

# CT, NY, NJ and VA A fishing participant and Bureau of Ocean Energy Management Draft Fisheries Mitigation Guidance Document Meeting

## Meeting Summary

Tuesday, July 12, 2022, from 1:00 to 4:00 PM

Virtual Meeting

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### Summary of Key Comments

- The current EIS process does not sufficiently account for cumulative impacts of multiple projects on fisheries or fishing.
- The limitations of the guidance need to be more clearly articulated in the final document, including but not limited to cumulative impacts, lack of current evidence of fishing ability in arrays once constructed, limits of revenue loss estimation given limited data and limited methodologies, and inability to address post-construction unforeseen additional impacts. Actual experienced financial losses due to gear loss and damage will most likely be greater than the estimations from BOEM and EISs.
- The guidance must stress the mitigation hierarch including avoidance first and foremost before mitigation or compensation.
- The time frames for submitting claims should be increased and the response time by developers be as short as possible to address the financial hardship imposed on A fishing participant who experience loss.
- The guidance should adhere more closely to recommendations for mitigation in the National Academy of Science's report with regard to OSW and radar in the Safety Section of the Mitigation Framework Document. and acknowledge that more study is needed to better understand complex radar interference issues.
- The multiplier effect for shoreside business of only 1 to 2% is incorrect and needs to be addressed. The final guidance should include reference to other studies under fisheries management already completed that indicate a 2 to 7 times effect and should also reference critiques of NMFS's methodology for calculating such effects.
- The decreasing percentage of revenue to be compensated after construction from years 1 to 5 is not detailed by gear type, fishing season, vessel size and operation, and is not based on any study, evidence, or other scientific data. Thus, the more cautious and reasonable approach to avoid adverse impacts is to assume at least in the first 5 years of operation no fishing will take place.
- BOEM should initiate a fishing navigation study with NFMS and USCG so that there is a better understanding of potential transit within an offshore wind project area for safety purposes by vessel, gear, season, and other factors.
- Current language that compensatory mitigation activities may extend beyond five years and may require additional evaluation is not strong enough to address the likelihood that impacts may extend beyond five years.

- The mitigation guidance should address state water fisheries with limited or not data and how to address those potential losses due to cabling.
- The guidance, if written well in its final form, should be enforceable and not merely guidance that could be ignored.

## Background

**This meeting summary describes key discussion points and action items from the Fisheries Technical Working Group (F-TWG) virtual meeting held on Tuesday, July 12, 2022, through a virtual meeting platform.**

The Goal for the meeting was to:

- Provide a forum for fishing representatives from state working groups to discuss, explore and coordinate their views and comments on BOEM’s Draft Fisheries Mitigation Guidance Document. Conducted in preparation for individuals or individual organizations to respond formally to BOEM by the end of BOEM’s public comment period.

There were seven (7) state agency personnel, one (1) federal agency personnel, and twenty-eight (28) commercial and recreational fishing community members from Connecticut, New Jersey, New York, and Virginia in attendance through the Zoom meeting/conference line. Staff from the Consensus Building Institute (CBI) and The Cadmus Group were also present to provide technical, facilitation, and logistics support.

This summary is organized to align with the structure of the meeting agenda ([Appendix A](#)). Opinions are generally not attributed to specific F-TWG members. In the summary, fishing participants comments are referred to as such and the federal agency representative’s comments (BOEM) as the initiator of the guidance are noted as such. This summary identifies feedback and suggestions on BOEM’s Draft Fisheries Mitigation Guidance Document (Mitigation Guidance Document) for the purposes of developing and submitting written comments to BOEM on the Mitigation Guidance Document. F-TWG members who attended the meeting are encouraged to use this summary and resources linked throughout the summary as they see fit to prepare and submit a written comment(s) to BOEM regarding the Mitigation Guidance Document.

## Rules of the Road, Purpose, and Intent

Each State was invited to welcome members from their fishing community to the meeting and spoke to the importance of this meeting and having a forum to discuss BOEM’s Mitigation Guidance Document.

