



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

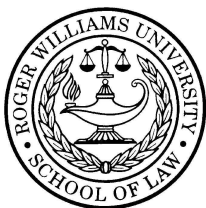
Organizers:

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 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) whether increased biodiversity is the appropriate metric and how success would be measured; (3) the existing status of various drivers—including environmental, governmental, financial, and corporate—for the NPI approach in the offshore wind development context; (4) the existing approaches to incorporating environmental benefit considerations into agency decision-making in the United States and in other countries; and, (5) technological and project specific examples of how nature-inclusive designs and environmental benefits are being applied in the United States and other countries. The symposium is intended to be future oriented, educational, neutral, and high-level. Additional topics the symposium will 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 and measure NPI in the ocean environment in the context of offshore wind development? If yes, is it the best approach to achieving broader environmental benefits?
- What are the challenges to implementing NPI in the context of offshore wind development?
- If NPI could be implemented in the offshore wind context, what are the benefits to nature, species, and habitat? Are there risks associated with relying on 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 NPI goals in offshore wind?
- How are offshore wind companies implementing NPI and working toward their biodiversity goals in the U.S. and other countries?
- Are there applications, materials, and technologies that are being developed now that could be incorporated into science plans, frameworks, and best practices for the industry?





Thursday, April 20

11:30 am - 12:15 pm

Registration, Boxed Lunches Available

12:30 pm - 12:45 pm

Welcome and Introductions

- **President Ioannis Miaoulis**, Roger Williams University
- **Julia Wyman**, Director, Marine Affairs Institute at Roger Williams University School of Law, Rhode Island Sea Grant Legal Program
- **Tricia Jedelev**, Atlantic Coast Offshore Wind Policy Manager, The Nature Conservancy

12:45 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.

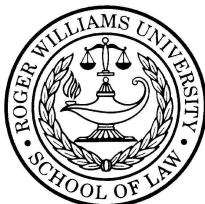
Questions this panel will address:

- 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**, Senior Program Director, Northeast Regional Ocean Council (NROC), and **Edward (Ted) Boling**, JD, Partner, Perkins Coie (remote participation); The existing regulatory framework for approving an offshore wind project and addressing mitigation through NEPA.
- **Becca Loomis**, JD, Project Attorney, Natural Resources Defense Council (NRDC); Early opportunities for identifying, avoiding, and mitigating impacts: Wind Energy Area development and lease sales.
- **Matthew Eisenson**, JD, Fellow, Renewable Energy Legal Defense Initiative, Sabin Center at Columbia University; How does the NEPA process evaluate impacts to species & habitat? Risks and opportunities.
- **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.

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?

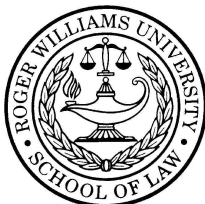
Moderator: **Jessica Wilkinson**, Senior Policy Advisor for Energy and Infrastructure, The Nature Conservancy.

Content experts:

- **Melanie Austen**, Professor of Ocean and Society at University of Plymouth UK, and **Aisling Lannin**, Head of Evidence and Marine Pioneer Programme Lead at the Marine Management Organisation UK; Co-authors of a 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, Bluedot Associates Ltd (remote participation).
- **Aspen Ellis**, University of California Santa Cruz; Co-author of a 2022 report regarding net gain and birds.
- **Claire Fletcher**, Senior Principal Consultant, The Biodiversity Consultancy (remote participation).
- **Kate Williams**, Director, Center for Research on Offshore Wind and the Environment, Biodiversity Research Institute.

6:00 pm - 7:30 pm

Optional dinner offsite. Registration was required—registrants received an email with directions.





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: **Amber Hewett**, Program Director, Offshore Wind Energy, National Wildlife Federation.

