

# OCEAN WINDS

## OW East

# Fisheries Communication Plan (FCP)

Lease Area OCS-A 0537

Prepared for:



Prepared by:



August 24, 2022

## Table of Contents

1.	Introduction .....	1
2.	Fisheries Communication Plan.....	4
3.	Fisheries Communication Plan Principles and Objectives .....	5
4.	FCP Guiding Principles .....	6
5.	FCP Objectives .....	7
6.	Fishing Activities Within Lease.....	7
7.	Site Characterization.....	8
8.	Fisheries Communication Best Practices .....	9
9.	Fisheries Communication Team.....	10
9.1.1.	Fisheries Liaison Officer.....	10
9.1.2.	Fisheries Industry Representative(s).....	10
9.1.3.	Fisheries Support Staff.....	11
10.	General Strategies .....	11
11.	Commercial Fisheries Engagement Strategies.....	12
12.	Recreational Fisheries Engagement Strategies.....	12
13.	Planning for Project Stages.....	13

## List of Appendices

Attachment A - References

Attachment B - Fisheries Liaison Roles and Responsibilities

Attachment C - Fishing Industry Representative Roles and Responsibilities

Attachment D – Fishing Gear Damage or Loss Claim Procedure

## Acronyms and Abbreviations

<b>AIS</b>	Automatic Identification System
<b>ASMFC</b>	Atlantic States Marine Fisheries Commission
<b>BMP</b>	Best Management Practices
<b>BOEM</b>	Bureau of Ocean Energy Management
<b>CFR</b>	Code of Federal Regulations
<b>COP</b>	Construction and Operations Plan
<b>EA</b>	Environmental Assessment
<b>ESA</b>	Endangered Species Act
<b>FCP</b>	Fisheries Communication Plan
<b>FLO</b>	Fisheries Liaison Officer
<b>FIR</b>	Fishing Industry Representative
<b>GARFO</b>	Greater Atlantic Regional Fisheries Office (formerly “Northeast” or NERO)
<b>G&amp;G</b>	Geotechnical and Geophysical
<b>HRG</b>	High-resolution geophysical
<b>HMS</b>	Highly Migratory Species
<b>Lease</b>	Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf OCS-A 0537
<b>LNM</b>	Local Notice to Mariners
<b>m</b>	meter
<b>MAFMC</b>	Mid-Atlantic Fishery Management Council
<b>MMPA</b>	Marine Mammal Protection Act
<b>NEFSC</b>	Northeast Fisheries Science Center
<b>NJDEP</b>	New Jersey Department of Environmental Protection
<b>NMFS</b>	National Marine Fisheries Service
<b>NOAA</b>	National Oceanic and Atmospheric Administration
<b>NYSDEC</b>	New York State Department of Environmental Conservation
<b>NYSERDA</b>	New York State Energy Research and Development Authority
<b>OCS</b>	Outer Continental Shelf
<b>OFLR</b>	Offshore Fisheries Liaison Representative
<b>Project</b>	OW East Project
<b>SCUBA</b>	Self Contained Underwater Breathing Apparatus
<b>TD</b>	Time Differential
<b>VHF</b>	Very High Frequency
<b>VMS</b>	Vessel Monitoring Systems
<b>VTR</b>	Vessel Trip Report
<b>WEA</b>	Wind Energy Area

## 1. Introduction

OW Ocean Winds East, LLC (OW East) is a 50-50 joint venture between OW Ocean Winds, an international offshore wind energy company created by EDP Renewables (EDPR) and ENGIE (50:50), and New York-based Global Infrastructure Partners (GIP). Together, these companies have a successful track record of over 50 years of experience in development, financing, construction, and operation of renewable energy projects, including more than 15 years on offshore wind projects. OW East is the lease holder for Outer Continental Shelf (OCS) OCS-A 0537 (the Lease), a New York Bight lease area awarded by the Bureau of Ocean Energy Management (BOEM) on February 23, 2022.

As shown in [BOEM New York Bight Lease Descriptions](#), the Lease encompasses 71,522 acres and is located approximately 38 nautical miles (nm) from the coast of New York and approximately 53 nm from the coast of New Jersey. The Lease was designated by BOEM, following a review of existing and targeted environmental studies as well as significant stakeholder engagement and input. The specific activities undertaken and considered when designating the location for the NY Bight Leases can be reviewed on the BOEM website, [BOEM – New York Bight Activities](#), and specifics regarding the Lease can be accessed at [Lease OCS A 0537](#). OW East plans to develop an offshore wind project (the Project) which is capable of generating up to 1.7 gigawatts (GW) within the Lease.

OW East is strongly committed to the responsible development of our offshore wind farm and multiple use of the lease area by commercial and recreational fisheries. OW East has assembled and will maintain a fisheries communications team, inclusive of a Fisheries Liaison Officer (FLO), for the duration of the Project (Table 1-1). Additionally, OW East will fund a Fisheries Industry Representative (FIR) to enhance communications with the fishing community. This Fisheries Communication Plan (FCP), which is required by BOEM under the lease stipulations (Section 3.1.2.1), is central to OW East's fisheries engagement strategy and will be the foundation for the company's efforts to develop and implement best practices and build collaborative relationships with the fishing community.

The FCP establishes the principles OW East will use to guide outreach and engagement with the region's marine fisheries. It is a "living document" that will continue to evolve with regular feedback and guidance from the fishing community, fishing organizations, regulatory agencies, and individual fishers. This FCP is consistent with the requirements included in Addendum C of the Lease and incorporates the relevant minimum components for Communications Plans as identified within the BOEM draft guidelines.

