



Fisheries Compensation Program
for Atlantic Coast Offshore Wind

Quarterly DOC Meeting

September 26, 2025

Massachusetts Department of Marine Fisheries
30 Emerson Ave., Gloucester, MA 01930



Meeting Agenda: Before Lunch

8:30 Meeting Purpose, Goals, and Ground Rules

8:40 Recap of Caucus Discussions

8:45 Additional Agenda Items, Approval of DOC Meeting Minutes, Process for Generating Ideas and Options

9:00 Guiding Principles to Regional Design

9:15 Overview of Compensation Framework Design

9:30 Loss Valuation Key Questions

- Harm
- Causation

9:45 Two-Track Compensation Option

10:45 BREAK

11:00 OECC (offshore export cable corridor) Compensation Options

11:30 Brief Updates from Transfer/Shoreside Subgroups



Meeting Agenda: After Lunch

11:45 LUNCH

12:30 Claimant Eligibility Discussion

1:30 Looking Ahead: Documenting a Claim

- What data or information is typically available to support a claim?
- What challenges might fishermen face in collecting potential claims information?

1:40 Review of Upcoming Engagement Schedule

- September/ October Meetings.
- Schedule for rest of year.

1:50 Final Comments

2:00 Adjourn

Meeting Purpose, Goals and Ground Rules

This meeting serves multiple primary purposes:

1. Provide an opportunity for in-person relationship building for those colleagues present in Gloucester;
2. Reach consensus on the Guiding Principles underpinning this design effort;
3. Develop cross-caucus understanding of priorities and concerns regarding loss valuation and the viability of a multi-phase, two-track claims process approach;
4. Explore consensus regarding a potential companion process for OECC-related claims; and
5. Report on claimant eligibility consensus and design refinement.

Reminder to all participants:

- Work to understand the position of each caucus
- Share feedback, preferences and rationales, staying open to and informed of new information and ideas

Meeting Purpose, Goals and Ground Rules

Meeting Ground Rules

- ❑ The DOC is the primary focal point for cross-sector guidance to the RFA on the design and development of the claims process and the primary mechanism for reaching consensus on the technical details of the claims process.
- ❑ The RFA should make very substantial efforts to utilize the advice of the DOC to develop recommendations that the DOC can reach consensus on for the final claims process.
- ❑ Consensus is framed as a unanimous or overwhelming majority consent of the group. Thus, to achieve consensus a majority of each sector's members must consent.
- ❑ If despite best efforts, there is not a consensus, the DOC should consent on the narrowest range of options per an issue and clearly identify the pros and cons of each option for the RFA to move forward on.
- ❑ Members will strive to work collaboratively, act respectfully, and avoid making personal attacks. Members will strive to represent their constituents fully and not advocate for a single business, or sector at the expense of another.
- ❑ Ex-officio members participate actively in discussions and offer their technical advice, but do not join in decision-making.
- ❑ Alternates listen but do not join in decision-making votes; however, alternates will serve as a substitute in meetings where a member from that sector is not able to attend.
- ❑ Alternates may “tap in and tap out” in meetings for deliberations and discussions where the alternate is invited to the table by their sector in lieu of a member, given a particular agenda topic and that alternate's expertise. However, members will be judicious in using this provision to ensure continuity among members and the functioning of the DOC as a whole.

Recap of Caucus Discussions

Following the July 11th DOC Meeting, the RFA met routinely and separately with each caucus on a collective cadence of approximately one caucus meeting per week.

The staggering of caucus discussions allows for socialization of ideas, priorities, and concerns across design topics, with each new meeting affording opportunities for content that is responsive to the most recent other meetings with different caucuses.

In these caucus meetings, the RFA presents design considerations and solutions, and each caucus may bring forward any design ideas for the RFA to evaluate, refine, and potentially share for cross-caucus feedback. To promote transparency in caucus meetings, the RFA does not publish summaries of discussion, nor does the RFA attribute any questions, concerns, or ideas to any specific person.

