

## Appendix C: Fishing Gear Damage or Loss Claim Process

### Fishing Gear Damage or Loss Claim Process

Golden State Wind (GSW) recognizes that fishing interests and the Project will share common space in the offshore waters of California, and both fishing interests and the Project will harvest a resource to benefit of the citizens of the United States. GSW also recognizes shared use of the Project area may result in interaction between GSW's survey activities and commercial fishing gear. GSW will update Appendices C and D prior to commencement of construction to include a claims process pertaining to construction and operations activities.

GSW believes that with proper planning, outreach, regular communication, and training, fishing gear loss and/or damage from interactions can be avoided or minimized. The following outlines GSW's approach to managing unintentional interactions, as well as GSW's claim process should an unintentional interaction occur:

#### Outreach

The Fisheries Liaison (FL) will serve as the primary point of contact for issues related to the fishing community and unintentional interactions. The FL conducts extensive outreach according to GSW's Fisheries Communications Plan (FCP) and interacts with commercial and recreational fishermen and fishermen's organizations, management authorities, and support services to identify fishing community stakeholders that operate in areas where project activities are planned.

#### Communications and Planning

GSW, through the FL, will implement the FCP, providing Mariner Updates, Local Notices to Mariners (LNMs), and Broadcast Notices to Mariners (BNMs) to the United States Coast Guard (USCG) to share operational updates, names of active vessels, activities being conducted and the specific areas of operations. This information will be posted on GSW's website once it is available.

If gear is located within the work area, GSW will attempt to identify and contact the owner. Each offshore vessel contracted by GSW will also communicate early and often with fishing vessels operating in the area of survey activities, while following the USCG "Rules of the Road" (International Regulations for Prevention of Collisions at Sea, and U.S. Inland Navigation Rules).

#### Fisheries Briefing

GSW's contractors, including survey vessel Masters, bridge officers, survey crew, Protected Species Observers (PSOs), and their support staff are briefed on local fisheries, their respective seasons and gear types, how to identify, record, and avoid fishing gear, and the importance of coordinating with local and regional fishermen and fishing associations. Onboard personnel observe and record fishing activities and the location of fixed fishing gear for future reference and avoidance. Fishing vessel sightings and gear information are communicated to the FL for follow up, as necessary.

Should an unintentional interaction occur, GSW's contractors and onboard Client Representatives (GSW's direct point of contact on survey vessel) are briefed in how to respond to the event safely and responsibly, document the interaction, and report it to the FL. The FL will then follow up with the vessel operator and gather feedback to improve communications on vessel activities going forward.

**Filing a Claim**

If you experienced gear loss or damage that you believe was caused by or the result of GSW's survey activities, please follow the instructions below to submit a claim:

1. Report the incident as soon as it is safe to do so via phone or email to the Fisheries Liaison listed below:

Rachel Mahler

[rachel.mahler@oceanwinds.com](mailto:rachel.mahler@oceanwinds.com)

805-680-8138

2. Complete the Gear Loss Claim Form Sections 1 through 3 in Appendix D.

- Section 1: Complete Gear Loss Claim Form for reimbursement for gear repair or replacement.
- Section 2: Select from the following options for additional compensation for time and revenue/income loss directly associated with the gear damage/loss event.

- i. Option 1: an additional settlement of 50% of the cost to repair or replace gear damage/loss to account for lost revenue. This option does not require any additional documentation.
- ii. Option 2: If the claimant does not feel the additional 50% covers compensation for lost time and/or revenue/income lost, the claimant can select this option and provide additional documentation supporting the claim.

- Section 3: Provide supporting documentation from the checklist and include it in the final claims package.

3. Within 90 days of the incident, submit a complete, legible, executed Claim Form with supporting documents to the FL (contact info listed above).

**Claim Review**

All Claim Forms will be reviewed by the FL and GSW. Within 30 days of receipt of a complete Claim Form, the Applicant will receive a written response, which may include a request for additional information. If the claim is confirmed, payment will be arranged with the Applicant. If a claim is denied, a written explanation will be provided to the Applicant.

Gear interaction prevention methods should be followed by all parties. Once the Project has begun survey activities, when either compensation has been received by an applicant for gear loss caused by a known permanent or hazard in a given area, or GSW has shared the coordinates of the known hazard with pertinent fishermen and/or fishing associations, the owner of the gear is considered to be aware of the potential hazard. GSW reserves the right to deny claims for subsequent gear loss by the same applicant from the same hazard. This reservation does not apply to gear losses caused by temporary hazards during survey and construction. Any payment in connection with a filed claim will be considered a full release. GSW reserves the right to request additional information to support the review of the claim.

Please note that GSW has updated this claims process to align with (1) BOEM's Finalized Guidelines for mitigating impacts on fisheries by offshore wind development, (2) the claims process used by other California Lessees, and (3) feedback from the fishing community. Additionally, the California Coastal Commission (CCC) has established the 7c Fisheries Working Group to develop a statewide strategy for avoidance, minimization, and mitigation of impacts to fishing and fisheries. This strategy will include but isn't limited to protocols for communication and a framework for compensatory mitigation. GSW will continue to evaluate the need to update the claim's process.

