

Fishing Gear Conflict Prevention and Claim Procedure During Surveys Only as of October 2019

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. Ørsted has implemented port hours at several ports in New York and New England to provide an opportunity for fishermen and mariners to speak with Ørsted's fisheries liaison regarding Project survey activities and other questions that they have
- Survey Zones: Ørsted has divided its lease areas in the northeast United States into "Survey Zones" with boundary coordinates to better describe areas of survey activities
- Website: Mariners page on us.orsted.com/mariners will include project specific information and details for on-water activities including vessel names and location and which Survey Zones vessels may be operating in
- Mariner Briefings: Briefings will be distributed every Monday and Thursday with a projected 3 and 4 day outlook, respectively
- Fisheries liaisons: Ørsted's fisheries liaison team of Rodney Avila and Julia Prince will remain available for direct telephone questions/inquiries to assist in vessel coordination

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
 - Sales slip or gear invoice for replacement or repair gear (must be substantially similar 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, and Ørsted
- 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, or part of a 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

Prevention methods should be followed by all parties. 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
- Sales slip or gear invoice for replacement or gear repair (must be substantially similar 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 reasonable 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 in its entirety, that acceptance of such payment constitutes full, final and complete payment for this particular 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 particular 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 particular claim. If a claim is denied in part, Applicant may accept payment for the undisputed part without waiving Applicant's right to appeal the disputed part of the claim. Applicant recognize that submission of this Application does not affect Applicant's rights concerning matters other than those specifically identified in this particular Application.

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

Corporate Fisheries Liaison

Rodney Avila

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857-332-4479

NY/CT Fisheries Liaison

Julia Prince

julpr@orsted.com

631-662-3775