Ongoing, two-way communication with the fishing community and their representatives is essential to coexistence among users of the Lease. Continual engagement will help to inform Project planning activities and Project design while also building relationships to support understanding and, ultimately, coexistence with other users. The process of gathering fisheries information to support this effort will be iterative and continuous. It should be understood and expected that credible information received from different sources may be contradictory. It should also be understood that all information provided in confidence will be treated as Confidential

Information. OW East will endeavor to apply the best available information to develop fair and complementary plans for shared use of the Lease area.

BOEM is currently developing guidelines for fisheries compensation and mitigation. As those guidelines mature, this FCP will be adjusted accordingly. It will also be subject to annual review and revision when appropriate. For opportunities to provide inputs to support future versions of this plan, to receive Project updates, or receive updated versions of this FCP when they become available, please send email to OW East Head of External Affairs or the Project FLO noted below:

**OW East Point of Contact:**

Anne Marie McShea

Head of External Affairs – OW East

Email: [AnneMarie.Mcshea@Oceanwinds.com](mailto:AnneMarie.Mcshea@Oceanwinds.com)

Tel : 832.993.6626

**OW East Fisheries Liaison Officer:**

Calvin Alexander

Sea Risk Solutions LLC

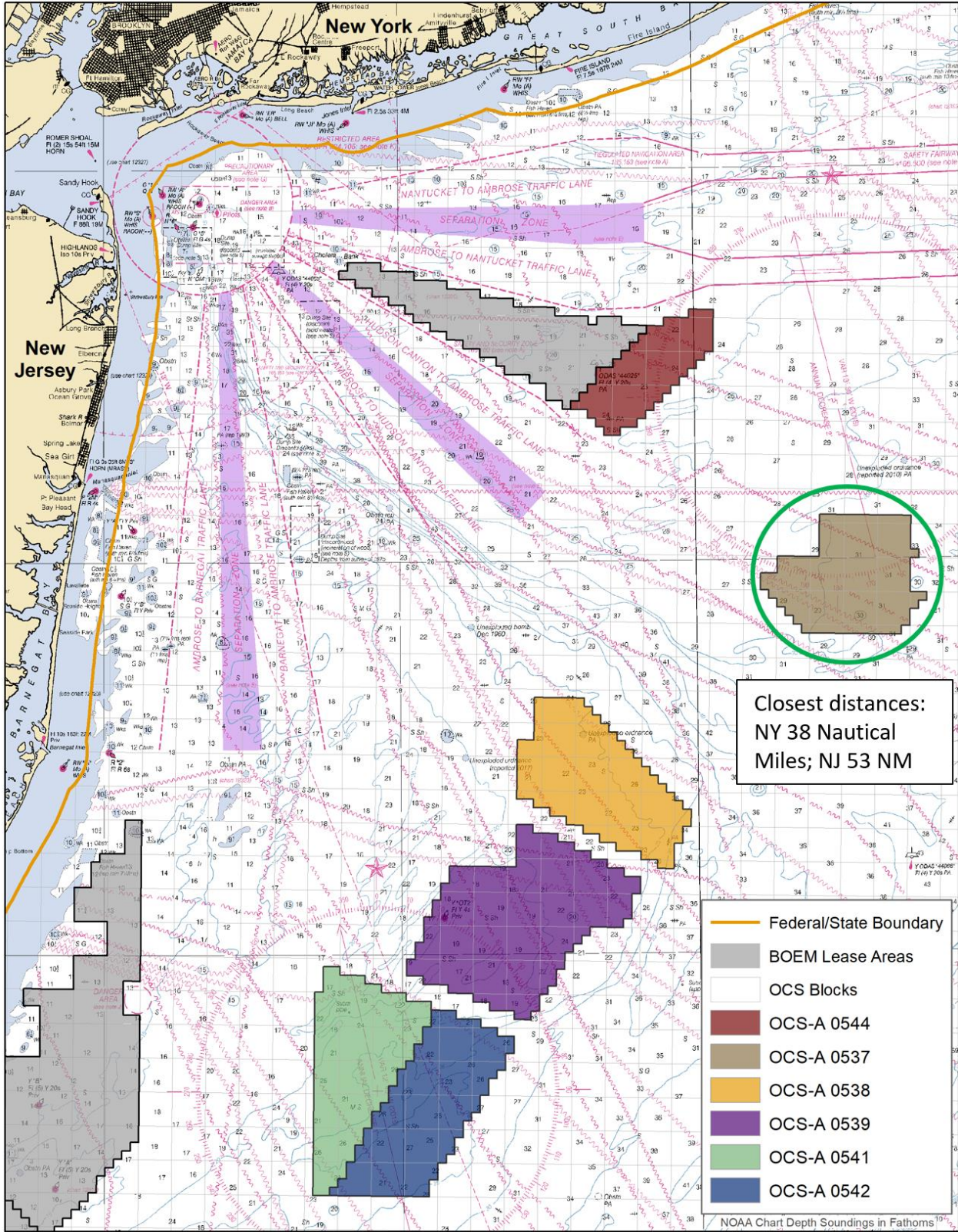
Email: [calexander@searisksolutions.com](mailto:calexander@searisksolutions.com)

Tel: 908.967.2080

**Fisheries Industry Representative**

To be determined (TBD)





OW East Lease (OCS-A 0537)