**[CLAIM FORM APPEARS IN NEXT APPENDIX]**



## Appendix D: Fishing Gear Damage or Loss Claim Form

### Gear Loss Claim Form (Section 1 of 3)

<b>Name:</b>	<b>Business Name:</b>	
<b>Address:</b>	<b>Phone Number:</b>	
<b>Homeport:</b>	<b>Email:</b>	
<b>Vessel Name:</b>	<b>Vessel Documentation #:</b>	
<b>State Permit(s) #:</b>	<b>Federal License #:</b>	
<b>Gear Type:</b>	<b>Date of Incident:</b>	<b>Beaufort:</b>
<b>Date/Time Gear was Set and Date/Time Gear Haul Began:</b>		

<b>Specific Gear Location(s) (Lat/Long or Loran):</b>
<b>Gear Description (Distinct markings, flags, buoys, anchors, buoy lines, groundlines, hooks, gangions, floats, pots, traps, gillnets, etc.):</b>
<b>Description of Incident Causing Damage/Loss:</b>
<b>Was any of the gear retrieved? If so, which parts of the gear was able to be retrieved and in what condition? (Attach photos):</b>



**Quantity of lost tubs of gear, pots (rigid or slinky), buoys, anchors, floats, bites, hooks, lures, lights, gillnet etc. were lost or damaged:**

**Was another vessel(s) observed in the area? If so, list the vessel name(s):**

**Describe Normal Gear Configuration and Fishing Activity:**

**Total Claim Amount**

**\$**



### **Gear Loss Claim Form (Section 2 of 3)**

Select only one box from the following options to claim additional compensation for time and revenue/income lost due to gear damage/loss event:

- ☐ Option 1: Additional compensation settlement of 50% of the cost of gear repair/replacement. This option does not require additional documentation.
- ☐ Option 2: Additional compensation settlement requesting an exact amount of compensation for time and revenue/income lost. This option requires additional documentation supporting the claim amount.

**Complete this section ONLY if Option 2 is selected.**

Complete the following table and provide necessary documentation listed below:

Amount of claim for additional compensation for time and revenue/income lost due to gear damage/loss event:
Explanation of claim amount directly from this gear loss event:
Supporting documentation such as: <ul style="list-style-type: none"><li>• Fish landing history</li><li>• Sales records</li><li>• Operating Expenses (fuel, ice, bait, etc.):<ul style="list-style-type: none"><li>○ 30-day period before gear loss event; or</li><li>○ A 30-day period in the prior year with similar fishing conditions, seasonality, etc.</li></ul></li></ul>



### Gear Loss Claim Form (Section 3 of 3)

Additional Information Required to Process Claim Form
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| <ul style="list-style-type: none"><li>• Copy of valid Fishing Permit</li><li>• Proof of landing history through fish tickets and/or logbooks, sales slip, or similar type of documentation that the vessel was fishing in the area for period of gear loss/damage, sales slip, or similar type of documentation that the vessel was fishing in the area for period of gear loss/damage.</li><li>• Proof of ownership of the vessel capable of fishing area of loss, including photos.</li><li>• Sales slip or gear invoice for replacement or repair gear (must be substantively like gear that was lost/damaged).</li><li>• Location of gear loss/damage, either as GPS coordinates and/or photo of chart plotter. Completed IRS <a href="#">Form W-9</a>.</li></ul> |
|---|

I, \_\_\_\_\_, as the Applicant hereunder authorize Golden State Wind to make whatever reasonable inquiries and investigations it deems necessary to verify my application and request for reimbursement. Applicant understands that submitting this Application does not guarantee payment. Applicant further agrees that if this claim is accepted and paid in its entirety, that acceptance of such payment constitutes full, final and complete payment for this particular claim and that neither Golden State Wind, nor any of its affiliates shall have any further outstanding or ongoing obligation with respect to this particular claim and Applicant shall not, directly or indirectly, assert any claim, or commence, join in, prosecute, participate in, or fund any part of, any suit or other proceeding of any kind against Golden State Wind, or any of its affiliates, based upon this particular claim. If a claim is denied in part, Applicant may accept payment for the undisputed part without waiving Applicant's right to appeal the disputed part of the claim. Applicant recognizes that submission of this Application does not affect Applicant's rights concerning matters other than those specifically identified in this particular Application.

I attest, under penalty of perjury, that to the best of my knowledge the information in this Application is true and correct.

\_\_\_\_\_  
**SIGNATURE**

\_\_\_\_\_  
**DATE**



Golden State Wind Fisheries Communications Plan (OCS-P 0564)

Please return this form and all required information, including a completed W-9 form, by one of the following methods:

- Deliver an electronic copy via email to the FL, Rachel Mahler at [Rachel.Mahler@oceanwinds.com](mailto:Rachel.Mahler@oceanwinds.com) with a copy to Golden State Wind Staff: Erica Crawford, Community Liaison, at [Erica.Crawford@oceanwinds.com](mailto:Erica.Crawford@oceanwinds.com).
- Mail a copy to Golden State Wind, 3 Center Plaza, Suite 205, Boston, MA 02108.

**Please note that payment cannot be processed without a signature and W-9 form.**