

# Ocean Wind 2 Offshore Wind Farm

**OREC Application  
Attachments to Section 10**

**December 2020**

## Attachment 10.1 – Orsted Company Fisheries Outreach Plan

# Fisheries Communication and Outreach Plan

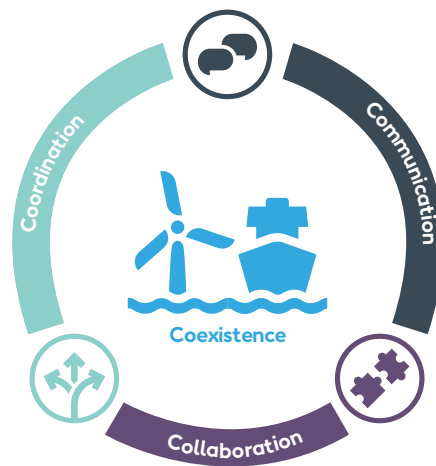
## Ørsted U.S. Offshore Wind

### Executive Summary

Ørsted U.S. Offshore Wind is committed to maintaining a strong working relationship with all commercial and recreational fishermen who may be affected by a wind farm or wind farm activities in and around a lease area. We believe that good communication is essential to creating understanding between those who provide food for our tables and those who provide electricity for our homes. While not all conflicts can be resolved through communication alone, open and honest interaction helps to manage conflicts when they arise and identify ways to avoid or mitigate impacts that may occur.

This Fisheries Communication and Outreach Plan ("plan") outlines key strategies that Ørsted U.S. Offshore Wind will use to communicate with fishermen and fishing industry representatives associated with all our projects. The goals of this effort are to effectively communicate, collaborate, coordinate, and achieve coexistence.

### Ørsted's approach to working with the fishing community



Ørsted U.S. Offshore Wind aims to achieve this by:

- Keeping the fishing industry informed about Ørsted U.S. Offshore Wind activities that may affect fishing
- Collaborating with fishermen to find ways to minimize and mitigate potential impacts of offshore wind development on fishing and identify ways our two industries can work together
- Striving to resolve any conflicts with individual fishermen quickly and fairly
- Identifying the best ways to communicate with fishermen and have an "open door policy" to listen to fishermen's concerns

This plan discusses the challenges of communicating with commercial and recreational fishermen about wind energy. The fishing industry is complex, there are multiple gear types, some of which can conflict with each other. Fishermen tend to have small, family-owned businesses, and they operate out of many ports. Therefore, there are few existing channels for disseminating information to large numbers of fishermen. Further complicating communication and outreach is the fact that there are multiple stages of wind farm development for individual projects, each with its own communication challenges and needs.

This plan builds on the 'Final Report on Best Management Practices and Mitigation Measures' (Best Management Practices) outlined by Bureau of Ocean Energy Management (BOEM) for communicating with the fishing industry and also provides specific steps and procedures for implementation. Ørsted U.S. Offshore Wind has used our experience from Block Island Wind Farm (BIWF), the first operational offshore wind farm in the U.S., to inform, learn from, and continuously improve our engagement with commercial and recreational fishermen. We will also draw on appropriate experiences and relationships gained from 25 operating offshore wind farms in Europe that Ørsted owns and operates.

## Introduction

This plan describes the Ørsted U.S. Offshore Wind general approach to outreach with fishing communities during planning, research, construction, and operation phases of windfarm development. This is intended as a “living document” which will be expanded and refined with ongoing feedback from fishermen and fisheries leaders in ports associated with Ørsted U.S. Offshore Wind projects. This plan is based on guidelines and advice from many sources, including extensive meetings with fishermen. Details of communication reference documents are included in the appendices.