**Table 1-1 Fisheries Communication Team**

Position	Contact	Company	Email	Tel
Head of External Affairs	Anne Marie McShea	OW East LLC	<a href="mailto:AnneMarie.McShea@oceanwinds.com">AnneMarie.McShea@oceanwinds.com</a>	832 993-6626
Fisheries Liaison Officer	Calvin Alexander	Sea Risk Solutions LLC	<a href="mailto:calexander@searisksolutions.com">calexander@searisksolutions.com</a>	908 967-2080
Fisheries Liaison Support	Steve Drew	Sea Risk Solutions LLC	<a href="mailto:sdrew@searisksolutions.com">sdrew@searisksolutions.com</a>	908 339-7439
Fishing Industry Representative	TBD			

## 2. Fisheries Communication Plan

This FCP describes the OW East approach and strategy for outreach with fisheries stakeholders during the planning, development, construction, and operation phases of offshore windfarm development. This FCP is provided in accordance with the Lease-Specific Terms, Conditions, and Stipulations for Lease OCS-A 0537, specifically Section 3.1.2.1 which reads as follows:

**3.1.2.1 Fisheries Communications Plan and Fisheries Liaison:** *The Lessee must develop a draft FCP and make it publicly available within 120 days of lease execution. The Lessee must update and refine the FCP from time to time, in response to feedback obtained by engagement with Tribes and parties and BOEM consultation. If the Lessee does not develop a project website, the Lessee must make the FCP available to the Lessor and the public upon request. The plan must include the following:*

- *A description of the strategies that the Lessee intends to use for communicating with commercial and recreational fisheries prior to and during activities in support of the submission of a plan (e.g. SAP or a COP). This description must include mechanisms to distribute notices to Federal and state fisheries license holders known to operate near the lease area through a local "Notice to Mariners" and outreach to, e.g., Fisheries Management Councils, newsletters, websites, Fisheries Liaison Officers and/or Fisheries Representatives, and applicable state agencies.*
- *The contact information for an individual retained by the Lessee as its primary point of contact with commercial and recreational fisheries (i.e., Fisheries Liaison).*
- *The strategy and general timing of discussions with commercial and recreational fisheries regarding the reduction of conflicts with facility designs, pursuant to Lease stipulation 3.1.1.*
- *A process to file a complaint with the offshore wind operator and seek the replacement of or compensate for lost gear.*
- *Plans to coordinate with commercial and recreational fisheries to identify peak fishing seasons and, to the extent practicable, avoid interaction offshore between survey vessels and commercial fishermen.*

*Additionally, the Lessee is required to (i) notify applicable ocean users two weeks in advance of any geological and geophysical survey activities and, (ii) provide an annual summary of filed*



complaint claims and outcomes to BOEM to better understand the frequency and extent of gear interactions.

### 3. Fisheries Communication Plan Principles and Objectives

OW East Principles of Engagement are to have clear, efficient, and timely two-way communication and information sharing that will benefit both OW East and stakeholders within the fishing community, allowing each to understand the plan for the changing needs of the other throughout Project development, implementation, and decommissioning. Sharing information on fishing locations, survey activities, planned infrastructure locations, construction work areas, safety zones, and other Project elements will help to reduce and/or prevent the potential for conflicts detrimental to fishing and the Project.

The OW East FCP has been developed based on BOEM guidelines and best management practices (BMPs) guidance from other relevant resources (Attachment A). The objective is to define outreach and engagement strategies for fisheries interests that may be affected during the planning, construction, operation, and eventual decommissioning of the Project. These strategies will be enhanced with inputs received from the fishing community and updated as the Project progresses.



**BOEM Stakeholder Communication Approach**



Development of the Project within the Lease and along the export cable route(s) will occur in several stages including: Development (e.g. Site Characterization Surveys, Permitting, Design and Engineering, Construction and Operations Plan (COP) Preparation and Submission, public review processes), Construction and Installation, Operations and Maintenance, and Decommissioning. Site characterization surveys are discussed in greater detail in Section 5.5 as they are the earliest of the planned project activities. The ‘adaptive’ nature of the FCP will allow it to be updated over time as inputs are received and through different stages of Project development and implementation which will include project stages not currently addressed in Section 5.5.



### OW East Project Stages

The Project will require the development and submission of a COP which will be subject to stakeholder comment, regulatory review, and approval. Additional opportunities for stakeholder input will occur prior to construction during Federal, State, and local permitting efforts. Fisheries information used to inform the COP is based on the best available and most credible information from government sources, non-governmental researchers, fishers, and direct observations from Project vessels engaged in offshore activities.

#### 4. FCP Guiding Principles

OW East is dedicated to developing long-term partnerships and relationships that lead to equitable benefits for future generations. OW East seeks to establish trust and accountability with our stakeholders including commercial fisheries through transparent and collaborative communications and processes. We seek to actively listen to hear all stakeholders concerns and tailor solutions to local needs.

The fundamental principle of the FCP is facilitation of an open, ongoing dialogue among users of our shared OCS so that we may coexist in the responsible utilization of our nation’s offshore resources. This will be achieved by focusing the FCP around the following, more defined set of principles:

- Facilitate timely, coordinated, efficient, accurate, and transparent two-way communications to promote Project awareness and mariner safety.
- Seek out and utilize the diverse expertise and knowledge of the commercial and recreational fishing communities.
- Acknowledge and respect the concerns, issues, and interests of the fishing community.