## Brief Overview of BOEM Mitigation Framework Comment Process

Brian Hooker (BOEM) provided a brief overview of BOEM’s Mitigation Framework comment process and the purpose of the Mitigation Guidance Document. A brief summary of the material is below:

- BOEM is responsible for National Environmental Policy Act reviews to identify potential impacts from offshore renewable energy projects; includes impacts to the commercial and recreational fishing industries. Detailed guidance has not been provided to the offshore wind industry regarding means to reduce impacts to fisheries, resulting with inconsistencies between projects when mitigating impacts. Hoping that Federal guidance will ensure consistency for equitable

treatment of A fishing participant given nine (9) eastern States have identified the need for a more regional natural resource impact assessment and mitigation framework.

- In the Fall and Winter of 2021, BOEM identified ideas and considerations from the fishing communities, offshore wind energy developers, and others to inform the draft Mitigation Guidance Document in an RFI process. In the early Winter of 2022, BOEM worked with NOAA/NMFS, State fishery and coastal management agencies, and technical experts to inform BOEM as it prepared a draft Mitigation Guidance Document, subsequently considered comments received, and conducted an internal review in the early Spring by 2022. The guidance was released in draft for comment in late June 2022.
- The general guidance is applicable US wide, but Appendix A is only applicable to Northeast/GARFO Region. The content is reflective of BOEM and the discussions in the state and federal agency data and methodology technical working group. Appendix A recommends that NMFS/GARFO Fishery Revenue Exposure Estimates be used as the starting point to develop adequate funds for fulfilling lost income claims and provides caveats for different fisheries, including those that are data limited (commercial and recreational fishing).

#### *Summary of Questions & Discussion*

- A fishing participant expressed concern about a lack of cumulative impact consideration and expressed that the Mitigation Guidance Document does not adequately consider, acknowledge, or address the cumulative impacts of projects that build off one another to collectively have a large impact on fisheries.
  - *BOEM responded that NEPA does require a cumulative impact analysis as part each individual projects NEPA analysis but does not require an overall regional NEPA cumulative impact analysis separated from each project.*
- A fishing participant asked when cumulative impact assessments would begin, and asked BOEM to clarify how it defines 'cumulative'.
  - *BOEM responded that BOEM requires analysis of the incremental contribution to cumulative effects and holding lessees responsible for their share only of that cumulative impact(s). Each project looks at cumulative impacts and how the project will individually contribute. BOEM conducted a high-level cumulative impact assessment in the environmental impact Statement (EIS), which has been carried forward on the revenue exposure piece of the Draft.*
- A fishing participant asked who is responsible with calculating the organized shares of cumulative impacts, noting that the current wording of the Mitigation Guidance Document does not account for post-NEPA analysis change(s) to a fishery(ies).
  - *BOEM responded that NEPA analysis anticipates that project would have a certain effect and result in corresponding loss of income. If there are future ecological events outside of the Environmental Impact States (EIS) then they are considered unforeseen. In this case, a Fishery Disaster Declaration under the Magnuson-Stevens Act could be an option to help mitigate any impacts of the unforeseen events. This is just one mechanism that could be deployed outside of the Mitigation Guidance Document to mitigate impacts to fisheries from offshore wind lease activities beyond what is reasonably anticipated in the NEPA analysis.*