Revised Guiding Principles: Background

- **Mitigation Hierarchy.** The Regional Compensation Program (the “Program”) reflects the fifth of five mitigation measures required of all offshore wind (“OSW”) projects. These critical steps precede compensation for impacts caused by OSW:
 - Avoiding adverse effects altogether by not taking certain actions or parts of an action;
 - Minimizing adverse effects by limiting the degree or magnitude of an action and its implementation;
 - Rectifying adverse effects by repairing, rehabilitating, or restoring the affected environment; and
 - Reducing or eliminating adverse effects over time by preservation and maintenance operations during the life of the action.
- **Operation Continuation.** The Program should acknowledge that, while uncertainty exists regarding precise impacts over time, fisheries will continue to operate.

Revised Guiding Principles (Changes in Blue)

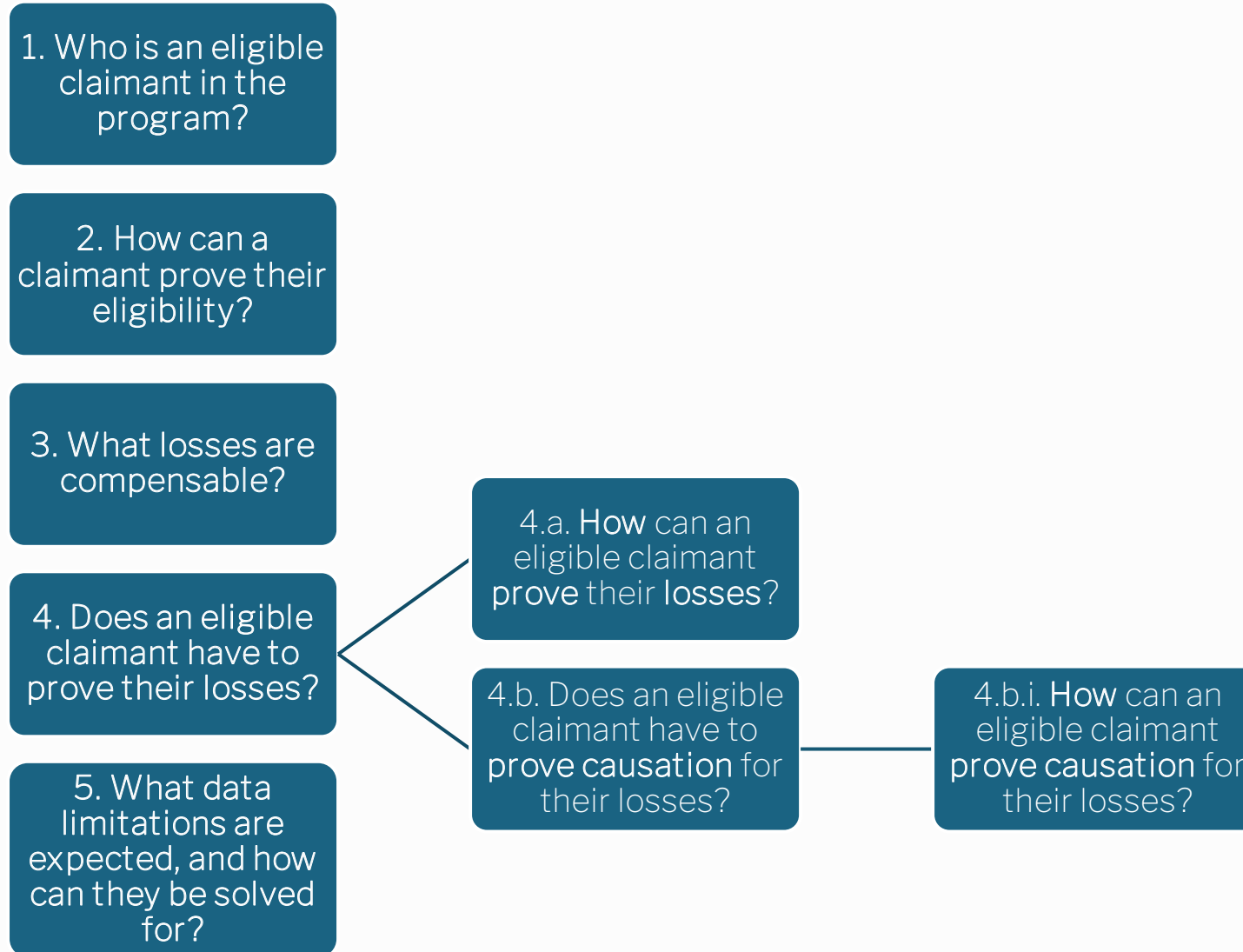
- **Consistent.** The Program should provide a consistent means to apply for, determine, and allocate monies to eligible recipients.
- **Equitable.** The Program should treat impacted fisherman equitably regardless of fishery, home or landing port, or state affiliation.
- **Fair.** The compensation that the Program provides should be fair and reasonable.
- **Transparent.** The Program should be clearly explainable, its methods publicly available, and its aggregated results publicly shared.
- **Impact.** The Program should fairly and reasonably compensate those active fishing enterprises that are directly affected by OSW development and should do so according to the degree of their unrecovered individual costs and losses (i.e., those who have greater losses/costs should be commensurately compensated) without disincentivizing fishing activity.
- **Efficient.** The Program should consider administrative efficiencies and limit administrative burdens for all relevant parties wherever reasonably possible.
- **Intuitive.** The Program should be easy for participants to understand and engage, considering the complexity and burden on the applicants wherever reasonably possible.
- **Authentic.** The Program should rely on an evidence-based approach and best available data and discourage manipulation that would disadvantage affected fishing businesses, and should encourage accurate, complete and reliable information from all.
- **Incentives.** The Program should reinforce incentives to keep fishermen fishing and shoreside businesses operating.
- **Comprehensive.** The Program's rules should reflect inclusiveness of the vast majority of likely claim scenarios and should afford restrained flexibility for unique cases.

