

# Quarterly DOC Meeting

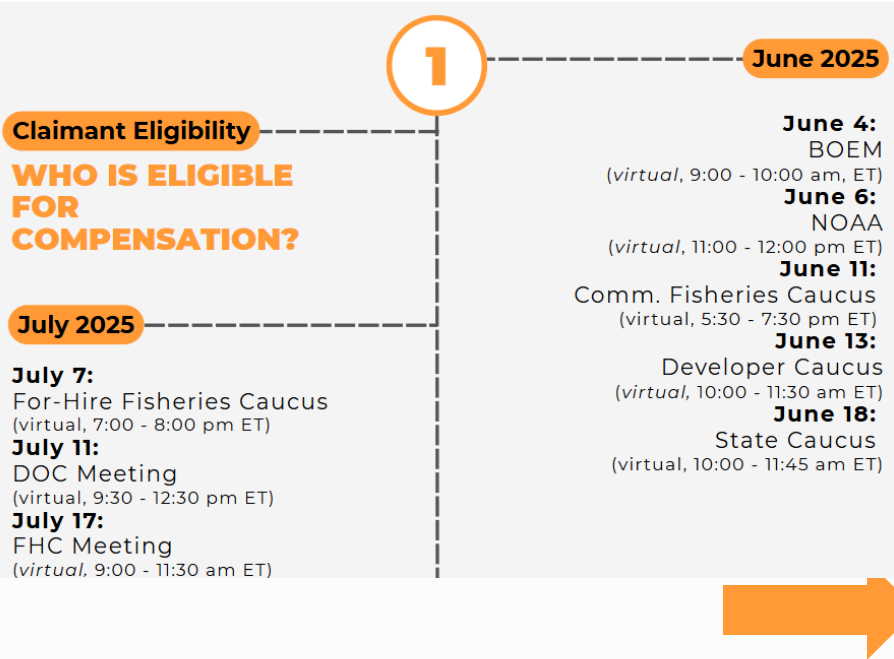
July 11, 2025, 9:30-12:30 p.m., ET



# Meeting Agenda

- |           |  |             |
|-----------|--|-------------|
| <b>1.</b> | Recap of Engagement on Eligibility     | 15 Minutes  |
| <b>2.</b> | Meeting Purpose, Goals and Guidelines  | 10 Minutes  |
| <b>4.</b> | Guiding Principles to Regional Design  | 30 Minutes  |
| <b>5.</b> | Discussion on Eligibility Components   | 110 Minutes |
| <b>6.</b> | Review of Upcoming Engagement Schedule | 15 Minutes  |

## Recap on Engagement around Design Component #1: Claimant Eligibility



- **March** – discussed eligibility at a high-level at DOC/FHC meetings
- **April/May** – drafted Design Component Approach document on eligibility, outlining proposed approach and rationale; held bilateral and small-group meetings with individuals to gather information, initial feedback
- **June** – revised Design Component Approach document based on feedback to date; held caucus meetings to gather feedback before next DOC/FHC meeting
- **July** – participate in DOC/FHC meetings to agree on eligibility approach and discuss next design component at high level

# Meeting Purpose, Goals and Guidelines

**The purpose of the eligibility discussion in this meeting is to reach consensus on what is required to establish who may participate in the Program.**

## **Our goal is to:**

- Understand the position of each caucus on outstanding decision points
- Share feedback, preferences and rationales, staying open to and informed of new information and ideas that may emerge throughout discussions
- Test for consensus on outstanding decision points

Any polling is to gauge consensus and is not considered a formal vote.

# Meeting Purpose, Goals and Guidelines

## Guidelines

- ❑ 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.



# Guiding Principles to Regional Design



# Guiding Principles to Regional Design

**Several general areas of consensus have emerged through discussions with the DOC / FHC and the individual caucuses.**

- We have drafted these areas of consensus into guiding principles for the regional fund.
- We propose to use these guiding principles to inform the fund and its various components (e.g., eligibility, loss calculation, user experience).

# Guiding Principles to Regional Design

- ❑ **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
- ❑ **Transparent:** the program should be clearly explainable, its methods publicly available, and its aggregated results publicly shared
- ❑ **Impact:** the program should compensate those active fishing enterprises that are directly affected by OSW development and should do so according to the degree of their 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 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 discourage manipulation that would disadvantage affected fishing businesses and encourage accurate, complete and reliable information from all
- ❑ **Comprehensive:** the program's rules should reflect inclusiveness of the vast majority of likely claim scenarios and should afford restrained flexibility for outlier cases



# Guiding Principles to Regional Design

## 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 outlier cases.
- ❖ ***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 uniqueness 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 outlier situations.