## 5. FCP Objectives

The primary objective of this FCP is to detail OW East’s plans for timely outreach, engagement, discussion, and collaboration with the fishing communities about Project activities while also building reliable and cooperative working relationships with OW East. These relationships will be critical to identifying, minimizing, and mitigating, to the extent possible, the inevitable challenges that come with coexistence. In order to realize this overall objective, OW East has identified a sub-set of defined objectives, which include:

- Promote the safety of fisheries users, offshore survey crews, and construction crews transiting, working, and fishing in the area.
- Seek out fisheries users and their inputs to provide additional details, filling in any data gaps regarding the historic, existing, and potential fisheries opportunities in the Lease area.
- Identify potential adverse impacts to fishers and make informed decisions on how to avoid impacts where possible and/or minimize and/or mitigate the extent of effects.
- Provide a pathway to quickly and fairly resolve fisheries related conflicts that may develop during the life of the Project.
- Build an authentic, trusting and working relationship with fisheries users and communities to inform the responsible design, construction, operation, and decommissioning of the Project.
- Demonstrate how input received from the fishing community via the FCP have informed the evolution of the Project as well as the FCP and feed that information back to BOEM and the fishing community via required regular reporting.
- Key objectives include avoidance and minimization of potential issues at sea. To achieve these objectives, the following processes will be implemented (details are in Attachment D):
  - Outreach
  - Communications and Planning
  - Fisheries Briefing
  - Filing a Claim
  - Claim Review

Please note that BOEM is currently reviewing guidelines for compensation and mitigation of impacts on fisheries by offshore wind development. Once these guidelines are finalized OW East intends to update the claims process.

## 6. Fishing Activities Within Lease

It is the aspiration and expectation of OW East that multiple uses, including fishing, will continue in the lease and project area. Other than temporary closures around specific turbines and cables during installation, no restrictions on access are planned. Fisheries are regional in nature and fishers from various east coast states have been known to fish within and/or transit through the Lease. Preliminary review of public data<sup>1</sup> indicates that historically, the Lease is utilized by Scallop and Surfclam Ocean Quahog (SCOQ) dredge fisheries, and to a lesser extent by trawlers and fixed gear fishers<sup>2</sup>. Mobile gear fishing, utilizing dredges to harvest clams and scallops, has driven historical landings from within the Lease, by revenue and in pounds landed.

Commercial fishing using bottom and midwater trawl gear also occurs in the Lease to target mixed species (e.g., summer flounder, squid, scup, etc.)<sup>1</sup> and high-volume species (e.g., mackerel and herring), respectively.

Commercial fishing utilizing static gear (e.g., pots/traps and gillnets) to target lobster, crab, black sea bass, monkfish, and other species occurs to a lesser extent within the Lease.

Given the distance from shore, the recreational fishing activity in the Lease will likely consist mostly of vessels targeting large pelagic species such as tunas, billfishes, sharks, and other pelagics (e.g., mahi mahi). Many of those vessels, owner/operators and for-hire vessels, may transit through the Lease to access the deep-water canyons and shelf break. This is also true of the recreational deep-drop bottom fisheries for tilefish (Blueline and Golden) which generally take place in waters deeper than 300 feet.

As with recreational fishers, recreational divers (free-diving or with self-contained breathing apparatus [SCUBA]) are unlikely to transit such great distances offshore to utilize the Lease. If they do, SCUBA divers will target seabed structure while free divers will utilize surface structure/buoys.

Fisheries research, resource surveys, and other oceanographic studies carried out by federal, state, and academic organizations also take place in and around the Lease.

When planning the export cable routes from the Lease to shore, additional fishing communities will be identified for outreach and engagement.

## **7. Site Characterization**

The site characterization activities will include survey vessels working in and around the Lease and potential export cable routes gathering Geophysical and Geotechnical (G&G) data to inform Project engineering.

The G&G surveys are planned to begin in Winter 2022/23, continuing throughout much of 2023, and possibly beyond within the Lease and along the potential export cable routes. These G&G surveys will be conducted by a suite of special purpose survey vessels that will be deployed at various times throughout the year. Large, dynamically positioned vessels will work the offshore areas while smaller, shallow draft vessels and at times lift boats will conduct surveys in the shallow reaches of the potential export cable routes.

Survey vessels will often be towing equipment behind the vessel and restricted in their ability to maneuver, and a safety buffer around these vessels will be requested. The vessel specifications,

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<sup>1</sup>National Marine Fisheries Service. Landing and Revenue Data for Wind Energy Areas, 2008-2019. <https://www.fisheries.noaa.gov/resource/data/socioeconomic-impacts-atlantic-offshore-wind-development>

operational details, and timing will be shared via Notice to Mariners and Mariner Briefings as schedules are determined and updated as needed.

Prior to survey operations being conducted, the Project's Fisheries Communication Team will prepare and distribute Survey Awareness Flyers to the recreational and commercial fishing communities. The survey vessel crew will be briefed by the FLO prior to mobilization on procedures to avoid conflicts with fishing gear and vessels, how to report any interactions and/or damage, and to promote awareness of the local recreational and commercial fisheries.

During survey operations, survey vessels will monitor Very High Frequency (VHF) channels 16 and 13 for bridge-to-bridge communications with fishing vessels operating in the Lease and along export cable route options. The FLOs will interact daily with the survey vessel(s) to provide fisheries updates and receive feedback from the survey team.

The FLOs will provide the vessel crews with the following:

- A description of the commercial and recreational fisheries that may be encountered in the Lease area.
- A schedule of the recreational fishing tournaments that may overlap the survey in space and time, including communications channels for the tournament fleets.
- Guidelines for avoiding potential conflicts with static and mobile fishing.
- A gear entanglement protocol and reporting form for OW East's Representative on board the survey vessels.