Guiding Principles: Comprehensive (aka the "90-10" Rule)

- **The Principle.** The Program's rules should reflect inclusiveness of the vast majority of likely claim scenarios and should afford restrained flexibility for unique cases.
- **Shorthand Reference.** The "90-10" Rule.
- **In Practice.** Fisheries along the Atlantic Coast are extremely diverse. Regional Program rules would become too cumbersome and unwieldy if they attempted to incorporate highly detailed and extremely nuanced accommodation for every possible unique scenario across the entire Coast. Accordingly, Regional Program rules should be functional for at least approximately 90% of affected fishing community members and should contemplate responsible, limited exceptions for less common situations.

We encourage DOC members to utilize this principle during the discussion today.

Overview of Compensation Framework Design





Loss Valuation Key Questions

Every compensation program must decide whether participating claimants (1) must prove their individualized adverse experience or (2) receive compensation based solely on their membership in the group of persons or businesses potentially affected by something. Accordingly, these key questions drive loss valuation and program design:

1. Harm

- Should a claimant have to prove harm? If so, how can a claimant prove harm?
- If a claimant does not have to prove harm, how can compensation be determined?

2. Causation

- Should a claimant have to prove harms are attributable to offshore wind? If so, how can a claimant prove causation?

Emerging Design Solution – Phase-Based/Multi-Track Approach

Stakeholder conversation around proving or not proving harm routinely led to the question:

“Can you do both?”

In other words, can there be a path where a qualified fisherman receives a payment without having to document an individualized loss, but also a path where a fisherman may document and receive compensation for a loss or impact unique to his or her own circumstances?

There are many ways “to do both.” One such way is the phase-based multi-track approach discussed in recent caucus meetings and illustrated here for further exploration in this meeting.

