

# Fishing Gear Conflict Prevention and Claim Procedure

## Overview

As good neighbors and fellow ocean users, Ørsted U.S. Offshore Wind (Ørsted) recognizes the possibility of offshore wind activity and commercial fishing gear encounters. We believe that with proper communication and training, there will be limited gear interactions, if any, in connection with the installation and operation of our offshore wind farms. In the event that there is a gear loss caused by or resulting from Ørsted's activities, we have provided a claim / damage procedure below. The prevention procedures are by no means exhaustive and will continue to be modified and improved.

## Measures to Prevent Gear Loss

### 1) Communication: What's happening, where, when?

- Dockside: Ørsted Fisheries Liaisons work with port Fisheries Representatives to identify mariners that fish in areas where on-water work is planned and communicate to those fishermen directly
- Website: Information for Mariners page on [us.orsted.com/mariners](https://us.orsted.com/mariners) will include project specific information and details for on-water activities including vessel names and how to contact them
- Notice to Mariners (USCG): Notices broadcast by USCG via VHF and available online at [us.orsted.com/mariners](https://us.orsted.com/mariners)
- Jump drives: loaded with locations of existing facilities, areas planned for construction, are available from Ørsted Fisheries Liaison or port Fisheries Representatives
- VHF updates daily at 6am and 6pm: survey / construction vessels to broadcast plan of activities for next 24 and 48 hours, from VHF CH. 16, vessel will choose working channel to broadcast project updates (geographic specific). Updates will also be posted to Ørsted website and Fisheries Liaison will inform port Fishing Representatives
- Transit routes: Project vessels will attempt to follow general transit routes to and from port, as safe navigation practices permit

### 2) Training:

- All personnel working offshore for Ørsted will be trained on these procedures and on how to identify/avoid fishing gear
- All contractors working for Ørsted will be given a briefing on the importance of the local fishing communities and instructed to communicate early and often with fishing vessels while always following USCG Rules of the Road

### 3) Lessons Learned:

- Make best efforts to gather feedback and continually improve communication on vessel activities
- Incorporate lessons learned from previous interactions with local vessels
- All vessels including Ørsted project vessels and individual fishing vessels should make best efforts to avoid gear loss and follow prevention best practices

## Filing a Claim

A fisherman who has experienced a gear loss or damage that they believe was caused by or the result of Ørsted's activities should complete the attached application fully and submit it to their home port or closest port Fisheries Representative or to Rodney Avila, Fisheries Liaison via email at rodav@orsted.com.

### To have a claim reviewed, applicants must:

**1) Contact the Fisheries Liaison Rodney Avila as soon as safe and practical to notify him of incident via cell phone (provided below).**

**2) Provide a complete, legible, executed application form. Incomplete applications will not be accepted.**

**3) Submit the completed application within 30 days of incident.**

**4) Include the following with application form:**

- Copy of a valid fishing permit
- Proof that the vessel was fishing in the area with a VTR report for the trip when gear was lost or sales slip for fish landings for period of gear loss/damage
- Copy of receipt for original purchase of fishing gear that was lost/damaged
- Sales slip or gear invoice for replacement or repair gear (must be identical to gear that was lost/damaged)
- A slip receipt for proposed replacement tag
- Location of gear loss/damage – either GPS coordinates and/or photo of chart plotter
- Lobster and gill net only: must produce original/replacement receipt for lost gear if requested by Fisheries Liaison

### Process for claim review:

- Claims will be reviewed by Fisheries Representative from the Applicant's home port or closest port, the Ørsted Fisheries Liaison and a representative of Ørsted. A majority of these three individuals is necessary to approve a claim
- Applicants will be notified of the result, in writing, within 60 days of Ørsted's receipt of a complete Application
- If the claim is found to be valid, a check will be provided to the Applicant
- If the claim is denied, a written explanation will be provided to the Applicant
- Applicants who disagree with the decision may file a written notice of appeal with Ørsted, which Ørsted will provide to a Third Party for review. The Third Party's decision will be final and not subject to any further right of appeal

Applicants may not file multiple claims for gear loss in the same area. Prevention methods should be followed by all parties. Any payment will be considered a full release. Ørsted reserves the right to request additional information to support review of claim.

## Application

Name \_\_\_\_\_ Address \_\_\_\_\_

Phone number \_\_\_\_\_ Email \_\_\_\_\_

Vessel name \_\_\_\_\_ Home port \_\_\_\_\_

Gear type \_\_\_\_\_ State license # \_\_\_\_\_

Federal permit # \_\_\_\_\_

Vessel documentation number / registration number # \_\_\_\_\_

Claim amount \_\_\_\_\_

Claim description

### Included with this Application is:

- Copy of a valid fishing permit
- Proof of fish landings (VTR report) for the trip when gear was lost or sales slips for fish landings during period of gear loss/damage
- Proof of ownership of the vessel capable of fishing including photos and permit
- Copy of receipt for original purchase of fishing gear that was lost/damaged
- Sales slip or gear invoice for replacement or gear repair (must be identical to gear that was lost/damaged)
- A slip receipt for proposed replacement tag
- Location of gear loss/damage – either GPS coordinate and/or photo of chart plotter
- Lobster and gill net only: must produce original/replacement receipt for lost gear if requested by Fisheries Liaison

By submitting this Application, Applicant authorizes Ørsted U.S. Offshore Wind to make whatever inquiries and investigations it deems necessary to verify my Application and request for compensation.



Applicant understands that submitting this Application does not guaranty payment. Applicant further agrees that if this claim is accepted and paid, that acceptance of such payment constitutes full, final and complete payment for the claim and that neither Ørsted U.S. Offshore Wind, nor any of its affiliates shall have any further outstanding or ongoing obligation with respect to this claim and Applicant shall not, directly or indirectly, assert any claim, or commence, join in, prosecute, participate in, or fund any part of, any suit or other proceeding of any kind against Ørsted U.S. Offshore Wind, or any of its affiliates, based upon this claim. I attest, under penalty of perjury, that to the best of my knowledge the information in this Application is true and correct.

Signature \_\_\_\_\_

Date \_\_\_\_\_

## Contact

### Fisheries Liaison

Rodney Avila

rodav@orsted.com

857-332-4479

New Bedford, MA

Julia Prince

julpr@orsted.com

631-662-3775

Regional Liaison: New York / Connecticut