

# Establishing a Fisheries Fund Regional Administrator

**Update for the South Atlantic Fishery Management Council**

June 13, 2024

About the  
Special  
Initiative on  
Offshore  
Wind (SLOW)

Third party supporting the convening and facilitation of the 11 states a peer group

Foundation-funded organization, typically working at the behest of federal and state policy makers to advance the responsible development of US offshore wind

Working along with the Consensus Building Institute (CBI)

# 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, BOEM & NOAA, and 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***

# States' Objective

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Consistency across projects and developers

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Fairness for fisheries across port of origin or port of landings

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Administrator with the same processes and procedures so that fishermen from different ports fishing in or near many projects can have a “one stop shop”

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Scale large enough for building expertise and efficiencies of scale

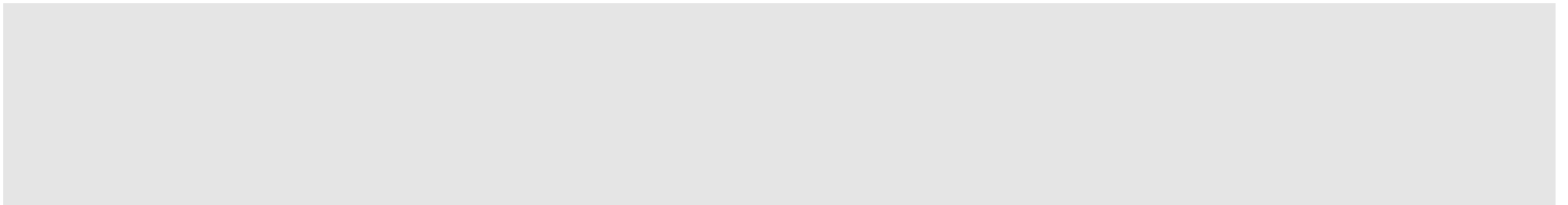
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States can gain efficiencies of scale, avoid duplication and re-creation, and ensure their fishermen have access to compensation regardless of the home port state