## Discussion on Eligibility Components

# Summary of Claimant Eligibility Aspects and Status

| Aspect of Eligibility           | Status                                     | Outstanding questions                |
|---------------------------------|--|--------------------------------------|
| Vessel owners – fishing history | <u><b>Draft Cross-Caucus Consensus</b></u> | Yes                                  |
| Fishing History Details         | <u><b>Outstanding</b></u>                  |                                      |
| Vessel owners – data            | <u><b>Draft Cross-Caucus Consensus</b></u> | No, seeking confirmation             |
| Crew                            | <u><b>Draft Cross-Caucus Consensus</b></u> | No, seeking confirmation             |
| Shoreside businesses            | <u><b>Outstanding</b></u>                  | Yes, further work needed after today |



# Developing Claimant Eligibility Consensus

**VESSEL OWNERS** (Draft Protocol Sections B.1(a)(1)i. & C.1(a)(1)i.)

**Draft Cross-Caucus Consensus:**

**A fishing vessel owner must have a meaningful history genuinely fishing the affected area(s) to be a potential qualifying candidate to submit a claim for compensation in a Regional Program.**

# Developing Claimant Eligibility Consensus

## **VESSEL OWNERS** (Draft Protocol Sections B.1(a)(1)i. & C.1(a)(1)i.)

### *Question #1 for Committee Discussion:*

**From when does the Program look back on a fisherman's history in an affected area to assess whether that history is qualifying? (i.e., the continuum from first conception of potential OSW development in an area through actual construction of project)**

- **Approval of the COP with Terms and Conditions**
- **Final Commitment of Project Financing**
- **Issuance of BOEM's ROD**
- **Construction**
- **Other**

# Developing Claimant Eligibility Consensus

## **VESSEL OWNERS** (Draft Protocol Sections B.1(a)(1)i. & C.1(a)(1)i.)

### *Question #2 for Committee Discussion:*

**How far back in time from the lookback date should fishing activity be considered?  
(i.e., X years) and why?**

- **3 years**
- **5 years**
- **7+ years**

# Developing Claimant Eligibility Consensus

## **VESSEL OWNERS** (Draft Protocol Sections B.1(a)(1)i. & C.1(a)(1)i.)

### **Question #3 for Committee Discussion:**

**In how many of those lookback years must a fisherman have fished the affected area(s) before the lookback trigger date? (i.e., X of Y years)**

- **1 year**
- **2 years**
- **3 years**

# Developing Claimant Eligibility Consensus

## **VESSEL OWNERS** (Draft Protocol Sections B.1(a)(1)i. & C.1(a)(1)i.)

### *Question #4 for Committee Discussion:*

**How frequently within a year must a fisherman have fished the affected area(s)?  
(i.e., X trips per year or X% of total trips per year)?**

- **What metric is practical?**
- **While available fishing footprint data is imperfect, could it identify the fisheries (with sufficient data) that are active in the area during the lookback period and those fisheries would only need the X years fishing history and for others, they would need to provide further information such as # of trips, etc.?**



# Developing Claimant Eligibility Consensus

## **VESSEL OWNERS** (Draft Protocol Sections B.1(a)(1)i. & C.1(a)(1)i.)

### *Question #5 for Committee Discussion:*

**Does a fisherman who acquires a fishing vessel/business/permit through sale or gift during or after the lookback period qualify to participate in the Program using the former owner's fishing history?**

- What are the pros and cons of transferability?
- How does the Program support newer entrants and those sustaining fishing businesses without introducing new, unintended revenue streams for new actors?



# Developing Claimant Eligibility Consensus

## **VESSEL OWNERS** (Draft Protocol Sections B.1(a)(2)f. & C.1(a)(2)f.)

### **Draft Cross-Caucus Consensus:**

- 1. VMS and AIS data, where available, are accurate and should be at the top of any proof of fishing location history data hierarchy, recognizing AIS is only on boats greater than 65 feet and not always on.**
- 2. VTR data and verified/time-stamped chart plotter records reflect “next best available” proof of fishing location history.**
- 3. For data-poor fisheries, Administrator will use what data is available to assess fishing history location.**

# Developing Claimant Eligibility Consensus

**CREW** (Draft Protocol Sections Section B.2(a)(1) & C.2(a)(1))

**Draft Cross-Caucus Consensus:**

**Captains and other crew are critical, valued fishing community members, and while some are long-tenured contributors to certain fishing businesses, too many administrative burdens exist to design a Regional Program in which crew members directly submit individual claims for compensation.**

# Developing Claimant Eligibility Consensus

**SHORESIDE** (Draft Protocol Sections Section B.2(a)(1) & C.2(a)(1))

**Outstanding:**

**While certain shoreside businesses that support commercial fishing should receive compensation from the Regional Program, how to identify those businesses and determine whether they experience any adverse impacts from offshore wind projects requires considerable additional thought and discussion.**



