RFA FAQs

A. <u>Program Background</u>.

1. **What is the Fisheries Compensation Program for Atlantic Coast Offshore Wind?**
   The Fisheries Compensation Program for Atlantic Coast Offshore Wind will be a regional fund established to compensate affected fishing businesses, through a fair and equitable claims process, for potential costs and losses incurred because of offshore wind development in eleven states along the Atlantic Seaboard (Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, and North Carolina, or the "States").

2. **What is the RFA?**

   The Regional Fund Administrator, or "RFA," is the third-party, independent administrator tasked with designing and developing a fair and equitable claims process to compensate fishing businesses for potential costs and losses incurred by offshore wind development.

3. **How was the RFA selected?**

   In February 2024, <u>the States</u> (*see FAQ A.1*) requested proposals to review and help find a suitable candidate to perform the initial functions of <u>the RFA</u> (*see FAQ A.2*): to design a claims process for managing and distributing fisheries compensatory mitigation funds for potential adverse effects of offshore wind development. Through this procurement process, BrownGreer and their subcontractor, the Carbon Trust, were selected to serve as the RFA. The New York State Energy Research and Development Authority (NYSERDA) is managing the RFA contract on behalf of the funding partners (*see FAQ A.7*).

4. **What is the RFA project's primary purpose?**

   <u>The RFA</u> (*see FAQ A.2*) was selected to design a fund and associated claims process to compensate impacted members of the fishing industry for potential losses and/or increased costs incurred resulting from offshore wind energy development.

   This 24-month design project includes a robust stakeholder engagement process to inform the selection and refinement of Compensation Framework design components. At the conclusion of the project, the RFA will deliver a final Compensation Framework outlining the policies and procedures required to guide the future implementation of a system and facility for receiving, processing, and paying commercial fishing and for-hire recreational fishing claims related to impacts from offshore wind developments along the Atlantic Coast.

5. **How will money go into the fund?**

   Right now, there are three *possible* ways money could flow into the fund: (1) state negotiations under the respective Coastal Zone Management (CZM) consistency review (which varies by state); (2) the National Environmental Policy Act (NEPA) analyses conducted by the Bureau of Ocean Energy Management (BOEM), identifying non-mitigated adverse impacts; and (3) bid credits in lease auctions held by BOEM.

There is no current mandate requiring monetary compensation from offshore wind development in federal law, so these negotiation processes vary in who participates and what outcomes are achieved.

6. **Will the RFA be involved in state negotiations?**

   No; however, the Final Scoping Document from the States, indicates the RFA (*see FAQ A.2*) may be tasked, after the development of the Compensation Framework, to assess funds available, claims paid, and claims expected to be paid, and determine any potential discrepancy between the "money in" from the sources noted above and the "money out" being claims paid or filed.

7. **Who paid for this RFA project?**

   A group of funding entities comprised of the States, offshore wind developers, and other foundations contributed funds to support the procurement of the RFA for design and development of the fund. NYSERDA (*see FAQ A.3*) is the contracting agent with the RFA on behalf of the States (*see FAQ A.1*), and the Special Initiative on Offshore Wind (SIOW) is the contracting agent with the RFA on behalf of offshore wind developers and foundations.

B. Governing Committees.

1. **What is the DOC?**

   The Design Oversight Committee, or "DOC," is a group of stakeholders from the commercial fishing industry, the offshore wind industry, and state governments that runs in coordination with the For-Hire Recreational Committee (FHC) to provide advice, guidance, and support to the RFA (*see FAQ A.2*) during the design and development phase of the claims program. The DOC is composed of six members and six alternates representing the commercial fishing industry; three members and three alternates representing the offshore wind development industry; and three members and three alternates representing state governments. The RFA meets with the DOC regularly for input on the development of a fair and equitable claims process to offset potential losses and costs incurred by fisheries due to the development of offshore wind.

2. **What is the FHC?**

   The For-Hire Recreational Committee, or "FHC," is a group of stakeholders from the for-hire/recreational fishing industry, the offshore wind industry, and state governments that runs in coordination to the DOC to provide advice, guidance, and support to the RFA (*see FAQ A.2*) during the design and development phase of the claims program. The RFA is composed of three members and one alternate representing the for-hire/recreational fishing industry; one member and one alternate representing the offshore wind development industry; and one member and one alternate representing state governments. The RFA meets with the FHC regularly for input on the development of a fair and equitable claims process to offset potential losses and costs incurred by fisheries due to the development of offshore wind.