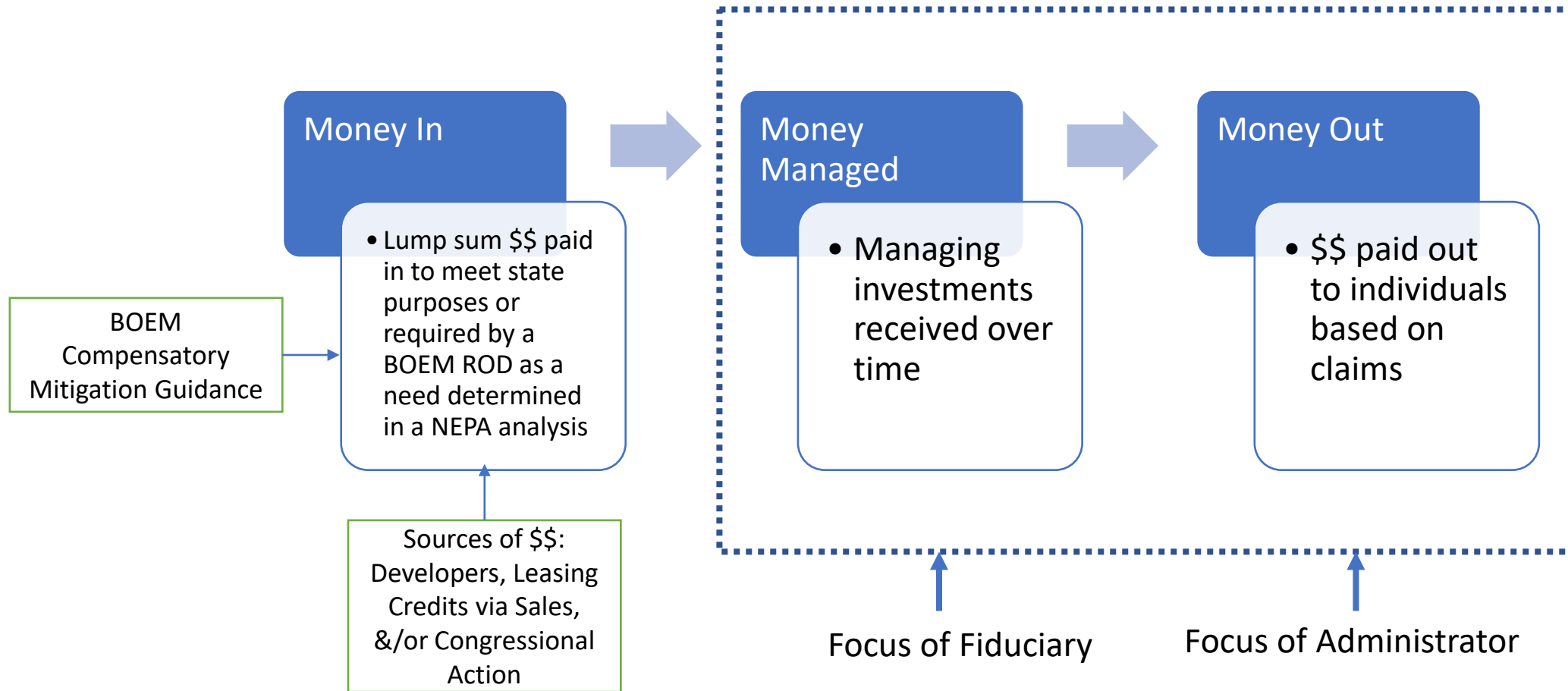
# Value Proposition

A Regional Fund and Regional Fund Administrator will provide fisheries an accessible, equitable, and consistent one-stop shop for filing and receiving claims for individual costs and losses imposed on fishing enterprises by one or more offshore wind projects regardless of homeport.