- A fishing participant urged BOEM to look forward on offshore wind projects by considering cumulative impacts on fisheries for projects in the pipeline. This will better ensure that impacts on fisheries due to planned projects are more enforceable.
- Avoidance of fishing areas must be the first step for offshore wind fisheries mitigation and must be explicitly called out and centered in the revised Mitigation Guidance Document. A Fishing participant provided a [link](#) to a study that stated offshore wind farms pose environmental risks to biodiversity and oceanic ecosystem, for the purposes of informing written comments.
- BOEM must ensure that one fishing site is not overloaded with too many phases or stages offshore wind leases (e.g., avoiding one site having ten distinct projects making it very difficult to determine impacts as such small scales).
- A fishing participant expressed disappointment that the Mitigation Guidance Document only says ‘recommends’ and not ‘requires’. The Mitigation Guidance Document must have strong, enforceable language so that impacts on fisheries attributed to offshore wind projects are avoided and/or minimized.
- A fishing participant noted how Connecticut fishermen had an opportunity to enter a power purchasing agreement to ensure it was worded properly to require enforcement and compliance from power companies. In this case, the only leverage fishermen had was within the wording of the PPA. This example emphasizes the need to include strong and enforceable language in the Mitigation Guidance Document, as it can be the only leverage fishermen have in offshore wind dealings.
- A fishing participant asked why BOEM is in ‘guidance mode’?
  - *BOEM: The Mitigation Guidance Document is rooted in BOEM’s current authority. BOEM is currently operating via the terms and conditions of lease approval. Once a lease is approved it becomes enforceable. Lessees must consider mitigations to impacts on fisheries in their project plans and BOEM has to consider them in their EIS; they become enforceable when a project plan is approved. Congress may consider giving BOEM more direct authority to fund mitigation in addition to existing authorities at some time in the future, but not presently.*
- Multiple Fishing participants said that the data BOEM has been using to inform the Mitigation Guidance Document isn’t comprehensive, representative of all fisheries, or in line with other studies. Misleading data will result in erroneous mitigation and claim dealings and can have significant impacts on fisheries and the economic well-being of fishermen. BOEM must update the Mitigation Guidance Document with best available data. As only one example, for radar interference impacts BOEM should cite and use the National Academies of Sciences report on [Wind Turbine Generator Impacts to Marine Vessel Radar](#).
- A fishing participant asked how existing projects are accounted for in the Mitigation Guidance Document.
  - *BOEM: The ocean-wind EIS tables (Table 3.9-20 <https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/OceanWind1-DEIS-Vol1and2.pdf>) look at future and foreseeable actions and revenue exposure. Once a project plan is approved and the project moves forward, the mitigation contingencies kick in.*
- A fishing participant asked what the Mitigation Guidance Document does to address impacts on fisheries that extend beyond a claim’s timeline?

- *BOEM: This refers to an unknown or unforeseen impact. BOEM analyses utilize best available information to anticipate environmental impacts from offshore wind projects on fisheries, but sometimes the analyses do not foresee conditions where additional mitigation would be required.*
- *BOEM: BOEM also anticipates that there will be difficulties around the claims processes and welcomes feedback. BOEM is also taking input from developers on their thoughts for claims processes. It is difficult for BOEM and the Federal government to require claim payments before a harm has occurred.*
- Many fishing participants noted that the Mitigation Guidance Document's timeframes for fishermen should be longer (i.e., fishermen must have a longer period to make a claim) while one the claim is filed, the developer should be required to review, decide, and compensation claims within a narrow window to ensure fishermen are compensate for their loss with due speed. The payout of claims by lessees needs to be done in a timely manner and paying claims in a timely manner must be made enforceable in the Mitigation Guidance Document.
- BOEM was asked to clarify on mitigation funds and BOEM's ability to administer funds according to the Mitigation Guidance Document:
  - *BOEM: BOEM is unable to create or administer funds for fisheries mitigation from offshore wind projects. Congress would have to expand BOEM's regulatory reach for BOEM to be able to do so.*
  - *BOEM: A lessee can elect to utilize its own estimated methodology, or it can utilize BOEM's estimation methodology, as outlined in the Mitigation Guidance Document. BOEM would enforce whichever model the lessee chooses. Regardless of which route the lessee takes, they must maintain reserve sufficient mitigation funds, as determined by BOEM, as a part of the offshore wind project approval through the BOEM issued ROD.*
- A fishing participant asked how the Mitigation Guidance Document supports fisheries that have been forced to permanently close due to offshore wind projects.
  - *BOEM: The Mitigation Guidance Document proposes minimum expectations from anticipated hypothetical scenarios; the mitigation would reflect the EIS's conclusions about predicted harms. The conclusions dictate mitigation. Unforeseen consequences fall under BOEM's regulations for additional harms that would trigger additional mitigation. Outside of BOEM's authority, the Fisheries Disaster Declaration under the Magnuson–Stevens Fishery Conservation and Management Act may provide relief in an instance like the one proposed. Not being able to fish is considered an environmental harm under an EIS.*
  - A fishing participant responded that the Magnuson-Stevens disaster relief is never an adequate measure for compensation, as it never fully compensates for loss. Compensation is typically a fraction of the value, takes years to administer, and it is often way too late to relieve near and medium-term financial loss.
- The Mitigation Guidance Document needs a compensatory mechanism for a boat that is sold after a fishery is no longer fishable and the value or the vessel drops.