The FLO will be the primary point of contact and will work with fishers to resolve any fisheries issues or gear conflicts that may arise. Should a gear interaction occur, standardized procedures are available to facilitate the filing of a claim for gear damage or loss that a fisherman believes was caused by the Project's survey activities. The claim form, based on the process written jointly by developers with inputs from commercial fisheries and applied in several cases, can be found in Attachment D.

## **8. Fisheries Communication Best Practices**

The fishing communities that transit through or utilize the Lease area and export cable survey area consist of small family businesses, complex multi-vessel companies, and individual fishers. Vessels using the area may be resident in a local port, operate from a regional port outside of the immediate area, and/or move seasonally between multiple ports. The fishing industry is complex in that regard.

OW East acknowledges these complexities and the challenges they present when attempting to disseminate critical information to large numbers of fishers in a reliable and timely manner. Engagement efforts must embrace differences in the needs of these fishing communities. The Fisheries Communication Team will use methods to target both commercial and recreational users, and sub-groups of the same. Identifying the best ways to communicate with fishers will be an ongoing process that will evolve over time with the inputs from the fishing community.

Ongoing, two-way communication during all Project stages will be important in resolving any issues or conflicts and informing fishers of activities that could affect their operations. The fishing industry itself has a role to play in ensuring that effective communication and interaction takes place in a timely and constructive manner. It is anticipated that fishers will engage and discuss their concerns in an open and transparent way. These engagements will contribute to identifying fisheries in the area necessary to avoid and/or minimize negative impacts, develop solutions based on shared information and understanding, and reduce/eliminate conflicts to the greatest extent practicable. If requested by the fisher(s), these conversations, and the information derived from them will be treated as Confidential Information.

In consideration of the challenges that the fishing industry and other stakeholders face during simultaneous planning and development of multiple projects, OW East will endeavor to achieve appropriate levels of communication and coordination with developers of other nearby lease areas. Coordination on issues such as gear claim process, fishing access, port hours, and outreach methods/meetings can be productive and beneficial to the fishing community.

## **9. Fisheries Communication Team**

OW East has assembled a Fisheries Communication Team (Table 1-1) that is currently comprised of OW East Head of External Affairs, the FLO, FLO support staff, and any potential FIR. In this structure, the FLO is responsible for the day-to-day interactions with the fishing community, reporting to the OW East Head of External Affairs. The FLO is knowledgeable and experienced in local and regional fisheries. Any identified FIRs would come from the commercial and/or recreational fishing industries. The team will evolve over time as the Project progresses.

### **9.1.1. Fisheries Liaison Officer**

The FLO is a crucial member of the OW East team responsible for implementation of the communications plan, communicating Project plans and activities that might impact the fishing industry during all stages of Project development and implementation. The FLO will have a direct line of communication to OW East management, through which to make recommendations for improvement and address complaints, concerns, and share other input received from the fishing communities.

The primary roles and responsibilities of the FLO are detailed in Attachment B.

### **9.1.2. Fisheries Industry Representative(s)**

The FIR may be a main point of contact for representation of fishers who operate within a fishery and/or a contact within a fishing organization. They do not work for or on behalf of OW East, but rather represent their respective fishing communities to the OW East Fisheries Communication Team. The FIR should have prior acceptance from the fishing industry they represent and provide unbiased representation of the same. The FIR is normally an individual who has worked extensively within the industry they represent but does not need to be an active fisher. The primary roles and responsibilities of a FIR are detailed in Attachment C.



### **9.1.3. Fisheries Support Staff**

The Fisheries Support Staff will assist the FLO with their day-to-day activities, including managing stakeholder databases, providing information support for meetings, and preparing and reviewing informational flyers and other communications. As needed, support staff will prepare materials for and/or attend industry management meetings, industry workshops, and outreach events.

## **10. General Strategies**

The OW East Fisheries Communication Team will use an array of general outreach strategies designed to engage the fishing community. These strategies will offer various opportunities to access and/or receive timely updates on Project activities and stress the need for feedback from fishing communities. Feedback from the fishing community will be strongly encouraged. The methods and opportunities to provide that feedback will be clearly identified and readily available.

### **General outreach strategies to be used include, but are not limited to, the following:**

- Establish and maintain a dedicated webpage on the OW East website, specifically for the fishing community with the latest Project information, including relevant contact information and opportunities to submit feedback.
- Establish and continuously update a comprehensive email distribution list to provide regular Project updates and other important Project notices.
- Regularly distribute updated asset and operational awareness bulletins showing the development area, depicted on local nautical charts, with a description of the assets in the area, the activities taking place, anticipated timelines, and relevant contact information.
- Schedule and hold meetings, roundtables, open houses, and/or webinars to share Project information and solicit fisheries community feedback on Project activities. These may be held in collaboration with other developers or industry events.
- Engage the communications networks of the federal management agencies (e.g., BOEM, NMFS, and others), the regional fisheries management councils (e.g., MAFMC, NEFMC, ASMFC, and others) and state agencies (e.g., New Jersey Department of Environmental Protection [NJDEP], New York State Department of Environmental Conservation [NYSDEC], and New York State Energy Research and Development Authority [NYSERDA]) and provide links to the same.
- Publish announcements and share Project updates with print and online industry publications and local news outlets.
- Distribute phone numbers for communications with the FLO and support personnel to address any real-time operational conflicts and/or safety issues.
- Establish specific methods for communicating with fishers while they are at sea.
- Work with the USCG to issue LNM ahead of any offshore activities, as required.