## Review of next steps and upcoming engagement schedule



# Next Quarter's Focus: Loss Eligibility and Valuation

## **THRESHOLD QUESTIONS:**

- 1. To receive compensation from the Regional Program, must a fisherman prove he or she experienced an economic loss?**
- 2. If so, must a fisherman prove the economic loss was caused by an offshore wind project?**

## **NEXT-STEP QUESTIONS:**

- 1. If no loss required, how do you determine what compensation a fisherman receives?**
- 2. If loss required, what losses are compensable? How do you determine whether a fisherman experienced an economic loss? How do you calculate the loss?**
- 3. How do you determine whether an economic loss was caused by an offshore wind project?**



# Next Quarter's Focus: Loss Eligibility and Valuation

## POTENTIAL MODELS

Causation &  
Economic Harm  
Assumed

Causation Assumed;  
Proof of Economic  
Harm Req'd

Proof of Causation &  
Economic Harm Req'd

Hybrid

## PRIMARY FOCUSES OF DISCUSSION

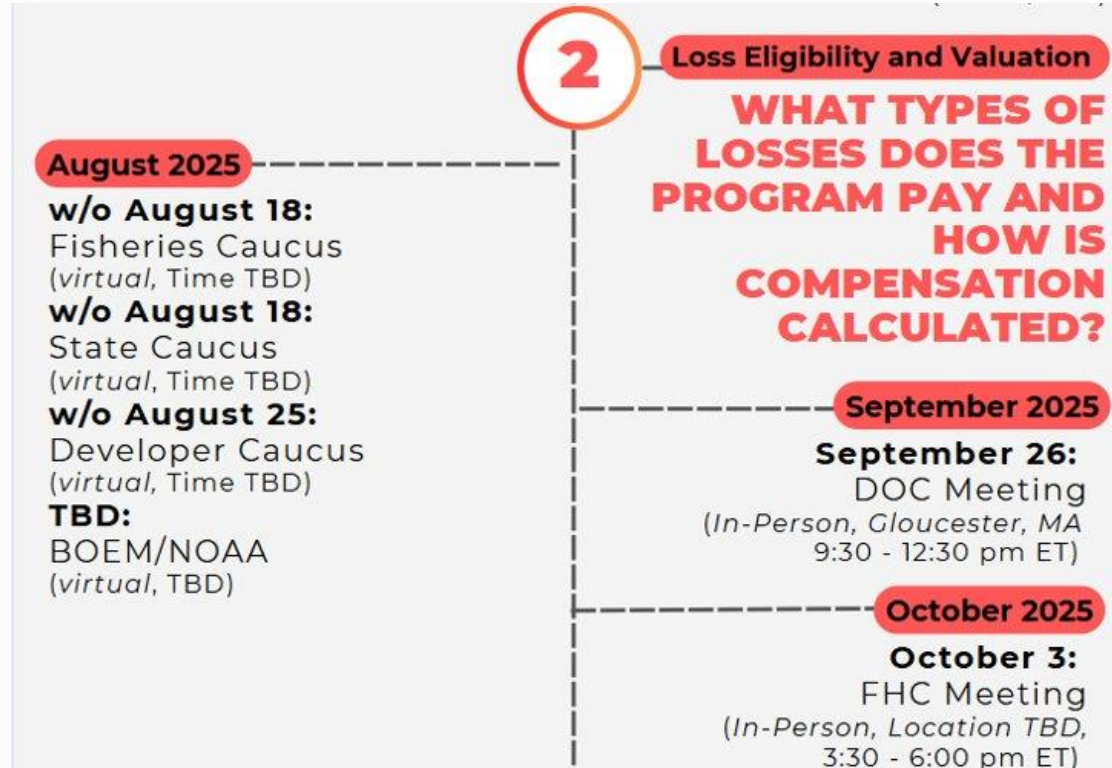
Feasibility &  
Palatability

Burden/Costs to  
Claimants,  
Administrator, &  
Regulators

Accuracy &  
Completeness of  
Compensation

Minimizing Over/  
Undersubscription

# Upcoming Engagement Schedule







# In-person Engagement – July

Tentative schedule, to be confirmed with stakeholders:

- Monday, July 21 – New Bedford, MA
- Tuesday, July 22 – New Bedford, MA, Point Pleasant, NJ
- Wednesday, July 23 – Barnegat Light, NJ
- Thursday, July 24 – Atlantic City, NJ, Cape May, NJ
- Friday, July 25 – Ocean City, MD

Alongside virtual engagement covering all other regions and each caucus.

In-person trip planned for end of Sept/Oct