

## INSTRUCTIONS

# Gear Loss/Displacement Claim

To have a claim reviewed, Applicants must:

1. Contact the appropriate Fisheries Liaison as soon as safe and in all instances within 14 days to notify them of incident. Contact information for the Fisheries Liaisons is available at <https://southforkwind.com> and at <https://us.ørsted.com/mariners>.
2. Provide responses to each item in the Gear Loss/Displacement Claim Application available at <https://southforkwind.com>. Applicants may fill in the application and submit the completed application with required documents to Orsted Corporate Fisheries Liaison and the appropriate Regional Fisheries Liaison via email.
3. Submit the completed application within 30 days of incident. Orsted encourages applications to be submitted within 30 days of incident in order to process, review and complete the claim process so that approved claims are promptly paid.

### Overview of Gear Loss Claim review process

Claims will be reviewed by SFW. Incomplete submissions will be rejected, and Applicants will be notified. If a claim application is rejected for being incomplete, the Applicant may resubmit a complete claim application within 30 days after receiving an incomplete notice.

Complete claim applications will be substantively reviewed by the Fisheries Representative for the Applicant's home port, the appropriate Orsted Fisheries Liaison, and a representative of Orsted Offshore North America. A claim will be approved if a majority of these three individuals approves the claim. Applicants will be notified of SFW's findings, in writing, within 30 days of receipt of a complete claim application.

If a finding is made that the gear loss or displacement resulted from an interaction with a vessel, equipment or activities associated with the Project, as applicable, SFW 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, described below. Applicants will not be required to sign a non-disclosure agreement to receive compensation.

If a claim is denied, a written explanation will be provided to the Applicant. Applicants who disagree with the decision, or part of a decision, may appeal the decision as described below. Gear claims that are denied and not appealed or denied as part of an appeal may not be submitted again. However, Applicants are not barred from submitting subsequent claims unrelated to the claim which has been decided (i.e., Applicants are allowed one claim per loss event).

### **Required Elements of the Gear Loss/Displacement Claim Application**

For all claims, Applicants must include the following information:

1. The name, mailing address, telephone number, email address, and employment status (i.e. vessel owner, operator/captain, or crew) of each Applicant;
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 type (gear loss or temporary displacement); and
9. Claim amount.

If Applicant is seeking compensation for lost or damaged gear, the following information must be submitted:

- A full statement about the damage and/or loss;
- Date the damage or loss was first discovered;
- Specific location of incident in NYS waters in long range navigation (LORAN) or latitude/longitude;
- Vessel Trip Report (VTR) for the trip on which the loss occurred or was discovered;
- VTRs for the three fishing trips immediately before the displacement occurred;
- VTR for the trip immediately following the trip on which the loss occurred or was 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;
- 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 the Project;
- 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; and
- If Applicant repairs the gear, a detailed estimate identifying the repair cost.

If Applicant is seeking compensation for temporary displacement, the following information must be submitted:

- A statement explaining why the Applicant was displaced and amount of time lost due to displacement;
- The date displacement started and ended;
- Location of displacement in NYS waters in LORAN or latitude/longitude;
- VTR for the trip on which the displacement occurred (if the trip was already underway);
- VTR of the fishing trip taken in place of the trip at the location of displacement;
- VTRs or other documentation showing history of fishing in location of displacement;
- VTRs for the three fishing trips immediately before the displacement occurred;
- VTR for the trip immediately following the displacement; and
- If mobile gear, a statement describing the amount of time each of the above trips took.

If the claim is approved based on a review of the information submitted, compensation for temporary displacement will be paid in the amount of 50 percent of the Applicant's gross income, as estimated by SFW based on the information provided in the claim application, that the Applicant will lose due to not being able to fish in the location of SFW's activities.

### **Appeal process**

Within 30 days after the written decision is issued, Applicants who disagree with the decision, or part of the decision, may file a written notice of appeal by sending the Notice of Appeal to Orsted's Corporate Fisheries Liaison. The Notice of Appeal form is available at

<https://southforkwind.com>. All decisions will become final 30 days after the date indicated on the decision. Appeals submitted after 30 days from the decision will not be accepted.

The notice of appeal must state the reason for the appeal and a statement explaining why the Applicant believes the findings are incorrect.

Appeals will be provided to an Independent Third-Party Reviewer (ITR) with the Notice of Appeal and the Applicant's complete claim 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 further appeal.