## 11. Commercial Fisheries Engagement Strategies

In all cases, early identification of the commercial fisheries in the Lease area and engagement with the specific users is paramount to the success of this FCP. OW East will engage with existing commercial fishers'fishers' organizations, local leaders that represent the various gear types used in the area, and individual fishers. **Additional engagement strategies used by the FLO specific to commercial fisheries users of the Lease area include:**

- Engage fixed gear fishers to establish a set of guiding principles and procedures for: 1) the identification and /or temporary relocation of fixed gear if/when needed, and 2) the process for filing a claims form associated with lost or damaged gear (Attachment D).
- Schedule meetings with local fishers (e.g., port meetings, webinars, etc.) when offshore operational plans and dates are confirmed to discuss the activity and identify any potential conflicts.
- Attendance at Fishery Management Council meetings
- Establish and support regular "Port Hours" with an open-door policy in local ports to encourage regular local engagement to help identify and characterize important local details regarding fisheries operations and practices.
- Participate in commercial fishing conferences, trade shows, fisheries management meetings, and other events to provide additional points of engagement.
- Listen to fishers' plans for their future usage of the lease area.
- Notify fishers of engagement opportunities as well as upcoming project activities.
- Proactively seek additional ways to communicate most effectively with specific fisheries – direct contact, port visits, Facebook, email, website, fish dealers, restaurants, phone app, local universities, WhatsApp etc. Different groups of fishers require different modes of communication.

## 12. Recreational Fisheries Engagement Strategies

Recreational fisheries users that may be impacted by operations in the Lease are also represented by national organizations (e.g., American Sportfishing Association) local organizations (e.g., Atlantic Coast Sportfishing Association), fishing clubs, and individual fishers. **Additional engagement strategies used by the FLO specific to recreational fisheries users of the Lease include:**

- Engage the professional associations representing the 'For Hire' fleet of party and charter boats; schedule meetings to share information and obtain feedback.
- Identify and engage local offshore fishing clubs, attend meetings, deliver educational presentations, and solicit feedback.
- Identify offshore fishing tournaments and dates; engage with tournament organizers, share operational plans and contact information; identify and monitor VHF channel used by

tournament.

- Participate in recreational fishing trade shows and have a presence during fishing tournaments.
- Proactively seek additional ways to communicate most effectively with specific fisheries. Different groups of fishers and different ports require different modes of communication.

### **13. Planning for Project Stages**

This initial FCP was prepared prior to the start of OW East's Site Characterization activities. **As the Project moves through phases of project development and into construction and operations, this FCP will be updated to reflect new developments, outreach activities, and applicable safety and mitigation measures.**

- Site Characterization – This stage of Project activity includes the marine G&G surveys. The Fisheries Communication Team will work with the fisheries community to identify and notify area users, promote awareness of the site characterization activities, and brief survey vessel crews.
- Project Design- The Fisheries Communication Team will use survey data, publicly available data, and fisheries inputs received to inform the Project, continue engagement with the fishing communities to review the Project and get feedback.
- Construction and Installation – Ahead of construction and installation activities, the FCP will be further refined and reviewed with the fishing communities to facilitate ongoing communication and engagement.
- Operations & Maintenance – Following construction, the FCP will continue to be updated during the operational life of the Project to address changing needs of the fishing communities.
- Decommissioning – Prior to the decommissioning, the FCP will be updated to address this final stage of the Project.

In the event of changes to Project-related details, activities, or plans, OW East will prioritize timely, concise, and clear communication with the fishing community. Communication will occur with ample time for questions, comments, or additional inputs to ensure a well-rounded decision-making process.

**As previously stated, the FCP will evolve over the life of the Project. This evolution will be based on shared experiences of OW East and the fishing communities and requires the continued engagement and dedication of all to be effective.**

**We invite members of the fishing industry and interested stakeholders to contact OW East with questions or concerns at any stage of project development.**

## **Attachment A - References**

This FCP is based on current best practice guidance and will be improved with input from the fishing industry through feedback and consultation. Best management practice guidance documents that were consulted included, but are not limited to:

- Guidelines for Providing Information on Fisheries for Renewable Energy Development on the Atlantic Outer Continental Shelf Pursuant to 30 CFR Part 585, U.S. Department of The Interior, Bureau of Ocean Energy Management, Office of Renewable Energy Programs, June 2019. <https://www.boem.gov/sites/default/files/renewable-energy-program/Regulatory-Information/BOEM-Fishery-Guidelines.pdf>
- Kirkpatrick, A.J., S. Benjamin, G.S. DePiper, T. Murphy, S. Steinback, and C. Demarest. 2017. Socio-Economic Impact of Outer Continental Shelf Wind Energy Development on Fisheries in the U.S. Atlantic. Volume I—Report Narrative. U.S Dept. of the Interior, Bureau of Ocean Energy Management, Atlantic OCS Region, Washington, D.C. OCS Study BOEM 2017-012. 150 pp.
- Guidelines for Information Requirements for a Renewable Energy Construction and Operations Plan, Attachment A – Version 3.0, BOEM April 2016]
- Collaborative Fisheries Planning for Virginia’s Offshore Wind Energy Area. OCS Study BOEM 2016-040, prepared by Virginia Coastal Zone Program. Available at: <http://www.deq.virginia.gov/Programs/CoastalZoneManagement/CZMIssuesInitiatives/OceanPlanning/FishingandVirginiaOffshoreWind.aspx>
- Guidelines for Providing Information on Fisheries Social and Economic Conditions for Renewable Energy Development on the Atlantic Outer Continental Shelf Pursuant to 30 CFR Part 585, U.S. Department of The Interior, BOEM, Office of Renewable Energy Program, October 20, 2015.
- Fishing Liaison with Offshore Wind and Wet Renewables Group (FLOWW) Best Practice Guidance for Offshore Renewables Developments: Recommendations for Fisheries Liaison, January 2014. Available online: <http://www.thecrownestate.co.uk/media/5693/floww-best-practice-guidance-for-offshore-renewables-developments-recommendations-for-fisheries-liaison.pdf>
- Offshore Wind Best Management Practices Workshop, Feb 5-6, 2014, Final Report, Mid-Atlantic Fishery Management Council.
- Ecology and Environment, Inc. 2014. Development of Mitigation Measures to Address Potential Use Conflicts between Commercial Wind Energy Lessees/Grantees and Commercial Fishermen on the Atlantic Outer Continental Shelf Report on Best Management Practices and Mitigation Measures. A final report for the U.S. Department of the Interior, Bureau of Ocean Energy Management, Office of Renewal Energy Programs, Herndon, VA. OCS Study BOEM 2014-654. 98 pp. Available at: <http://www.boem.gov/OCS-Study-BOEM-2014-654>.
- Fishing and Submarine Cables Working Together – International Cable Protection Committee, February 2009, Second Edition