# FUND ADMINISTRATOR SCOPING

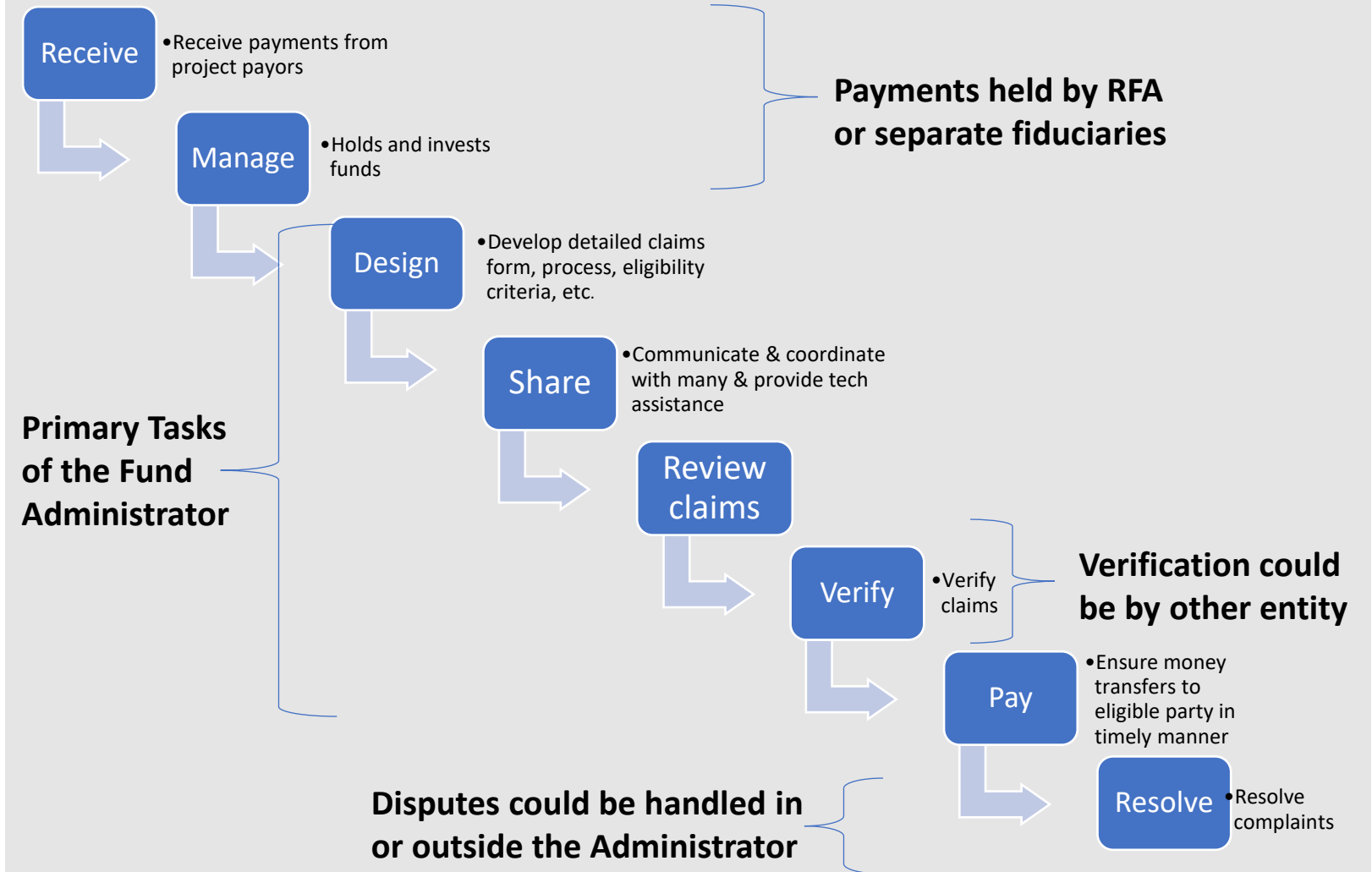


# Compensatory Mitigation & Role of Fund Administration





# Potential Fund Administrator Tasks



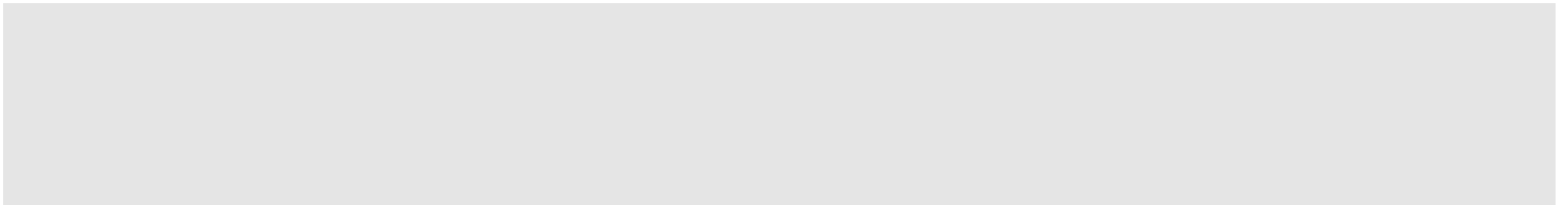
# Key Qualities of an Administrator

- Strong fiduciary control
- Legitimate in the eyes of stakeholders such as government agencies, the fishing industry, and OSW developers
- Free of bias and rigorous conflict of interest policies
- Demonstrated competency and efficiency in reviewing claims
- Sustainable for the foreseeable future
- Demonstrate timeliness and maximization of funds paid out
- Minimizes administrative costs and burdens
- Prevents waste, fraud, and abuse
- Holds extensive fishery industry experience, knowledge, and understanding
- Effective collaboration with stakeholders