Speakers:

- **Boze Hancock**, Senior Marine Restoration Scientist, The Nature Conservancy, U.S. and global projects.
- **Laura Harland**, Marine Net Gain Team Leader, U.K. Dept. of Environment, Fisheries and Rural Affairs, Government's perspective on environmental improvement opportunities and Offshore Wind (remote participation).
- **Atma Khalsa**, Environmental Affairs Manager, Avangrid; World Bank requirements.
- **Rennie Meyers**, Senior Public Affairs Advisor for Oceans and Biodiversity, Orsted; Developer perspective.
- **Drew Carey**, Vice President, Americas, Venterra; Consultant perspective.

9:45 am - 11:15 am

Session 3, Part 1:

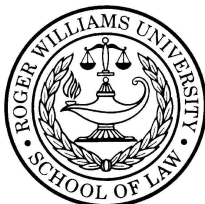
Regulatory Opportunities: How Can NPI be Advanced in Offshore Wind Projects?

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 and Graduate School.





Speakers:

- **Ruud de Bruijne**, Tendering Manager, Netherlands Enterprise Agency; Netherlands example from the agency empowered to issue offshore leases (remote participation).
- **Egbert Jansen**, Team Manager Contracting, Construction, and Operations, Pondera; Perspective of consultant preparing project bids in the Netherlands (remote participation).
- **Remco van Sliedrecht**, Lead Counsel Legal and Regulatory, USA, Boskalis; Contract attorney perspective on responding to solicitations for offshore wind.
- **Kate McClellan Press**, Senior Project Manager, Environmental Research, New York State Energy Research and Development Authority (NYSERDA); State perspective on solicitation process.
- **Michael Richard**, Commissioner, Maryland Public Service Commission (remote participation).
- **Martin Heinze**, Economist, Bureau of Ocean Energy Management (BOEM); Auction process.

11:15 am – 11:30 am

Networking and Refreshment Break

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?

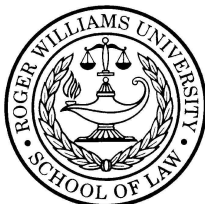
Moderator: Dr. Di Jin, Senior Scientist, Marine Policy Center, Woods Hole Oceanographic Institution (WHOI).

Speakers:

- **Jason Kinnell**, Principal Economist and President, Veritas Economics Consulting; Natural resource damage assessments (overview of analyses and application examples).
- **Michelle Mattson**, Ecologist, Compensatory Mitigation Subject Matter Expert, Institute for Water Resources, U.S. Army Corps of Engineers (Corps); Corps' compensatory mitigation programs, including mitigation banking.
- **Aisling O'Shea**, In-Lieu Fee Program Administrator, Massachusetts Department of Fish and Game; Overview of the Massachusetts In-Lieu Fee Program and restoration project examples.

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:

- **Atma Khalsa**, Environmental Affairs Manager, Avangrid.
- **Rick Robins**, Marine Affairs Manager, RWE.
- **Paul Phifer**, Permitting and Developing Director, Attentive Energy.
- **Anthony Dvaskas**, Biodiversity Lead for Offshore North America, Orsted.
- **Jennifer DuPont**, Strategic Permitting Manager, Equinor.

3:00 pm - 3:05 pm

Remarks from **Dean Gregory Bowman**, Roger Williams University School of Law

3:05 pm - 4:35 pm

Session 5:

Technology and Innovation

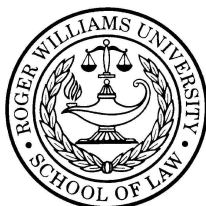
Questions this panel will address:

- 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:

- **Sharon Tatman**, Expert Advisor & Research Coordinator North Sea, Deltares; Dutch perspective on biodiversity enhancement for the North Sea offshore wind transition





- **Annie Murphy**, Senior Scientist, INSPIRE Environmental; 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.
- **Jamie Lescinski**, Boskalis; Marine construction.
- **Adam Baske**, VP of Coastal Markets and Restoration, Running Tide, Ecosystem Service Interventions and Quantification
- **Emily Shumchenia**, Director, Regional Wildlife Science Collaborative for Offshore Wind (RWSC).

4:35 pm - 4:45 pm

Concluding Remarks

- Tricia Jedeke and Julia Wyman

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