## **Attachment B - Fisheries Liaison Roles and Responsibilities**

The roles and responsibilities of the Fisheries Liaison Officer (FLO) include but are not limited to:

- Serve as the OW East’s public outreach representative and principal contact to the fishing communities in coordination with OW East External Affairs and the Fisheries Communications Team.
- Investigate and follow-up any known complaints or concerns regarding fisheries related issues, including those regarding gear conflicts/interactions with OW East operational vessels.
- Effective implementation of the Fisheries Communication Plan (FCP), with support from OW East’s Fisheries Communication Team.
- Ensure timely communications and dissemination of information to fisher groups regarding all relevant Project activities.
- Support development of communication materials to ensure effective messaging.
- Organize meetings, as necessary, to obtain the fishing community’s feedback and communicate concerns to OW East management.
- Support development and maintenance of a comprehensive stakeholder database for all identified fisheries operating within the Lease area throughout all stages of the Project. Record relevant Project information and communications, including presentations and individual conversations, maintaining confidentiality as appropriate.
- Share, present, and discuss this FCP with industry and appropriate agencies; refine and enhance FCP based on real-time fishing industry feedback and ongoing outreach experience(s).
- Maintain awareness and, where possible, participate in meetings with fisheries groups, regulators, non-government organizations, policy makers, contractors working on the Project, and other offshore wind project developers and foster positive working relationships.
- Develop, recommend and/or comment on potential mitigation measures being considered for use during Project design, implementation, and operation.
- Be available to meet with fishers and fisheries organizations in person, via email or social media, phone, or radio outside of regular business hours and on weekends.

## **Attachment C - Fishing Industry Representative Roles and Responsibilities**

The roles and responsibilities of a Fishing Industry Representative (FIR) include but are not limited to:

- Act as a main point of contact within a fishing industry organization, port, area, or gear type; accurately represent the views of the fishers within his or her remit.
- Liaise in good faith with the Fisheries Liaison Officer (FLO) to ensure the objectives of the Fisheries Communication Plan (FCP) are achieved.
- Reliably disseminate information to and from the fishing community, in a timely and all-inclusive manner.
- Providing the Project with factual, reliable guidance on fishing activity in the area, drawing attention to fishing sensitivities and promoting responsible, agreed mitigation measures.
- Monitoring real time fishing activities and fleet movements in the Lease area and inform Communications Team of the same.
- Advising fishers of development works, activities, and any associated operational safety measures.
- Facilitate the organization of fisheries meetings, as necessary, to obtain fishers' feedback on Project issues, concerns, and potential solutions.
- Participate in negotiations on minimizing and mitigating the effects of Project activities during construction, operation and decommissioning.
- Immediately share any known complaints or concerns regarding fisheries related issues, including those regarding gear conflicts/interactions with OW East operational vessels. Support any investigation and/or follow-up that may be necessary.
- Be available to meet with FLO and Fisheries Communication Team in person, via phone and/or video conference on a regular basis.

## **Attachment D – Fishing Gear Damage or Loss Claim Process**

OW East recognizes that fishing interests and the Project share common space in the offshore waters of the New York Bight and both harvest a resource to benefit the citizens of the United States. OW East also recognizes that coexistence of these user groups in this shared space may result in interactions between OW East and commercial fishing gear. We believe that with proper planning, outreach, communication and training; fishing gear loss/and or damage from interactions can be avoided and minimized. The following outlines the OW East approach to managing this issue, and, in the unfortunate event of an interaction, we have implemented the following claim process:

- Outreach
- Communications and Planning
- Fisheries Briefing
- Filing a Claim
- Claim Review

Please note that BOEM is reviewing guidelines for mitigating impacts on fisheries by offshore wind development. After these guidelines mature, OW East intends to update the claims process.

**Outreach - Sea Risk Solutions** serves as the Fisheries Liaison Officer (FLO) for the offshore wind project and will be the primary point of contact for fishery related issues. The FLO conducts extensive outreach and interacts with commercial and recreational fishers, fishers' associations, recreational tournament organizers, management authorities, and support services to identify fisheries users that operate in areas where project activities are planned.