## Sections A & B: General Approach and Project siting, design, navigation, and access

Brian Hooker (BOEM) provided a brief overview of the Mitigation Guidance Document's general approach and project siting, design, navigation, and access. A summary of the material is below:

- BOEM can recommend fisheries mitigation processes, including those for filing claims and the timing of initial proposals.
- BOEM lacks the legal authority to create a central fund for compensatory mitigation, nor can it direct contributions to a particular compensation fund absent a previous commitment or obligation. BOEM also lacks the legal authority to administer funds or assess industry fees for mitigation. Lastly, BOEM cannot require regional mitigation as a part of the COP approval, unless BOEM's environmental impact analysis in the EIS specifically demonstrates regional impacts of a given project.
- The facility design should maximize access to fisheries by taking into consideration transit and traditional fishing with the project area, the consolidation of infrastructure to reduce space-use conflicts, larger turbine sizes to reduce cumulative project footprint while meeting energy project commitments, and the coordination of turbine/substation array layouts among neighboring lease areas. Facility design guidance asks that turbine locations are sited to avoid known sensitive benthic features and that design should use nature inclusive designs.

## Sections C & D: Safety measures and Environmental Monitoring

Brian Hooker (BOEM) provided a brief overview of the Mitigation Guidance Document's safety measures and environmental monitoring components. A summary of the material is below:

- All facilities and obstructions that result from construction/operation of an offshore wind energy facility will be reported to NOAA, U.S. Coast Guard (USCG), and navigational software companies. Installation techniques and time windows that minimize fishery disruption will be considered and liaisons from the commercial fishing industry will be employed to inform safety measures during construction. Cable burial will be monitored, and all potential hazard events will be reported to USCG in real-time. Lastly, digital information technology platforms will collaborate survey and construction schedules/locations via USCG.
- All facilities and appurtenances will be marked with permanent identification of the project/company. BOEM will also provide training opportunities for the commercial fishing industry to simulate safe navigation, and all safety threats will be monitored throughout the life of a project. BOEM will consult with the fishing industry and USCG to identify structures most appropriate for Automatic Identification System (AIS) transponders that is consistent with BOEM's Lighting and Marking Guidelines. Lessee-funded radar system upgrades will be considered for commercial/for-hire recreational fishing vessels.
- Time of year restrictions and minimization of construction during those restricted times of year is another avenue that could be explored for the next iteration of the Guidance Mitigation Document.

### *Summary of Questions & Discussion*

- Fishing participants expressed concern about BOEM's reliance on doppler radar as a safety measure in the Mitigation Guidance Document. A National Academies of Sciences study found that wind turbine radars can interfere with this radar, therefore interfering with navigation for fishing boats and increasing safety risks. Offshore wind leases are moving forward without

addressing radar issues; the Mitigation Guidance Document and offshore wind project agreements must address this.