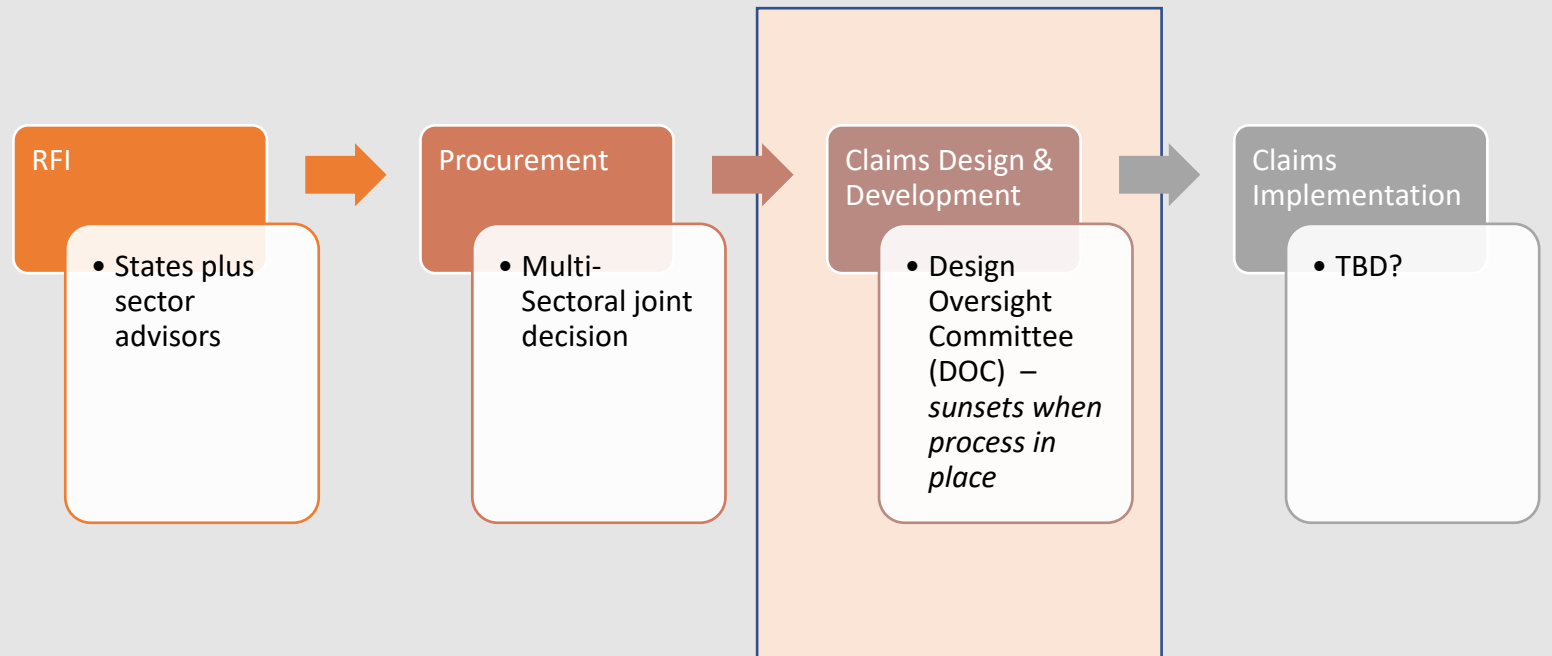
# Design & Development Phase: Funding and Participation

- NYSERDA serving as the procurement agent for all 11 states
- States, offshore wind developers, and some fishermen have been involved in the development of an RFI, the RFP, and a NYSERDA committee of all 3 will select the winning bidder
- Estimated cost for design and development: \$2+ million
- Funding from offshore wind developers, states, and foundations
- 11 of 11 states signed a support letter to ACP and SLOW to help fund this process by January of this year