Emerging Design Solution – Phase-Based/Multi-Track Approach

Construction Phase

Track 1

Two Options

Expedited “Disruption” Payment

- ▶ Claimant eligibility required
- ▶ Criteria for payment less burdensome
- ▶ One-time, fixed payment amount
- ▶ Potentially higher or lower payment amount than actual losses
- ▶ Resolves all of claimant’s construction-phase impacts

Track 2

Individualized Loss Compensation Payment

- ▶ Claimant eligibility required
- ▶ Must demonstrate harm caused by OSW development
- ▶ Payment amount based on proven, documented, individual losses
- ▶ Could be subject to reduction or enhancement factors
- ▶ 90/10 Rule will allow some exceptions for extraordinary circumstances

Operations Phase

One Option

Individualized Loss Compensation Payment

- ▶ Claimant eligibility required
- ▶ Must demonstrate harm caused by OSW development
- ▶ Payment amount based on proven, documented, individual losses
- ▶ Could be subject to reduction or enhancement factors
- ▶ 90/10 Rule will allow some exceptions for extraordinary circumstances

Emerging Design Solution – Standalone OECC Claims Process

Much stakeholder conversation has addressed the contours of the “affected area” and distinctions between OSW project phases (*i.e.*, **construction versus **operation**).**

The “affected area,” as used here, is shorthand for defining the geographic location of fishing activity that is “affected” by an OSW project. In other words, this is a description of *where* fishing impacts may occur and be compensable, with the understanding that fishing that occurs outside of that “affected area” would not be fishing activity considered within the fisheries compensation program.

Some existing OSW fisheries compensation programs provide opportunities for compensation for fishing activities in and near the Offshore Export Cable Corridor (OECC), and some do not.

The potential “Standalone OECC Claims Process” raised in recent caucus meetings and illustrated here would be a possible means of acknowledging the potential for OECC-related claims but allowing those claims to progress on a path separate from array-related claims, given that potential impacts and timelines differ significantly as between the two areas.

Emerging Design Solution – Standalone OECC Claims Process

A potential complementary compensation framework under the RFA umbrella specifically for impacts to fishing vessel owners and operators caused by offshore export cable corridor (OECC) construction.

- ▶ No demonstration of causation or proof of harm/loss required.
- ▶ Available to active commercial fishing vessel owners/operators historically engaged in fishing activities in the OECC.
- ▶ One-time impact payments made in exchange for agreement not to fish in an OECC during OECC construction.
- ▶ Payment amounts determined through OECC impact analysis.
- ▶ OECC impact analysis:
 - (1) identifies potentially impacted fisheries by assessing the fixed and mobile gear fisheries active along an OECC;
 - (2) using best available data, determines anticipated impacts and incorporates revenue exposure study for those impacts; and
 - (3) accounts for a project's permit conditions.
- ▶ Any OECC impacts from the project's operations phase would be compensated under the primary RFA framework.



Transferability/Shoreside Business Subgroups Recap

Transferability Subgroup

- Existing Information on Transfers: amount, frequency, type, etc.
- Transfers During Reference Period vs. Transfers After Reference Period
- Commercial vs. For-Hire Permit Transfers: possibility for diverging protocols if appropriate

Shoreside Subgroup

- **First-Order Losses:** prioritized for verifiability, ease, and likely greatest impact
- **Upstream vs. Downstream Losses:** availability of proof of loss, data considerations, and loss valuation
- **Methods of Qualification:** association with impacted vessels, qualifying periods, connection to fisheries in project area, and/or other



Eligibility Design Status: Reaching Consensus

We will discuss the supplementary document circulated to the DOC "Claimant eligibility consensus "



Looking Ahead: Documenting a Claim

1. Available Data

- What data or information is typically available to support a claim?

2. Data Acquisition

- What challenges might fishermen face in collecting potential claims information?
- How may these challenges in acquiring data be amended?

Stakeholder Engagement Recap and Updates

Recent Stakeholder Engagement

- [Stakeholder Engagement Memo](#) for June and July engagement and a new FAQ document to address key questions

Upcoming Stakeholder Engagement

- Current Round: September 24 – October 9
- Prioritizing: New England Mid-Atlantic, specifically ME, MA, RI, DE
- Larger Meetings
 - ROSA 9/24
 - NEFMC 9/24-9/25
 - Cape Cod Comm. Fishermen's Alliance 9/30
 - MA Lobstermen's Association 10/1
 - MAFMC 10/8
 - MA Fisheries and Habitat Working Group 11/3
- Next quarter: Ongoing discussions on timing to engage with different states