

Appendix AE – Fisheries Mitigation Efforts

Ocean Wind 1 Fisheries Mitigation Efforts Outline

Outside of stakeholder outreach, direct communication, employment of onboard Fisheries Liaison Officers, use of Fisheries Representative, and other methods to coexist with the fishing community, Ocean Wind 1 will use the following three programs:

- 1) **Gear Claim Procedure** (currently in use and will exist for the life of the project)
Orsted administers a portfolio-wide gear claim procedure if Orsted activities damage or destroy commercial fishing gear. The gear claim process has been in place since 2018 and has had significant updates since then. The most significant update in January 2021, included changes to model the gear claim procedure after the National Oceanographic and Atmospheric Administration's Fishermen's Contingency Fund to the greatest extent possible. Currently, the gear claim process requires a fisherman to file a claim within 30 days upon discovery of lost or damaged gear. They may request reimbursement for lost/damaged gear, economic loss (lost catch and business interruption), and reasonable claim preparation costs. After they submit a complete claim, the claim is reviewed and either accepted or rejected in whole or in part. If rejected in whole or in part, the fishermen may appeal the decision to an independent third party. The independent third party's review is final. The full details of the gear claim process can be found at <https://us.ored.com/renewable-energy-solutions/offshore-wind/mariners>.
- 2) **Direct Compensation Program** (will be in place 30 days after the receipt of all final federal, state and local permits, authorizations, concurrences, and approvals necessary to construct and operate Ocean Wind 1 as described in the approved Construction and Operations Plan (COP) and will exist for the life of the project)
Assuming a regional fund is not established in time, Ocean Wind 1 will create a Direct Compensation Program for impacted fishermen based on the direct compensation program created for South Fork Wind¹. Similar to South Fork Wind, Ocean Wind 1 will use the annual average commercial landings values and for-hire revenue stated in the Final Environmental Impact Statement as a baseline for commercial and for-hire fishing. Ocean Wind 1 will hold in reserve an amount determined by the formula set out in the draft BOEM guidance using the baseline amounts. This reserve amount will be used to pay claims brought by both commercial and for-hire fishermen in accordance with the draft guidance. Ocean Wind 1's compensation program will be open to any eligible commercial or for-hire fisherman regardless of homeport. The program itself will be managed by a third party. The third party will determine eligibility. Eligibility will be based on demonstrated fishing history in the project area. The third party will also approve and deny claims. Like South Fork Wind's direct compensation program, there will be an appeals process for those seeking to review a denied claim. Fishermen may make a claim during construction and deconstruction phases of the project. They may also make claims under certain circumstances during the operations phase of the project.
If the nine Atlantic states have established a regional compensation fund prior to the start of offshore construction, Ocean Wind 1 will utilize the regional fund for management of funds held in reserve and processing of claims rather than establishing its own third-party managed program.
- 3) **Navigational Safety Fund** (will be in place 30 days after the receipt of all final federal, state and local permits, authorizations, concurrences, and approvals necessary to construct and operate Ocean Wind 1 as described in the approved COP and will exist until funds run out).
The Navigational Safety Fund will enable eligible commercial fishermen and for-hire vessels to acquire navigation equipment through a voucher system. The Navigational Safety Fund will be

¹ www.crmc.ri.gov/windenergy/dwsouthfork/SFWF_FedConsistencyDecision_20210701.pdf; pg 859-890

similar to and carry out the same intent as the program established for South Fork Wind². It will also provide training and experiential learning opportunities to those navigating within Orsted's lease area off the coast of New Jersey. Fishermen eligible for the Direct Compensation Program described above and who do not already possess automatic identification system (AIS) transceivers and/or pulse compression radar systems may receive one-time grants for up to \$10,000 in order to upgrade or purchase pulse compression radar or AIS. Commercial fishing vessels and inspected for-hire/party vessels will be eligible for \$10,000 in upgrades, and uninspected for-hire vessels will be eligible for \$5,000 in upgrades. Eligible fishermen will be issued vouchers to spend at approved vendors for approved products. The process of issuing vouchers, approving vendors, and approving equipment will be managed by a third party which could be the same third party managing the Direct Compensation Program.

In addition to vessel upgrades, there will be an educational component to the Navigational Safety Fund. Those eligible for direct compensation, may attend a professional training of their choice with support up to \$1,000 per person. Eligible trainings include but are not limited to a captain's course, license upgrade, radar course, or rules of the road refresher. Like vessel upgrades, a third party manager will issue vouchers for training and be responsible for approving trainings, trainers, educators, and/or institutions.

² [SFWF FedConsistencyDecision 20210701.pdf \(ri.gov\)](#), pg 727