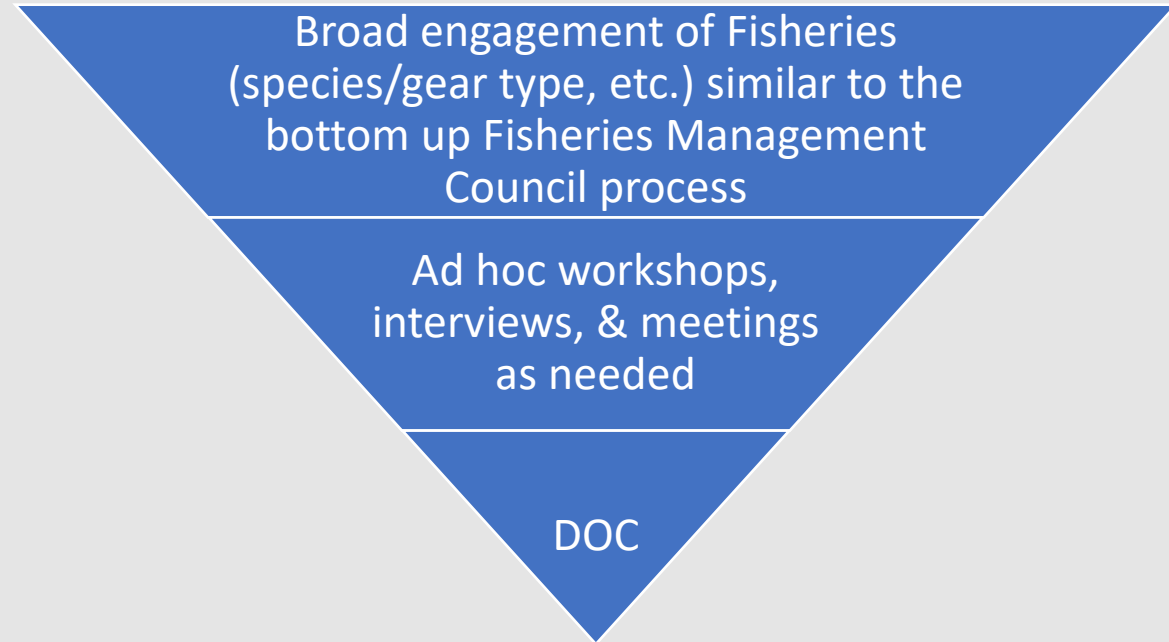
# RFA DESIGN & DEVELOPMENT



# Design & Development Phase



# From the Bottom-up Design & Development Approach



# 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?
- C. 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 (processors)?
  - Will be paid for their participation (like the Councils)
- 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**

## **RECREATION 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

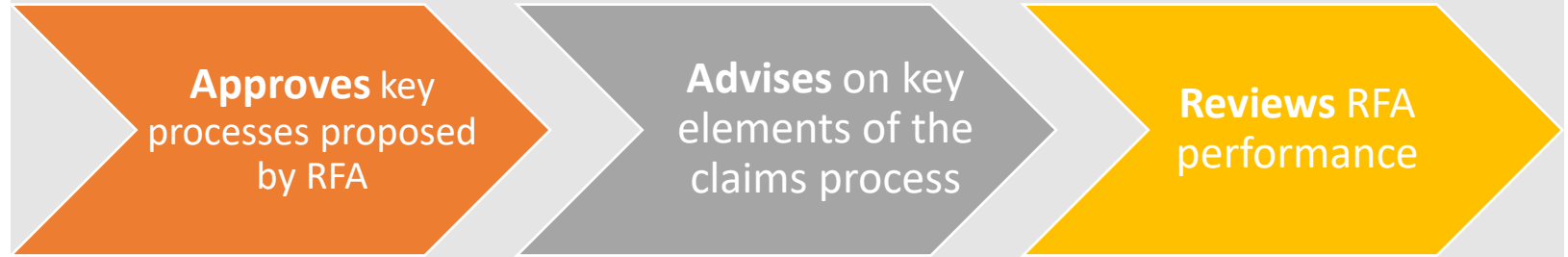
**RFP respondents must propose an approach**



