Establishing a Fisheries Fund Regional Administrator

Update

February 2024

11 States
(Original 9 plus 2 - signatories to
Governor's Letter to President Biden,
June 4, 2021)

- 1. Maine
- 2. New Hampshire
- 3. Massachusetts
- 4. Rhode Island
- 5. Connecticut
- 6. New York
- 7. New Jersey
- 8. Delaware
- 9. Maryland
- 10. Virginia
- 11. North Carolina

Intent is to establish a fund that is not only accessible to fisheries porting from or landing in these states, but all affected fisheries along the Atlantic Seaboard

Have also sought advice from representatives of the fishing industry and BOEM, NOAA & ACP

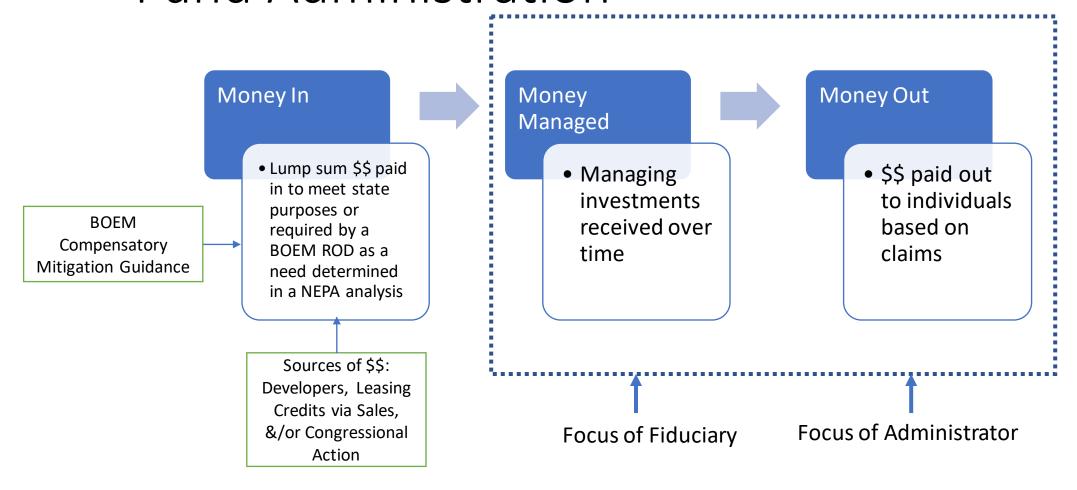
States' Objective

To establish a credible regional administrator for managing and distributing fisheries compensatory mitigation funds for offshore wind for the US eastern seaboard

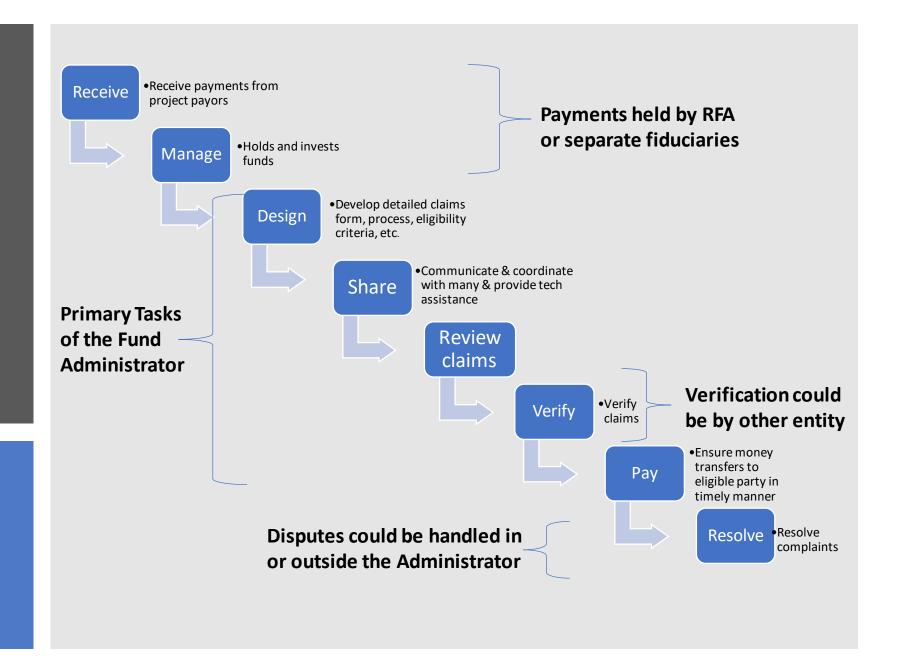
Mitigation to be used only when avoid and minimizing options exhausted

