**, Program Administrator, Massachusetts Department of Fish and Game's In-Lieu Fee Program.
- **Michelle Mattson**, Senior Project Manager, Corps Institute for Water Resources (invited).

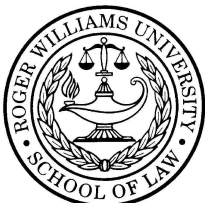
**12:30 pm - 1:45 pm**

Lunch (provided)

**1:45 pm - 3:00 pm**

***Session 4:***

***Application Opportunities and Challenges of NPI in Offshore Wind Industry: U.S. and Beyond—***





### *Company Perspectives*

*Questions this panel will address:*

- What are the approaches to setting and meeting NPI goals in the offshore wind space?
- What are the challenges to achieving these goals in the U.S.?
- How are offshore wind companies implementing NPI and achieving these goals in Europe and elsewhere?

*Moderator:* **Maija Benitz**, Ph.D., Assistant Professor of Engineering, Roger Williams University

*Speakers:*

- **Anthony Dvarskas**, Biodiversity Lead for Offshore North America, Orsted.
- **Rick Robbins**, Marine Affairs Manager, RWE.
- **Jennifer DuPont**, Strategic Permitting Manager, Equinor.
- **Atma Khalsa**, Environmental Affairs Manager, Avangrid.
- Other developers (invited).

**3:00 pm - 4:30 pm**

**Session 5:**

### **Technology and Innovation**

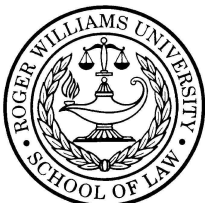
*Questions this panel will address:*

- What are the opportunities to improve habitat and ecosystem functions offshore wind design and material selection?
- What data and monitoring are needed to demonstrate gains or improved function?
- Other challenges and limitations (cost, time, regulations, etc.)?

*Moderator:* **Chris McGuire**, Director of Massachusetts' Ocean Program, The Nature Conservancy

*Speakers:*

- **Emily Shumchenia**, Director, Regional Wildlife Science Collaborative for Offshore Wind (RWSC)
- **Annie Murphy**, Senior Scientist, INSPIRE; Turbine reef project report & potential for CVOW monopiles to support epibenthic communities that facilitate the redistribution of carbon in the ecosystem.
- **Heather Kinney**, Coastal Restoration Scientist, The Nature Conservancy; Reef ball deployment at Sabin Point.
- **Fokko van der Goot**, Senior Environmental Engineer, Boskalis; Marine construction.
- **Sharon Tatman**, Expert Advisor, Deltares; Symbiotic inclusive design.
- **Adam Baske**, Head of Aquaculture and Restoration, Running Tide; Biodiversity enhancement.





4:30 pm - 4:45 pm

**Conclusion and Next Steps:**

- Synopsis prepared by Research Attorney at Marine Affairs Institute.
- Solicit feedback on next steps.