**Communications and Planning** – Through the FLO, OW East provides project Mariner Updates and information related to the United States Coast Guard (USCG) Local Notice to Mariners (LNM) to share operational updates, names of active vessels, activities being conducted and the specific areas of operation. This information may be found on OW East's website once it is active. If gear is located within the work area, OW East will try to identify and contact the owner of the gear. Each offshore vessel contracted by OW East is advised to communicate early and often with fishing vessels operating in the area of survey activities, while always following USCG Rules of the Road (International Regulations for Prevention of Collisions at Sea, 1972 (72COLREGS) and U.S. Inland Navigation Rules).

**Fisheries Briefing** – OW East's contractors, including survey vessel Masters, bridge officers, survey crew, Protected Species Observers (PSOs), and their support staff are briefed in local fisheries, their respective seasons and gear methods, how to identify and avoid fishing gear, and the importance of coordinating with local and regional fishers. Fishing observations are recorded by onboard personnel and fixed gear positions are plotted for future reference and avoidance. Fishing vessel sightings and gear information are reported to the FLO for follow-up as necessary. Should an interaction occur, offshore contractors are briefed in how to respond to the event safely and responsibly, document the interaction and report immediately to the FLO. The FLO will follow-up with the fishing vessel operator and gather feedback in order to improve communication on vessel activities.

### **Gear Loss Claim Procedure**

**Filing a Claim** – If you have experienced gear loss or damage that you believe was caused by or was the result of OW East’s activities, please follow the instructions below to submit a claim.

- 1) As soon as safe to do so, report incident via cell phone or email to FLO:
  - Calvin Alexander at Mobile Number 908-967-2080 or Email [calexander@searisksolutions.com](mailto:calexander@searisksolutions.com)
  - Stephen Drew at Mobile Number 908-339-7439 or Email [sdrew@searisksolutions.com](mailto:sdrew@searisksolutions.com)
  - Anne Marie McShea Head of External Affairs, Email [annemarie.mcshea@oceanwinds.com](mailto:annemarie.mcshea@oceanwinds.com)
- 2) Within 30 days of the incident submit a complete, legible, executed Claim Form to the above-listed FLOs.

**Claim Review** – All Claim Forms will be reviewed by the FLO and OW East. Within 30 days of receipt of a complete Claim Form, the Applicant will receive a written response which may include a request for additional information. If the claim is confirmed, payment will be arranged with the Applicant. If the claim is denied, a written explanation will be provided to the Applicant.

Gear interaction prevention methods should be followed by all parties. OW East reserves the right to deny a claim should an applicant file multiple claims for gear loss in the same area. Any payment in connection with a filed claim will be considered a full release. OW East reserves the right to request additional information to support the review of any claim.

<p><b>Please note that BOEM is currently reviewing guidelines for compensation and mitigation of impacts on fisheries by offshore wind development. Once these guidelines are finalized OW East intends to update the claims process.</b></p>
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**[Claim Form Appears on the Next Page]**



### Gear Loss Claim Form (1 of 2)

Name: \_\_\_\_\_ Business Name: \_\_\_\_\_

Address: \_\_\_\_\_ Phone #: \_\_\_\_\_

Homeport: \_\_\_\_\_ Email: \_\_\_\_\_

Vessel Name: \_\_\_\_\_ Vessel Documentation #: \_\_\_\_\_

State License #: \_\_\_\_\_ Federal License #: \_\_\_\_\_

Gear Type: \_\_\_\_\_ Date of Incident: \_\_\_\_\_

Last Time Gear Hauled and Set:

\_\_\_\_\_

Specific Gear Location (Lat/Lon or TDs): \_\_\_\_\_

Gear Description (Markings, polyballs, Highflyers): \_\_\_\_\_

\_\_\_\_\_

Description of Incident Causing Damage/Loss: \_\_\_\_\_

\_\_\_\_\_

Was any of the gear retrieved? \_\_\_\_\_

How many gillnets, pots, highflyers, trawl, doors, ground cables, scissor legs, etc. lost or damaged? \_\_\_\_\_

Vessel(s) Observed in Area (Yes/No). If yes, Vessel Name(s) \_\_\_\_\_

Describe normal gear configuration and fishing activity: \_\_\_\_\_

\_\_\_\_\_

Total Claim Amount = \$ \_\_\_\_\_

Additional information required to process Claim Form:

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- Copy of a valid fishing permit.
- Proof of landing history through a VTR report, sales slip, or similar type of documentation that the vessel was fishing in the area for period of gear loss/damage.
- Proof of ownership of the vessel capable of fishing area of loss, including photos.
- Sales slip or gear invoice for replacement or repair gear (must be substantially similar to gear that was lost/damaged).
- Location of gear loss/damage – either GPS coordinates and/or photo of chart plotter
- Completed W-9 form (<https://www.irs.gov/pub/irs-pdf/fw9.pdf>)

**Gear Loss Claim Form (2 of 2)**

I, \_\_\_\_\_, as the Applicant hereunder authorize OW East to make whatever reasonable inquiries and investigations it deems necessary to verify my application and request for reimbursement. Applicant understands that submitting this Application does not guarantee 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 OW East, 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 OW East, 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 recognizes 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.

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**Signature**

**Date**

Please return this form and all the required information, including a completed W-9 form, by one of the below methods:

- 1) Delivering an electronic copy via email to the FLO Calvin Alexander, <mailto:calexander@searisksolutions.com> with a copy to OW East, Head of External Affairs, Anne Marie McShea ([annemarie.mcshea@oceanwinds.com](mailto:annemarie.mcshea@oceanwinds.com)); or
- 2) Mail a copy to:  
OW East  
50 Milk St.  
Boston, MA 02109  
ATTN: Anne Marie McShea

**Please note that the payment cannot be processed without a signature and W-9 form.**