FUND ADMINISTRATOR SCOPING

Compensatory Mitigation & Role of Fund Administration

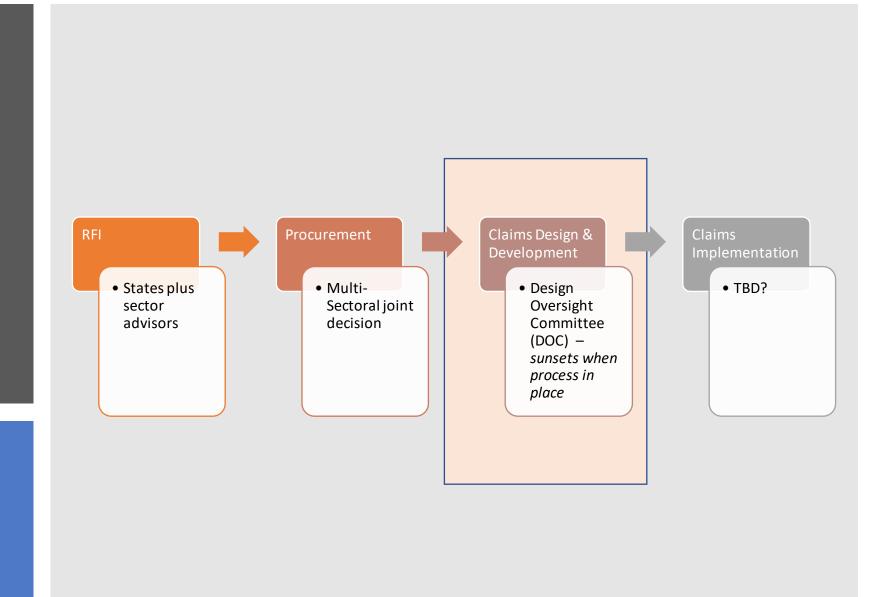


Potential Fund Administrator Tasks



RFA DESIGN & DEVELOPMENT

Design & Development Phase



Funding to Design and Develop

- State Support
- ACP members
- Foundation support

From the Bottom-up D&D Approach

Broad engagement of Fisheries (species/gear type, etc.) similar to the bottom up Fisheries Management Council process

Ad hoc workshops, interviews, & meetings as needed

DOC

Key DOC Elements to Advise On

- Eligibility
- Evidence of Impacts and Burden of Proof
- Compensable Costs and Losses
- Multipliers and processor compensation
- Data Sources and verification
- Simple, verifiable, efficient claims process
- Other TBD

DOC Tasks & Authorities

Approves key processes proposed by RFA

Advises on key elements of the claims process

Reviews RFA performance

- Work Plan & Refined Scope
- Stakeholder
 Engagement Plan

- Advises on the key elements of the draft final claims process built from the robust fisheries engagement process
- DOC seeks to ensure overall a legitimate claims process and RFA that can effectively implement
- There is no formal appeals process to the RFA decisions BUT developers and states retain their individual rights regarding their agreements (states) and monies (developers)

RFA Stakeholder Engagement

Engages on Process

Engages on Substance

Brings
Forward to
DOC for
advice

Provides
Final
Comment
Period

- Detailed planning with each sector
- Discussion with broader fisheries representatives to hone
- Obtains DOC approval of Work and Engagement Plan
- Engage species/gear level groups to inform initial claims process details
- Hold joint
 workshops or
 other convenings
 as needed to
 refine and hone
 across species
 and gear types
- Engage feds/others as needed (NOAA, ASFMC, etc.)

- Brings overall elements of claims process to DOC for deliberation
- Does not seek
 DOC advice on
 each and every
 detail and
 nuance
- Considers revisions based on DOC guidance
- RFA decides draft final claims approach

- Final, formal 60day comment on approach(es)
- Finalizes claims process

DOC Composition

A. 3 States

- By region (NE, Mid, Southern Mid)
- Across CZM, fisheries, energy offices

B. 3 Developers with One or More Leases

- By region (NE, Mid, Southern Mid)
- Some other criteria?

6 Fishermen (complex industries, beneficiaries, legitimacy, etc.)

- 2 per region
- By gear type of fishery (scallops, clams, lobster/fixed gear, groundfish/mixed trawl, HMS & other, trade association) – type of operator, diversity of industry, not just gear (processers)?
- Some other criteria

D. Ex-Officio Members

- NMFS
- ASFMC (or ACCSP)
- BOEM
- FMCs (?)

E. Liaison

 RFA Procurement State (role in RFA performance only, not an ex-officio, and if state is in this role, cannot also be a DOC member above)

DOC Selection

Each caucus selects its own DOC members

- ACP coordinates OSW members
- SIOW coordinates States
- RODA coordinates a nomination process to select commercial fishing sector members

RECREATON FOR-HIRE FISHING

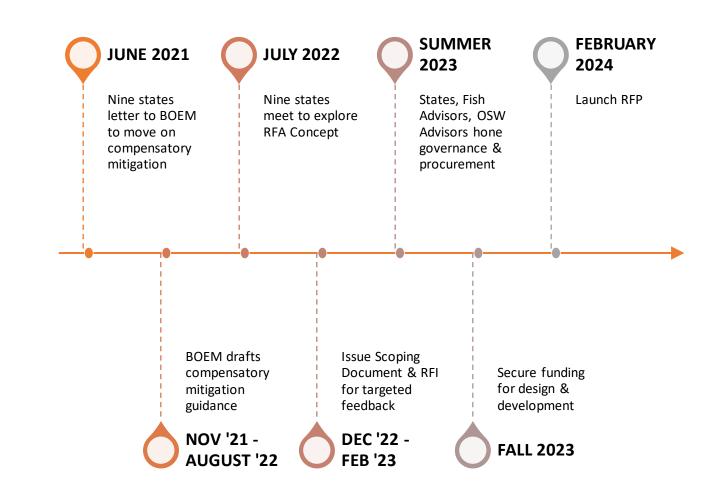
Because recreational fishing is likely 10% or less of total estimated lost revenues and costs AND any commensurate representation would cause them to be outvoted at most turns, options are:

ROBUST WORKING GROUP WITH LIAISON TO DOC OR "REC-DOC" FOR REC FISHING

RFP Proposers must Propose Approach

TIMELINE & NEXT STEPS

Timeline



Next Steps

- Issue Request for Proposals (February 2024)
- Procure RFA for Design and Development (Spring 2024)
- Undertake Regional Fund Design and Development (Summer 2024)

Questions



Questions?