3. **How were DOC and FHC representatives selected, and by whom?**

   The States initiated the formation of the Design Oversight Committee and the For-Hire Committee. There was an open application process for commercial and for-hire seats, and to the extent possible, membership was allocated for balance across region, fisheries, and other criteria like size and type of fishery business. Potential committee members were evaluated and recommended by a group of advisors from the fishing industry, states, and developers who helped establish the procurement guidance and helped select the RFA. The States confirmed the final recommendation of the advisors.

4. **Do the DOC and FHC have decision-making authority?**

   Only the RFA (*see FAQ A.2*) has final decision-making authority throughout this project (*see FAQ A.4*) to ensure completion of the program. However, the DOC and FHC provide advice to the RFA to the maximum extent possible. If consensus is not achieved among the DOC and FHC members, the RFA has the authority to make decisions to move the process forward, but the RFA will document all such unilateral actions and their decision-making rationale(s). The DOC advises solely on commercial fishing issues and the FHC advises solely on for-hire and charter boat issues.

5. **Will there be an opportunity to review the draft design before it is finalized?**

   Key updates on the development of the design components will be available on the Fisheries Compensation Program website, under the Program Engagement and the Resources and Documents page. All posted components are subject to revision as additional feedback and ideas may be considered. Questions and comments about the design components are encouraged and can be directed to Contact@RFAInfo.com or by reaching out directly to members of the DOC or FHC.

6. **Are meetings open to the public?**

   The DOC and FHC meet quarterly. Interested members of the public may attend as observers. The meeting schedule with meeting links will be posted on the homepage of the Fisheries Compensation Program website as meeting schedules are finalized. We encourage interested parties to check back often. Caucus meetings are held periodically and are not open to the public to allow caucus members to speak candidly before bringing their ideas to the full committee for consideration.

C. Fisheries Compensation Program.

1. **When will the regional claims program launch?**

   The Fisheries Compensation Program for Atlantic Coast Offshore Wind expects to start accepting claims in 2027 on behalf of developers who opt-in to the program (*see FAQs A.5 and C.4*). The RFA (*see FAQ A.2*) must first design a fair and equitable claims program, within 24 months of the project's launch in November 2024.

2. **Are shoreside support businesses part of the regional compensation program?**

   The regional engagement process does include discussion and consideration around shoreside support businesses, and the exploration of whether and how to compensate them in a regional framework.

3. **Which impacts are included in this fund, and which are not?**

   The RFA (*see FAQ A.2*) contemplates direct compensatory mitigation through fair and equitable compensation to commercial and for-hire fishing community members due to direct impacts of offshore wind development. Gear loss, environmental impacts, and community impacts are considered in individual offshore wind projects and may be accounted for elsewhere, but are not currently within the scope of this program design effort. At this time, community funds, also called resiliency or adaptation funds, are not considered in this effort.

4. **Are existing compensation programs required to integrate into the RFA's Program?**
   Participation in the regional claims process is a voluntary act by OSW developers who have set aside monies for compensation as dictated by the terms and conditions of the Bureau of Ocean Energy Management (BOEM) approved Construction and Operations Plan (COP). Although there will be capacity for existing compensation programs to opt-in to the RFA designed Fisheries Compensation Program (*see FAQ A.2*), compensation programs projects that are implemented before the completion of the RFA project are not obligated to transition over to the RFA designed program and may require revisions to an existing COP to participate. These determinations will be made by the OSW developer and states who were originally involved in those negotiations.

5. **How much flexibility will the RFA have after this process is over to change draft design developed?**
   A process for periodically reviewing and updating the Program's design components will be developed by the RFA (*see FAQ A.2*), in consultation with the DOC and FHC (*see FAQ B.1, B.2*), as part of the design of the Compensation Program. Adaptive management of a program's process is a standard component to ensure that the program continues to meet its intended purpose.

6. **Will the money-in still be linked to specific states – will payments only be available to vessels from those states, or will funds from developers not be tied to specific states?**
   The goal is to establish a fund that is not linked to a particular state. However, the focus of the RFA (*see FAQ A.2*) is to design a functional compensatory payment process (money-out), such funds (money-in) may have restrictions and limitations, and ones that may vary across projects that must be considered.

D. Contact Information.

1. **How can I learn more about the RFA?**

   You can contact the RFA by email at Contact@RFAInfo.com, or through the "Contact Us" page on this website.