A key part of successful outreach has been the engagement and building of a multi-state network of Fisheries Liaisons (FLs) and Fisheries Representatives (FRs) to serve as two-way channels of information exchange with the fishing industry based on BOEM’s Best Management Practices, but going further by building an experienced team of fisheries professionals along the East Coast of the US, focusing on our project areas. Included in this plan is a detailed outline of the responsibilities and qualifications of the FLs and FRs. This is key for successful outreach, due to the complexities of the fishing industry, with multiple gear types, port sizes, locations, and many small businesses

In addition to our direct outreach with the fishing industries, Ørsted U.S. Offshore Wind has undertaken research and monitoring plans to better understand the impact of our offshore wind projects on fish and fish habitats – committing to a six-year plan of pre-construction, construction, and post-construction/operation monitoring. Ørsted U.S. Offshore Wind uses independent experts to complete collaborative research on fishing vessels wherever possible with the fishing industry. Ørsted U.S. Offshore Wind has also taken the lead to explore a regional collaborative research and monitoring initiative, which could culminate in a first-of-its-kind joint effort by offshore wind developers, the fishing industry, and the federal government. If successful, this regional collaborative research and monitoring initiative will help identify and prioritize fisheries and offshore wind research questions. In return, the research will develop a shared research agenda that can be implemented on a regional scale with the goal of useful peer reviewed published science that will help the fishing industry.

## Core Principles

Ørsted U.S. Offshore Wind recognizes the benefits of building strong working relationships with communities associated with our offshore wind projects. The company has experience with fishing outreach and communications through the development of the BIWF and through our European engagements. These combined experiences help inform our approach to working with the U.S. fishing industry.

Ørsted U.S. Offshore Wind recognizes that fishermen will be affected by offshore wind development and that some of the effects may be negative. This plan does not claim that all conflicts can be resolved to the satisfaction of all parties or that a consensus can be reached on every offshore wind development issue. Nonetheless, Ørsted U.S. Offshore Wind believes that open, honest, and continuous communication between the offshore wind and fishing industries is essential to managing conflicts and maintaining a collaborative working relationship with the fishing industry.

The core of our fisheries engagement philosophy:

- **Communications:** We will conduct an active and honest dialogue with fishermen to understand their concerns about wind energy development, learn what fishermen require to successfully operate in the area, and attempt to address those concerns. We also seek to share information about offshore wind energy and the proposed activities that could affect the fishing industry. This includes general information about offshore wind energy, project details and potential impacts on fishing and the environment. We seek to work with the fishing industry to find ways to develop the wind energy potential in the lease area while minimizing any impacts on fishing. For this to be successful, we need to listen to representatives of the many different types of fishing that takes place in the lease area, and in return we need to provide information that is clear, relevant and timely.
- **Coordination:** We will share information about offshore wind energy and the proposed activities of Ørsted U.S. Offshore Wind that could affect the fishing industry and coordinate activities to minimize impacts on fishermen. We will coordinate with fishermen during all phases of our projects including survey activity, construction and operations. We will seek input from the FLs and FRs to enable Ørsted U.S. Offshore Wind to improve coordination with commercial and recreational fishermen of all gear types.
- **Collaboration:** We will work with the fishing industry to minimize impacts on fishing and seek partners within the fishing industry to assist with this goal. We seek to cooperate with the fishing industry to design and conduct project specific and regional collaborative research aimed at understanding any potential impacts of offshore wind development on fishing and the marine environment. We will also collaborate on practical solutions to optimize access and fishing in and around our offshore wind farms. We will share research and information that Ørsted U.S. Offshore Wind has gathered in its studies that might be of help to further understand the living marine resources of the lease area and their habitats.
- **Coexistence:** We understand that there will be conflicts between offshore wind activities and individual fishermen. We strive to resolve these conflicts fairly and quickly. We believe ongoing discussions with the fishing industry will be more constructive if both parties are better informed about the nature of the other’s business and if there is trust and open communication on both sides. We employ an extensive fisheries outreach network here in the U.S. to assist us in this effort.