- Additionally, many fishermen already having doppler radar on their boats, so this recommendation is not helpful for the majority commercial fishing industry without the necessary software updates that are currently in development.
- *BOEM: Software system allows for upgrades and enhancements to already installed radar systems. A next step could be to invest in new software on boats to help improve performance of radar.*
- A fishing participant cited a study on how long pulses of solid-State marine radar create problems of electromagnetic comparability to (a) traditional magnetron radar as well as to (b) other solid-State marine radars: which can be found [here](#) and [here](#). Both studies found that these effects can be catastrophic. An additional resource on solid-state and magnetron radar was provided in the chat and can be accessed [here](#).
- A fishing participant asked BOEM whether States should pursue a PPA framework with developers as a mechanism to reduce impacts on fisheries from offshore wind development.
  - *BOEM: It's difficult to answer yes or no, but it is a framework that could be used by States to influence the wording and conditions of an offshore wind project with the intent of reducing impacts to fisheries.*
- A fishing participant expressed that the states hosting offshore wind projects need a good sense of the difficulties BOEM had in prescribing environmental monitoring guidelines, because that context will be important for assessing damages in coming years.
  - *BOEM: Yes, we will need to monitor how fisheries are doing after projects have been operating, but the Mitigation Guidance Document does not identify appropriate monitoring methodologies, but rather a recommendation to discuss with state and federal fisheries managers.*

## Section E: Financial Compensation

**Financial Compensation – Considerations:** BOEM will consider the types of financial compensation, phases of the offshore wind process, eligibility and timing considerations for claims, and options for managing funds.

**Types Financial Compensation – Gear Loss:** Fisheries should be reimbursed by the lessee for gear loss that resulted from the lessee's actions, and the lessee must honor the review of claims filed within 90 days after the date of first discovery of the incident. In addition to full compensation for the repair or replacements of the damaged gear, the lessee should compensate up to 50% of gross income lost during the period from the discovery of the lost/damaged gear to when the gear is repaired/replaced. Lastly, the lessee should compensate for reasonable fees paid to an attorney, CPA, or other consultants required for claim preparation.

**Types of Financial Compensation – Lost Income:** Compensatory mitigation will be determined by impacts identified through a review of environmental documents (e.g., lessee's construction and operations plan, BOEM assessments of potential effects of proposed lessee plan). At the minimum, BOEM recommends 100% reimbursement during construction and an assumed adjustment period for fisheries post construction. BOEM recommends incrementally declining revenue exposure availability



for claimants following every year after construction. BOEM also recommends that the Decommissioning Application required under 30 CFR 585.906 should contain the measures to mitigate impacts to fisheries.

**Financial Compensation – Claims:** BOEM recommends that funds be managed by a neutral third party on behalf of the lessee, and such funds be established at the project, company, or regional/multi-lessee level. All negatively impacted businesses, not limited to vessel owners and operations, should be eligible for claims that business loss of income. BOEM recommends that funds are distributed to individual claims to ensure that each claim is commensurate with the claimant’s impact versus a pooled/general fund to the fishing industry writ large. Claims should be honored up to two years after income loss was experienced.

#### *Summary of Questions & Discussion*

- Current wording that suggests a lessee should review a gear loss and damage claim within 90 days may not be sufficient for adequate and timely compensation for said loss. The Mitigation Guidance Document should reduce the 90-day timeline and make it enforceable.
- The Mitigation Guidance Document needs to be clear and upfront about the limitations of BOEM’s gear loss and damage compensatory estimations; actual experienced financial losses due to gear loss, and damage will most likely be greater than the estimations from BOEM and EISs.
- Fishing participants expressed strong concern that BOEM’s multiplier of 1-2% of total revenue exposure is either a misprint or too low and will not ensure that shoreside income loss is adequately covered. Current wording that suggests lessees consider developing an additional multiplier for missing information around compensation funds is weak and non-enforceable, further adding to concern that total revenue exposure will be grossly underestimated.
- Fishing participants requested more clarity from BOEM on actual revenue exposure and how it will be ensured that adequate funds are held in reserve for compensation once the project is underway post-EIS.
- The operational period for estimating revenue (2 years) should be longer than currently stated in the Mitigation Guidance Document.
- The timely administration of funds is of critical importance. Inadequate administering and timing of funds will place significant and undue financial burdens on fishermen.
  - *BOEM: RE: revenue exposure and compensation, BOEM sought consensus with state and federal agencies and believes that this is rooted in the best available information. Previous State compensation models were based on what the actual amount that would be paid to different accounts, so the model in the Mitigation Guidance Document is slightly different. The money must be held in escrow. The EIS opens more revenue discussions and does open up the potential for disagreements regarding actual loss and claims processes; an appeals process is suggested to deal with this. A developer can elect to follow its own revenue exposure model, but it must be equal to or better than BOEM’s model.*
- Regarding gear loss replacement, a fishing participant inquired about the basis for up to 50% gross income from discovery to replacement.