## 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

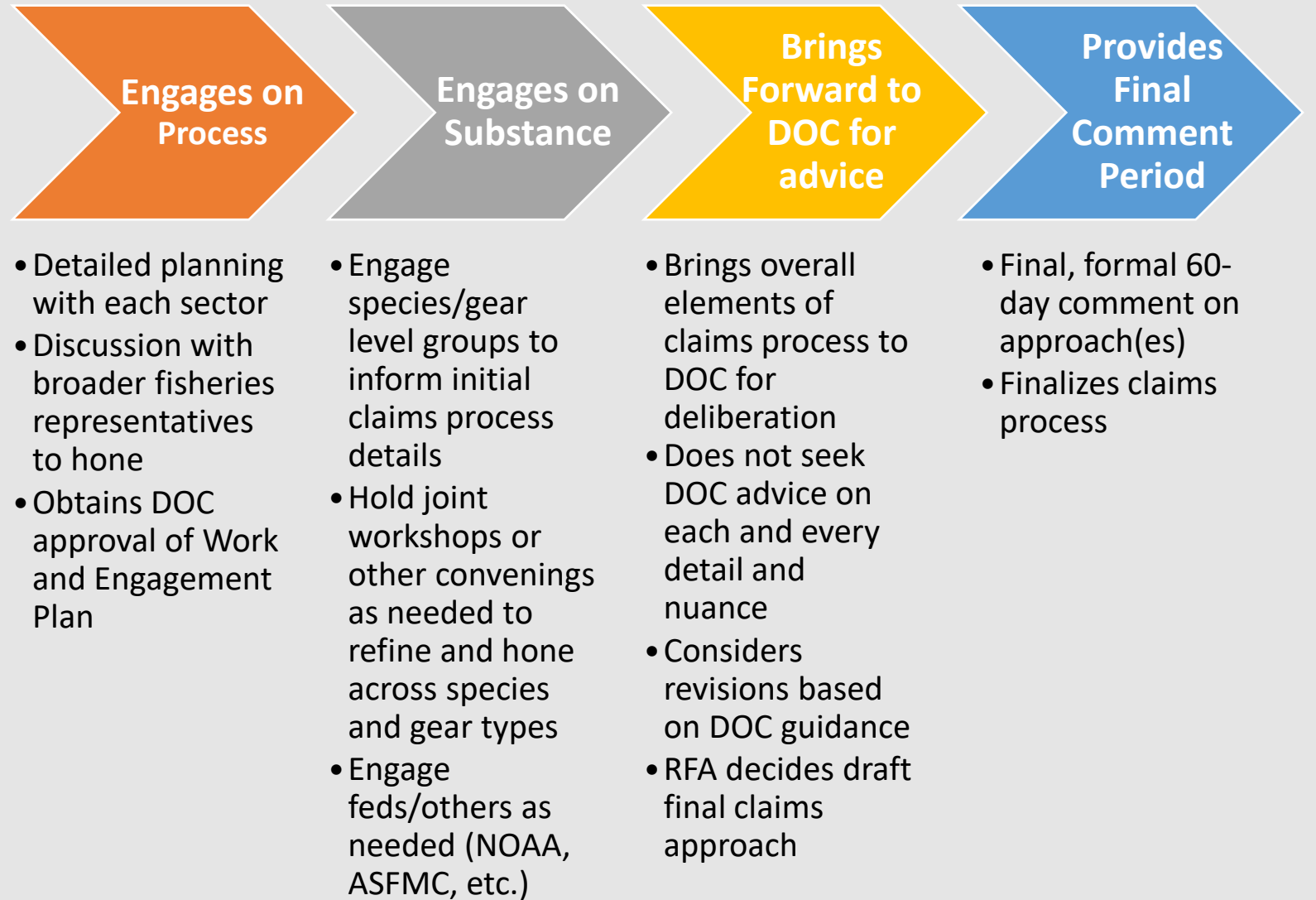
# DOC Tasks & Authorities



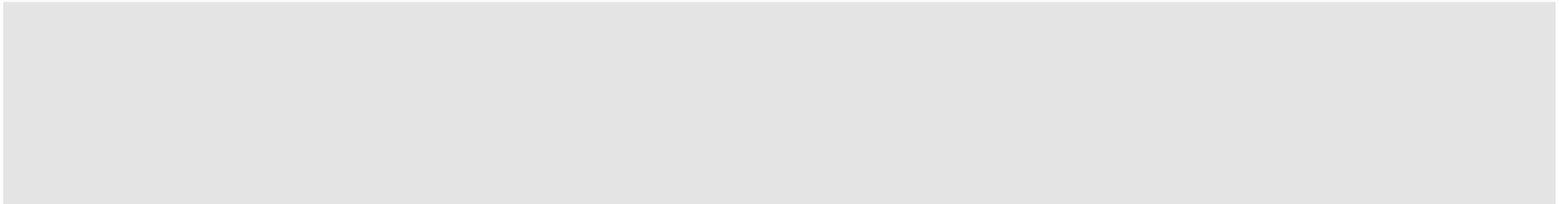
- Work Plan & Refined Scope
- Stakeholder Engagement Plan