## Objectives of Ørsted U.S. Offshore Wind Fisheries Communication & Outreach

It is the goal of Ørsted U.S. Offshore Wind to establish a “good neighbor” working relationship with commercial and recreational fisheries operating in and near our projects. We seek to minimize disruption of fishing activities during all phases of development and maximize ease of access and safe navigation for fishing activities during wind farm operations.

Through this Communication and Outreach Plan, Ørsted U.S. Offshore Wind will strive to accomplish the following objectives:

- Focus on ways to avoid conflicts with fishermen within the wind energy lease areas
- Identify all fisheries with a history of operations in or near Ørsted U.S. Offshore Wind lease areas
- Learn about the variety of fishing techniques used in Ørsted U.S. Offshore Wind lease areas, their spatial requirements, and times of year fishermen use the area
- Identify fishermen’s concerns about offshore wind development and discuss ways to address those concerns
- Identify and attend various fisheries working groups organized by state organizations
- Enlist FRs in or near affected fisheries ports to advise about fishermen’s concerns and construction and operation plans
- Consult with fishermen to gain input and understand their concerns on siting of wind turbines to minimize the impact to fisheries, within the constraints of efficient energy generation
- Develop informational documents and make them accessible to the fishing community
- Design and implement effective strategies to alert fishermen to activities that could affect their operations
- Identify knowledge gaps and discuss research priorities with fishermen
- Develop effective channels for communication throughout the planning, construction, and normal operations phases to ensure safety of all individuals operating in the lease area
- Work with fishermen to design and conduct a research program that provides scientifically credible information about the impacts of offshore wind farms on the marine environment and on the fishing industry

## Types of Communication

The reputation of Ørsted U.S. Offshore Wind as a good neighbor to fishermen will be affected by how well it communicates during the planning, construction, and operation stages. The need for these types of communication differs depending on the stage of development of a wind farm.

- In the planning stages, Ørsted U.S. Offshore Wind seeks to understand general concerns and industry-wide practices. This will help the siting of turbines, timing of construction, location of cables, etc. Fishermen need information about offshore wind energy, how it may affect the marine environment, and what is known about potential impacts on living marine resources
- During survey and research operations, Ørsted U.S. Offshore Wind seeks to be able to communicate with individual fishermen on the water and be able to discuss any complaints from fishermen about direct impacts to fishing gear. It also seeks to provide information to fishermen about what the research surveys have discovered within the area
- During construction, Ørsted U.S. Offshore Wind seeks to be able to inform all affected fishermen of daily, weekly, and monthly plans and how construction will affect fishermen in the area. It also needs to communicate directly to individual fishermen in or near the construction zone. If it can be done on a timely basis, it will consult with fishermen to incorporate their interests into planning decisions
- During the operation phase, communication seeks to focus on notices to fishermen regarding changes in normal day-to-day operations
- At all times, Ørsted U.S. Offshore Wind seeks to have a clearly articulated channel to work with individual fishermen on specific problems that arise
- At all times, Ørsted U.S. Offshore Wind seeks to have an effective means to disseminate information to ensure the safety of all individuals working in the lease area

## Best Practices for Outreach with Commercial and Recreational Fishermen

We have found that the fishing industry wants the opportunity to work “industry to industry” with offshore wind developers to find strategies to support co-occurrence of wind and fishing. Fishermen are important stakeholders, their knowledge and input is valued, and their input and interests will be reflected in the development of our projects. Ørsted U.S. Offshore Wind abides by the following best practices to realize successful outreach and collaboration with commercial and recreational fishermen throughout the development of each project.

- Begin meeting planning by defining the purpose(s) and outcome(s) of the meeting and placing the meeting in a broader context. This information, which we share with the attendees, helps to design the appropriate meeting agenda and sets realistic expectations for the attendees.