- *BOEM: BOEM didn't want to make the process different from an existing BOEM and/or NMFS program, and then having to justify why it's different. This is the same percentage in Fisheries Contingency Fund.*
- The temporal aspect of the duration of a compensatory mitigation period is missing for operations and post-construction impacts that extend beyond the minimum five years. Current language that compensatory mitigation activities may extend beyond five years and may require additional evaluation is not strong enough to address the likelihood that impacts will extend beyond five years or may happen for a lifetime.
- The process for honoring a claim up to two years after income loss should be extended, as it often takes longer than two years to collect, analyze and share income loss data.
- A fishing participant noted that it has already become dangerous to fish in offshore wind project areas, and simulators are showing that it will be too dangerous to fish in those areas while a project is active.
- A trawl fleet operator asked that if one a claim is issued for a spot due to gear loss or the like, whether that fisherman would permanently lose access to that spot as is the practice in Europe.
  - *BOEM: Yes, the intent is that once a claim is submitted the space is marked as a navigational hazard.*
- A fishing participant asked that if a concrete mat is laid down, the entire spot becomes unfishable and whether then mitigation is triggered.
  - *BOEM: Yes, mitigation is triggered.*
- A fishing participant requested that BOEM support a fishing navigation study so that there is a better understanding of transit within an offshore wind project area for safety purposes. The study should be jointly conducted by BOEM and the Coast Guard. There is not actual evidence of which boats, with which gear, in which sea conditions, at which speed can or cannot safely fish within arrays.
  - *BOEM: BOEM is happy to further discuss a navigational study.*
- A fishing representative expressed concern about the long-term impacts of continually pushing out hot water from converter stations into the ocean floor, especially since they are supposed to decrease global warming not increase ocean temperature more.
- Examples of environmental analyses and mitigation agreements for the Vineyard Wind project were provided to attendees via the chat:
  - [Initial Vineyard Wind analyses](#)
  - [RIDEM analyses](#)
  - [Final agreement](#)
  - [CRMC concurrence](#)
  - [South Fork Wind Farm](#): Exhibit B – pg. 220 (term sheet for final agreement)
  - A fishing participant said they would not take the RI model as a positive process. The deal reached by CRMC with Vineyard Wind was done behind closed doors and put out for public comment for less than one day. The deal that CRMC reached with South Fork Wind resulted in the Fisherman's Advisory Board walking out on negotiations.
    - Facilitator: The methodology might still be worth looking at only because the State's estimates indicated much higher losses than the original submittal.

- Fishing participant: The State's estimates via RIDEM were correct. But BOEM also chose to reject those estimates, unfortunately, in favor of a lower impact estimate that was supported by developers.
  - A fishing participant clarified that New York was only allowed to give input on Article 7 of the South Fork project.
- A fishing participant expressed that BOEM should have compensation program that is enforceable by BOEM, as dictated by Congress.