- 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)

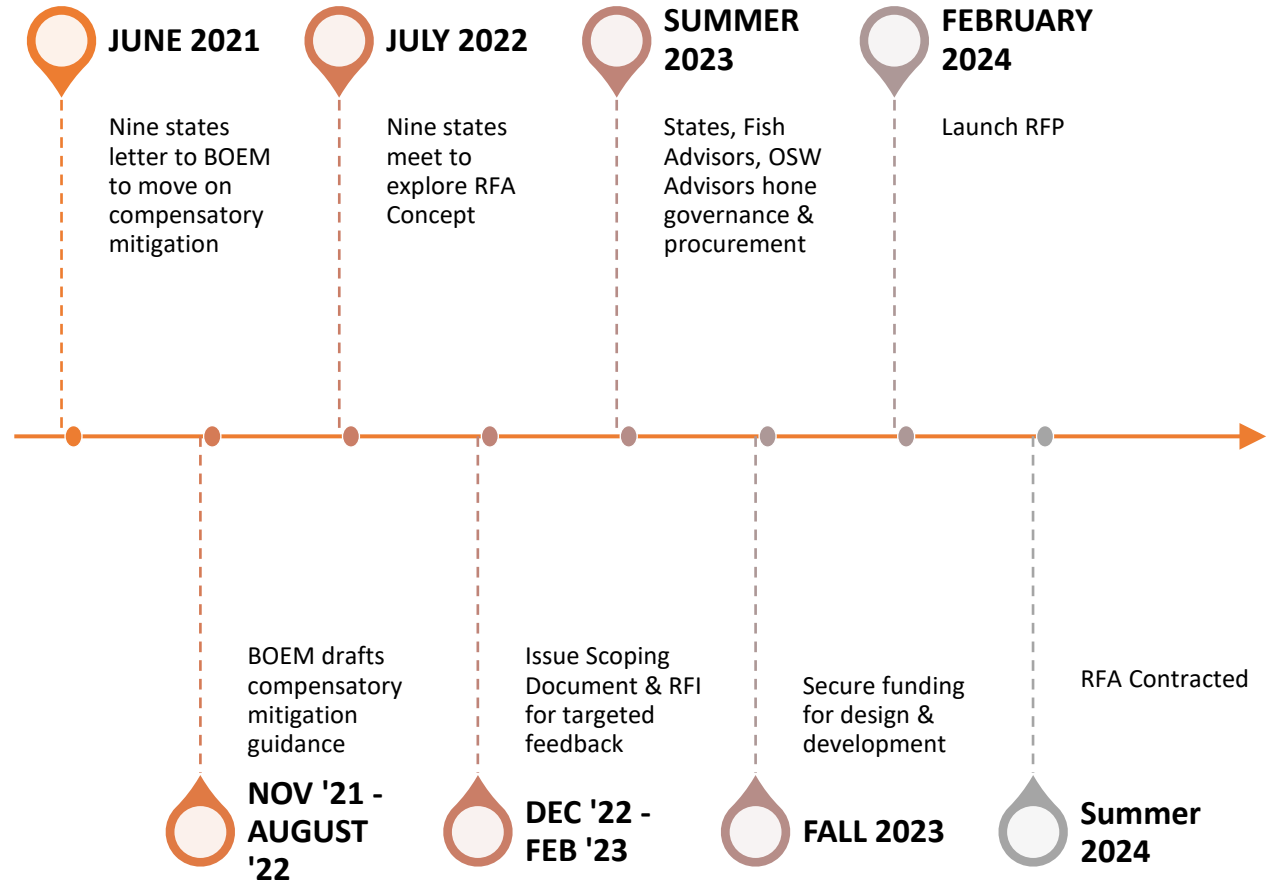
# RFA Stakeholder Engagement Overall



# TIMELINE & NEXT STEPS



# Timeline



Questions



Questions?