- **Purpose** - reason for having the meeting – e.g. to get input on X issue; to inform fishermen of the schedule of construction activity
- **Outcome** - what you will do as a result of the meeting – e.g. use input to modify your research agenda or methods; make adjustment to the construction schedule to mitigate impacts
- **Context** - explains where you are in the process and why this meeting is an important part of that process
- Collect contact information of attendees and ask them to indicate how they would like to be engaged in the future. All meetings provide an opportunity to add to Ørsted U.S. Offshore Wind's stakeholder contact database that we can draw on for future outreach and project updates.
- Demonstrate how input from stakeholders will inform Ørsted U.S. Offshore Wind work or decisions. Setting realistic and clear expectations about how attendees' input will be used and whether it is reflected in outcomes is key to building credibility. Fishermen who feel their input goes into a "black hole" will not continue to participate and may undermine the process with negative feedback.
- Engage early with stakeholders to get their input before decisions have been made. For instance, input on research design and priorities will only be effective when changes can still be made and will generate greater buy-in to the results.
- Acknowledge and show respect for the interests and the concerns of the attendees. Ørsted U.S. Offshore Wind staff and contractors are prepared to answer questions that may be coming from fear, misinformation, or bad past experiences. When appropriate, provide credible outside sources to correct misinformation (e.g. academic research), acknowledge when there are uncertainties (e.g. weather could result in changes in the schedule at the last minute), acknowledge past mistakes and how they will be addressed in the future, and how we will get information to them that you don't have now.
- Frame the information in a way that shows you understand why it matters to the target audience. Each group of fishermen has a different need for information and will be most receptive to information that is tailored to their needs and implicitly or explicitly shows an understanding of how they use the information.
- Communication should be a two-way dialogue whenever possible. Fishermen need accurate information to make informed decisions and provide informed input, but two-way dialogue is the best way (1) to ensure they understand the information, (2) to gather informed input, and (3) to increase credibility in the end product.
- Be as transparent as possible. Delaying the release of research results or assessments may raise questions among fishermen about the cause of the delay and spur rumors that information is being controlled or manipulated. Immediate release of news is important to maintain transparency.

## Fisheries Liaison (FL) and Fisheries Representative (FR)

*Objective: The FLs and FRs serve as conduits for providing information to, and gathering feedback from, the fishing industry. Below are roles and responsibilities and resources to support FLs and FRs*

Ørsted U.S. Offshore Wind has put together an extensive fisheries outreach network that currently consists of a corporate FL as well as several regional FL's that cover the areas we have projects. In those regions there are multiple FR's that represent the ports/communities within those regions. This network facilitates us to communicate with the fishing industry effectively across all our projects.

**Fisheries Liaison (FL)** The FL serves as the Ørsted U.S. lead public outreach representative to the fishing industry for the project. The FL works for Ørsted US. Specific responsibilities of the FL include:

- Working with Ørsted U.S. Offshore Wind management and the FRs, in consultation with stakeholders, to develop a written plan, outlining the specific methods and measures for engaging and disseminating project information to the local fishing community and other stakeholders
- Developing and maintaining, in consultation with the FR, a stakeholder list that includes fishing community individuals, officials and organizations, and other relevant stakeholders. The stakeholder lists are updated periodically and are not exhaustive
- Ongoing email messages to stakeholders, routinely keeping contacts updated on Ørsted U.S. Offshore Wind fisheries related topics. If an individual prefers not to receive emails, FL will send text messages or provide in person meetings where possible
- Creating a newsletter, social media pages, and other requested outlets to assist in disseminating project information
- Communicating effectively with the FRs, as well as the recreational and commercial fishing industry, about Ørsted U.S. Offshore Wind plans, activities, and effectiveness of communication with the fishing industry. Reports will be drafted to document the outreach that was completed during the week
- Working to mitigate potential adverse project impacts by ensuring timely dissemination of information regarding project activities, including projected vessel movements or delays during all phases of project development. For example, the FL will coordinate information releases on relevant/designated VHF channels, cellular phone and project websites as available, concerning work vessels' schedules, vessels' identification, details of work to be performed, and any warnings, as necessary and available