## Concluding Discussion & Answers

- Fishing participants were in support of making the summary from this meeting on the Mitigation Guidance Document part of the public record.
- A participant spoke to how there are less traceable fisheries in State waters. While these conversations tend to focus on offshore sites occupied by bigger fishing companies and a loss of productive grounds, offshore wind projects can have an impact on any areas where they come ashore or where they navigate or lay cables through corridors.
- Survey boats utilized by offshore wind developers drag equipment that impacts fishing grounds. This harm must be included in the Mitigation Guidance Document.
- State-managed fisheries have not been given adequate inclusion in the Mitigation Guidance Document and could fill a data gap that the Federal government says exists.
- *BOEM: To clarify on timing, the guidance states that the lessee should consider establishing a claims appeal or adjustment process. Appeals or adjustment claims should be considered if it is filed within 6 months of the original decision on the claim. BOEM recommends that lessees or its neutral party consider paying validated claims within 1 month of receipt of a complete claim (pg. 10 of the Mitigation Guidance Document).*

## Next Steps

- Written public feedback can be provided through August 22, 2022 at <https://www.regulations.gov/docket/BOEM-2022-0033> and additional information can be found at: <https://www.boem.gov/renewable-energy/reducing-or-avoiding-impacts-offshore-wind-energy-fisheries>
- By the late summer of 2022, BOEM will collect feedback on the Mitigation Guidance Document, revise the document based on public comment, and issue final guidance.
- More information on the Mitigation Guidance Document can be found here: <https://www.boem.gov/renewable-energy/reducing-or-avoiding-impacts-offshore-wind-energy-fisheries>

## Appendix A: Meeting Agenda

### **New York Bight Working Meeting**

BOEM's Draft Fisheries Mitigation Guidance Document Comment Development

July 12, 2022  
1:00 to 4:00 PM

Register in advance for this meeting:

[https://cbuilding.zoom.us/meeting/register/tZ0ocu2sqzguHdKgveqVpu2Mu\\_MihJRqW0vd](https://cbuilding.zoom.us/meeting/register/tZ0ocu2sqzguHdKgveqVpu2Mu_MihJRqW0vd)

**Purpose:** Provide a forum for A fishing participant and other engaged stakeholders to discuss, explore and coordinate views and comments on BOEM's draft fisheries mitigation framework in preparation for individuals or individual organizations responding formally to BOEM by the end of BOEM's public comment period

**Output:** A timely written summary of the discussions and findings without attribution

**Invitees:** By invitation of participating States to A fishing participant and fisheries groups

**Format:** Virtual Zoom with registration

#### **Agenda**

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| 1:00 | Welcome  |
| 1:05 | Rules of the Road, Purpose, and Intent   |
| 1:10 | Brief Overview of BOEM Mitigation Framework Comment Process, <i>Brian Hooker, BOEM</i>   |
| 1:15 | A & B: General Approach and Project siting, design, navigation, and access <ul style="list-style-type: none"><li>• BOEM Overview (5 minutes)</li><li>• Full group questions and comments</li></ul> |
| 1:40 | C & D: Safety measures and Environmental Monitoring <ul style="list-style-type: none"><li>• BOEM overview (5 minutes)</li><li>• Full group questions and comments</li></ul>                        |
| 1:55 | E: Financial Compensation <ul style="list-style-type: none"><li>• BOEM overview (10 minutes)</li></ul>   |

- 2:05 Breakout Groups on Financial Compensation
- Key questions: what do you find acceptable; what would you change; what is missing?
    - Gear loss and damage (10 minutes)
    - Revenue exposure (10 minutes)
    - Duration of Compensation (10 minutes)
    - Claims Process (10 minutes)
    - Data noted in Appendix A (10 minutes)
    - Shoreside businesses and forecasting revenue Exposure in Appendix A (10 minutes)
- 3:15 Breakout Report outs
- Breakout reports by subtopic by each breakout
  - Facilitator helps identify common comments and themes
- 3:50 States Next Steps
- Each State describes their next steps
  - A fishing participant express any additional needs for comment
- 4:00 Adjourn