

Gear loss claim

Instructions

Instructions

To have a claim reviewed, applicants must:

1. Contact Ørsted Americas' Marine Affairs staff as soon as safe and in all instances within 14 days to notify them of incident. Contact information is below.

Kara Gross
kargr@orsted.com
857-330-7699

2. Provide responses to each item in the Gear Claim Application Form. Applicants may print the form found here <https://bit.ly/3q1XNo3> and submit the completed form with required documents to Ørsted Americas' Corporate Fisheries Liaison via email.
3. Submit the completed application within 30 days of incident.

Overview of gear loss claim form review process

Claims will be reviewed by Ørsted Americas for completeness. Incomplete submissions will be rejected and applicants will be notified. If an application is rejected for incompleteness, an Applicant may resubmit a complete application within 30 days after receiving an incomplete notice.

Complete applications will be substantively reviewed by the Fisheries Representative for the Applicant's home port, the Ørsted Americas' Corporate Fisheries Liaison, and a representative of Ørsted Americas. A majority of these three individuals is necessary to approve a claim. Applicants will be notified of Ørsted Americas findings, in writing, within 30 days of receipt of a complete application.

If a finding is made that the gear loss resulted from an interaction with a vessel or equipment associated with one of Ørsted Americas projects, Ørsted Americas will notify the Applicant of the amount to be paid and issue a check for that amount within five business days of the expiration of the Notice of Appeal period.

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, will have an opportunity for an appeal as described below.

Required elements of gear loss claim form

1. The name, mailing address, telephone number, email address, and employment status (i.e. vessel owner, operator/captain, or crew) of each claimant.
2. Coast Guard Documentation Number or State Registration Number of the Vessel
3. Copy of a valid fishing permit
4. Home Port of the Vessel
5. Type of Vessel
6. Size of Vessel
7. Gear type
8. Claim amount
9. A full statement about the damage and/or loss. The statement must include:
 - Date the damage or loss was first discovered
 - If mobile gear, your vessel's direction, speed, and activities immediately before, during, and after the incident (including a full description of both the deployment of any fishing gear which is the subject of the claim and all attempts at retrieval of the gear)
 - Names and addresses of all witnesses to the incident
 - Specific location of incident in LORAN or LAT/LONG
 - If available, a description of the vessel, item, or obstruction which caused the incident and whether or not any surface markers were attached to or near the obstruction
 - Reasoning why the loss and/or damage is associated with Ørsted Americas activities
10. In order to receive compensation for lost or damaged gear, please provide the following:
 - An itemized and complete list of all lost and/or damaged fishing gear
 - Proof of purchase of all lost and/or damaged gear
 - An estimate from a gear repair or supply company to repair or replace lost or damaged gear
 - If you are repairing the gear by yourself, a detailed estimate identifying the repair cost
11. If claiming economic loss, please submit the following:
 - VTRs for the three fishing trips immediately before the trip during which the loss occurred or was discovered
 - VTR for the trip on which the loss occurred or was discovered
 - VTR for the trip immediately following the trip on which the loss occurred or was discovered
 - If mobile gear, a statement describing the amount of time each of the above trips took
 - If fixed gear, a statement on the number of gear units deployed on each trip
 - A statement of the amount of time lost from fishing because of the gear loss and/or damage and a full explanation of why this time period is reasonable
 - Documentation of the date replacement gear was ordered and received or the date gear repair began and ended

If awarded based on a review of the information submitted, economic loss will be paid in the amount of 50 percent of the Applicant's gross income, as estimated by Ørsted Americas, that the Applicant will lose because of not being able to fish, or having to reduce fishing effort, during the period before the Applicant's damaged or lost fishing gear is replaced and available for use. This period begins on the date of the incident and ends on the date the damage could reasonably have been remedied by repair or replacement.

Appeal process

- Within 30 days after the written decision is issued, Applicants who disagree with the decision, or part of a decision, may file a written notice of appeal by sending the notice to Ørsted Americas' Corporate Fisheries Liaison and ROSPE@orsted.com. Notice of Appeal forms can be found here <https://bit.ly/35qbs0i>
- All decisions will become final 30 days after the date indicated on the decision. Appeals made after 30 days will not be accepted.
- The notice of appeal must state the reason for the appeal and an explanation as to why the Applicant believes Ørsted Americas' findings are incorrect. Incomplete notices of appeal will not be accepted.
- Ørsted will provide an Independent Third-Party Reviewer (ITR) with the notice of appeal and the applicant's complete application.
- The ITR will, within 30 days, review the issues raised in the notice of appeal and issue a written determination.
- The ITR's decision will be final and not subject to any further right of appeal.