- Advising fishermen and FRs on potential removal/relocation requests of static gear when construction or operations could present a damage risk. Vessel updates will be sent out to the fishing community via email, text, social media, and dockside visits to advise of our activities
- Organizing meetings, as necessary, to gather fishermen's views of project effects on their industry to facilitate two-way communication and information sharing. Outreach meetings are ongoing as well as "office hours" for stakeholders who cannot attend meetings due to other obligations
- Communicating fishermen's concerns to Ørsted U.S. Offshore Wind management in a timely manner and work with Ørsted U.S. Offshore Wind management to develop and communicate a response
- Working directly with FRs who have specific knowledge and understanding of the local fishing communities' concerns
- Following the prompt response protocols when there is an urgent concern or incident (Prompt Response Protocols and Scenarios in Appendix B)
- Engaging fishermen in ports whenever possible, including distant ports that may include vessels that possibly fish in and near the project site. Engagement will be done through port outreach meetings and dockside visits. Work with other regional FLs, as needed, to coordinate outreach efforts
- Identifying the best ways to communicate with fishermen and have an "open door policy" to listen to fishermen's concerns

**Fishing Industry Representatives (FR)** The FR represents their local fishing port or community and acts as a conduit between the fishing industry and the FL/the lessee. Ørsted U.S. Offshore Wind prefers that FRs be selected by the fishing industry based on their specific knowledge and understanding of the local fishing communities' concerns, along with capability of effectively communicating with their community and Ørsted U.S. Offshore Wind. They should be available throughout the planning and construction phases of the project. If no qualified representative is selected by the industry, Ørsted U.S. Offshore Wind will appoint a FR based on input from the FLs. The FR will be compensated by Ørsted U.S. Offshore Wind. The FR's roles and responsibilities include:

- Working with Ørsted U.S. Offshore Wind management and the FLs, in consultation with stakeholders, to assist in developing a project-specific addendum to this plan, outlining the specific methods and measures for engaging and disseminating project information to the local fishing community and other stakeholders. Specifically, the FRs must outline how they plan to regularly engage the fishing industry to gather their concerns and how the information will be shared with the FL, which may be different in each community
- Developing and maintaining, in consultation with the FL, a stakeholder list, including relevant fishery community individuals, officials, and organizations for future communication efforts, as well as a calendar of meetings, activities, and events that Ørsted U.S. Offshore Wind should attend and share with the FL
- Providing Ørsted U.S. Offshore Wind, via the FL, with input on fishing activity in the area and an understanding of particular fishing sensitivities, including the different environmental and biological concerns related to impacts from offshore wind development in the region. Therefore, the FR must be knowledgeable about the different fishing sectors, seasons, key species, fishing patterns, gear types, and should have fishing experience in the region
- Helping the FL disseminate project information to the FR's constituency and provide feedback to the FL regarding the success or failure of various best management practices and/or mitigation methods employed by Ørsted U.S. Offshore Wind
- Keeping abreast of fishing activities by his/her constituents in the project area and communicate any conflicts to the FL immediately
- Using his/her knowledge of at-sea safety procedures and navigational aids to help promote safe fishing practices within the project area to his/her constituency
- Maintaining a log of all contacts made with fishermen and fishing vessels in the project area, along with the type of fishing being conducted and other details to share with the FL
- Remaining unbiased with respect to claims of responsibility or admission of fault for fishing vessel claims that may occur. FRs may be asked to assist with impartial review of claims
- Providing regular reports to the FL and maintain confidentiality of all non-fishery-relevant project details, which will be incorporated into periodic status reports for submittal to BOEM as requested. These reports will provide information on outreach activities conducted and any significant events during a specified timeframe

Both FLs and FRs will maintain frequent and open communication with each other and the fishing community using the appropriate combination of the following methods:

- Information posted via the Ørsted U.S. Offshore Wind website, email/social media, and/or local or industry-specific newspapers/publications for disseminating project information
- Activities designed to educate the public, with emphasis on fisherman and other mariners' education on construction issues and other alerts

- Meetings or open houses held to keep the fishing industry abreast of current project status
- Specific methods for communicating with fishermen at sea such as daily information releases on relevant VHF channels (i.e. Notices to Mariners) and cellular phone, especially during periods of heightened vessel activity
- Development of a schedule for engagement of the community throughout the course of the project

### Neutral Facilitation

From time to time, Ørsted U.S. Offshore Wind may employ neutral facilitators to help keep conversations with fishermen constructive, to ensure that all viewpoints are heard, and to prepare objective reports of meetings that accurately portray fishermen's perspectives. Although facilitators will be paid by Ørsted U.S. Offshore Wind, they will operate independently and will not be asked to advocate on behalf of either Ørsted U.S. Offshore Wind or the fishing industry.

### Communication During the Planning Phase:

*Objective: The purpose of communication during the planning stage is to provide guiding principles that help develop a trusted relationship with fishermen in order to understand their concerns about the potential impacts of offshore wind development. Ørsted U.S. Offshore Wind will work with fishermen to solicit ideas on how to reduce negative impacts of wind turbines and cables on fishing and how to better improve communication and outreach with the fishing community.*

To accomplish these communication objectives, Ørsted U.S. Offshore Wind will:

#### Activities/Tasks

- A. Develop "factual," non-promotional fact sheets on issues of concern to fishing industry and science completed at the Block Island Wind Farm; update fact sheets as information becomes available
  1. Develop and disseminate brochure (email, by hand, at events, etc.) with basic information about project and schedule of development; update periodically if necessary to reflect current stage of development and new information
  2. Develop graphics on development process to share at meetings
- B. Ensure that Ørsted U.S. Offshore Wind FLs and FRs are using the same source of credible information to answer questions; i.e. FAQs, handouts or website material
- C. Develop best practices policies and principles for fisheries outreach and meetings
- D. Maintain dedicated web page for mariners; post scheduled activities; use as conduit to address concerns raised
- E. Create opt-in list for cell-phone texts or emails for alerts on project activities – e.g. where vessel is today, where to get more information
- F. Develop a periodic fishing industry newsletter for circulation via email
- G. Designate a point of contact and provide phone number for mariners to report incidents with Ørsted U.S. Offshore Wind project vessels, turbines, or cables
- H. Refine Communication and Outreach Plan based on feedback and lessons learned during each stage of development
- I. Identify regularly scheduled fishing association meetings in targeted ports to attend and "be available" to answer questions
- J. Facilitate opportunities for fishermen to hear about experience of fishermen around the BIWF
- K. Hold Open House meetings at key ports to provide updates and answer questions that require industry input throughout key project milestones
- L. Attend select fisheries management meetings based on agenda to provide updates and engage with industry leaders
- M. Consult with different gear and vessel types to develop guidance for navigation and safe fishing practices within wind farm
- N. Draft guidelines for gear interaction; share Ørsted U.S. Offshore Wind Fisheries Gear Loss Prevention & Claim Procedure (Appendix A) on website and provide to FLs
- O. Identify key trade journals, blogs, websites, local newspapers, and third party spokespersons that are trusted by fishing industry for placing information about projects
- P. Monitor journals, blogs, websites, and local newspapers for "hot button" issues that need to be addressed



## Communication during the Site Assessment Phase

*Objective: The site assessment activities will include survey vessels working in the lease area gathering geophysical and geotechnical data to inform site engineering. During this phase, Ørsted U.S. Offshore Wind will keep fishing industry informed about site survey activities and results in order to minimize impacts and disruptions to fishing activities and encourage collaboration between industries.*

To accomplish these communication objectives, Ørsted U.S. Offshore Wind will:

### Activities/Tasks

- A. Outreach to fishing industry leaders on opportunities and benefits of collaboration between industries, e.g. safety at sea, research, and development of mitigation strategies
  - 1. Solicit input on policies that affect fishing industry before they are drafted
  - 2. Ask for feedback on early drafts before they are finalized; set clear expectations for how input will be used
- B. Engage fishing industry in surveys
  - 1. Use fishing vessels to support surveys where possible
  - 2. Post photos and information of fieldwork and survey vessels on website and/or social media
- C. Gather input from industry on fishing activities collected through surveys, one-on-one meetings, or other forums
  - 1. Develop high-level summaries and infographics to share survey results for both BIWF (during construction and operation phase) and for each project (during site assessment phase)
  - 2. Share information gathered from surveys at port focus groups; solicit input on implications for turbine and cable siting; and potential areas (not specific locations) of turbines
- D. Explore opportunities for collaborative research and monitoring with fishing vessels
- E. Explore creating a Regional Fisheries Science Collaborative

## Communication during the Design and Permitting Phase

*Objective: Help inform and gather input from the fishing industry so they are effectively engaged in the design and permitting phase of the projects as well as the scoping and draft EIS process led by BOEM.*

### Activities/Tasks

- A. Keep industry informed about schedule on all permits and opportunities for input; combined outreach meetings when appropriate
  - 1. Develop basic graphic and fact sheet on permitting process for project and share with fishermen and others
  - 2. Use graphic in conversations, presentations, and meetings to show the project's status in project approvals and permitting
- B. Coordinate Ørsted U.S. Offshore Wind outreach meetings with federal permit processes
- C. Solicit written input on COP (through multiple channels via meetings, on-line surveys, individual outreach, etc.)
- D. Reinforce BOEM's outreach to fishing industry stakeholders (academic, NGO, leaders in the commercial and recreational fishing and aquaculture industries) by posting schedule for BOEM public meetings, submitting comments and links to BOEM website for NEPA developments and information
- E. Continue sharing relevant survey findings and formulating opportunities for collaborative research that could contribute to the NEPA process
- F. Be transparent about potential cumulative impacts from proposed development of lease areas as plans become more defined

## Communication during the Construction Phase

*Objective: Keep fishing industry informed about construction schedule and activities and potential impact on fish and habitat; share information about how Ørsted U.S. Offshore Wind will coordinate, avoid or minimize disruption to fishing activities and mitigate impacts to fish and habitat; respond to emerging concerns or new findings with transparency and spirit of joint problem solving. Ørsted U.S. Offshore Wind has evidenced by the construction of 25 Offshore Wind Farms globally. To coordinate closely with all mariners, a Marine Coordination Center (MCC) will be utilized for projects to avoid and mitigate maritime stakeholder concerns during the construction phase of projects. This will serve as a communication and monitoring base. Radio communications, vessel traffic & electronic monitoring, and informational notices will be coordinated through the MCC for projects.*

**Activities/tasks**

- A. Consult fishing industry on updates to fisheries communications plan and COP based on real-time experience.
- B. Continue to share monitoring results and seek input from fishing industry input on emerging issues.
- C. Work with fishing gear groups to adopt a construction schedule that minimizes impacts on gear types and attempt to resolve conflicts between gear types with different seasonal schedules.
- D. Post information about construction activities and schedule on project website and other informational notices and outlets.
- E. Provide information for VHF updates (Notices to Mariners as able) on construction activities in project area and vessel transit routes to project sites.
- F. Follow written procedures for gear interactions that may occur in project area
- G. Work with local port authorities and fishermen to identify, avoid, and minimize impacts from construction deployment activities on dock areas, fueling stations, parking areas, or other port access and use.
- H. Continue formal and informal outreach to solicit input on fish and habitat monitoring results, vessel and gear interactions, etc.

**Communications during the Operations Phase**

*Objective: Keep fishing industry informed about Ørsted U.S. Offshore Wind activities to support operation; share information about how Ørsted US will avoid or minimize disruption to fishing activities and mitigate potential impacts to fish and habitat. During the Operations Phase vessel activities that are necessary to support Operations & Maintenance include scheduled & unscheduled crew transfer vessels visiting turbines and other support vessels as needed. Ørsted U.S. Offshore Wind will communicate non-routine vessel activities using best possible means available including email, website, and VHF communications.*

**Activities/tasks**

- A. Post scheduled activities on Ørsted U.S. Offshore Wind website
- B. Follow and update prompt response procedures as needed
- C. Follow written gear loss prevention & claim procedure for potential gear interactions that may occur in project area
- D. Continue formal and informal outreach to solicit input on fish and habitat monitoring results, vessel and gear interactions, etc.

**Communication during the Decommissioning Phase**

In March 2017, Ørsted became the first developer to decommission an offshore wind project, the Vindeby Offshore Wind Farm near Lolland, Denmark. The 11-turbine Vindeby Offshore Wind Farm was constructed in 1991 and remained in operation for over 25 years. Therefore, at this time, Ørsted is the only developer with practical experience with decommissioning an offshore wind project.

Prior to the decommissioning date for the project, Ørsted will develop a decommissioning plan, in accordance with the applicable regulations at the time. The decommissioning plan will provide preliminary information on methods and approaches to decommissioning. The proposed decommissioning measures will generally include removal of the wind turbine generators (WTGs), cutting off the foundations, and removal of the offshore substation. It is anticipated that the inter-array cables would be removed and that either a portion, or all, of any scour protection at the WTC positions will remain in situ, unless agreed otherwise with appropriate regulatory agencies. Care will be taken to handle waste in a hierarchy that prefers re-use or re-cycling, and leaves waste disposal as the last option.

Note that platforms in the Gulf of Mexico (GOM) have become prime fishing grounds and decommissioning and removal of thousands of platforms in the GOM is an evolving and informative process. Knowledge gained from lessons learned as this program continues will also be considered and applied as relevant to the Project's decommissioning plan in coordination with regulators and stakeholders.

## Appendix A. Fisheries Gear Prevention &amp; Claim Procedure

# 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](mailto: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 vessel trip report (VTR) 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

## Appendix B. Prompt Response Protocols and Scenarios

The following scenarios, rapid response steps, and reporting protocols are designed to create a clear and consistent process for tracking and responding to a range of incidents in and around the wind farm that require a rapid response.

### A. Possible scenarios that could require a prompt response include:

- Ørsted U.S. Offshore Wind vessel interaction with fishing activities, protected marine mammals, or other marine traffic
- Fishing vessel report of entangled gear
- Fishing vessel interactions with turbines or cable
- Navigation equipment or lighting failures

### B. Steps for responding

In these instances, or any other circumstances that Ørsted U.S. Offshore Wind FL or other Ørsted U.S. Offshore Wind staff feel require a prompt response, the following protocols should be followed:

1. Post on website and Ørsted U.S. Offshore Wind materials the name and contact information for FRs and FLs to report any scenarios requiring rapid response
2. Complete written report of incident (see template below)
3. Send report to FL and Ørsted U.S. Offshore Wind marine affairs office
4. Follow-up with call to Ørsted U.S. Offshore Wind marine affairs office to discuss details of incident and appropriate response
5. Follow-through with agreed-to actions if required
6. Complete incident report after response has been implemented
7. File all completed incident reports with the FL

### C. Reporting template

#### **Incident Report Template**

Individual submitting report:

Date of Report:

Date and time of incident:

Vessel and individual(s) involved in or notifying re. Incident:

Email/Phone of individuals involved:

Description of the incident:

Ørsted U.S. Offshore Wind response to incident:

Resolution: Were the individuals involved satisfied? If not, why?

Follow up required after response: